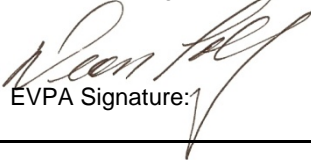


**Auraria Higher Education Center  
Office of the Executive Vice President for Administration  
Administrative Policies and Procedures**

**Policy #17 –  
Discrimination/Harassment**

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Approved: August 1, 1989

  
EVPA Signature:

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## **AHEC DISCRIMINATION/HARASSMENT POLICY**

### **Policy Statement**

The Auraria Higher Education Center (AHEC), in compliance with federal and state law, prohibits discrimination, including harassment, on the basis of race, creed, color, gender (including sexual harassment), sexual orientation, national origin, age, religion, political affiliation, organizational membership, veteran's status, disability, or other non-job related factors.

AHEC is firmly committed to maintaining a work environment free from discrimination of any kind and such behavior is neither permitted nor condoned. All employees, including supervisors, are expected to treat each other with respect, to accept personal responsibility for complying with this policy and to immediately report any noncompliance with these provisions. Appropriate corrective and/or disciplinary action, up to and including termination, may be taken against any employee who violates this policy.

### **Definitions and Examples of Discrimination and/or Harassment**

**Harassment:** Verbal and/or physical conduct designed to threaten, intimidate, or coerce another person. This includes taunting, degrading, threatening or otherwise offensive or hostile remarks or behavior; including slurs, jokes, offensive stereotypes, or any kind of behavior which, in the employee's opinion, impairs his/her ability to perform his/her job if such actions are based on race, creed, color, gender, sexual orientation, national origin, age, religion, political affiliation, organizational membership, veteran's status and/or disability.

**Sexual Harassment:** Unwelcome interaction between individuals of the same or opposite sex are characterized by unwelcome sexual advances, requests for sexual favors and other physical or verbal conduct of a sexual nature when such conduct:

1. Is made explicitly or implicitly a term or condition of employment, or
2. Is used as a basis for employment decisions affecting an individual, or
3. Unreasonably interferes with an employee's work performance or creates an otherwise intimidating, hostile or offensive working environment.
4. Hostile environment sexual harassment is unwelcome sexual conduct that is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile or offensive. The determination of whether an environment is "hostile" must be based on all of the circumstances. These circumstances could include the frequency of the conduct, its

severity, and whether it is threatening or humiliating.

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. An employee's conduct will be considered inappropriate and in violation of this policy when the employee knew or should have known it was unwelcome to the person subjected to it. Sexual harassment may take different forms.

***Examples of Sexual Harassment:***

**Verbal:** sexually suggestive comments, jokes of a sexual nature, sexual propositions, slurs, threats, insulting sounds, leering, whistling, obscene gestures.

**Physical:** making or displaying sexual drawings or photographs in the workplace, unwelcome physical contact, including touching, pinching, blocking, making sexual gestures or forced sexual assault.

- Harassment is extremely serious misconduct and may result in corrective and/or disciplinary action, up to and including termination. Harassment may also subject the harasser to personal legal and financial liability. Knowingly making a false complaint or report is also against AHEC policy, and appropriate corrective and/or disciplinary action will be taken if an investigation shows that a knowingly false accusation has been made.

**Obligation to Report**

AHEC must be made aware of discrimination and/or harassment or related retaliation. Reports of on-campus criminal conduct in which the complainant believes their safety is threatened, should contact the Auraria Campus Police Department immediately at 303-556-5000 or 9-1-1 from an Auraria Campus telephone.

- If you believe that you have been harassed or observe the harassment of another employee, you are required to report the incident in writing to any of the following: Your supervisor/your second level supervisor/the AHEC Equal Opportunity (EO) Office or the AHEC Human Resource Office. Use the attached initial report of Discrimination/Harassment form. **See attached Complaint/Grievance Procedure.**
- If the discrimination is based on disability, it must be referred to the AHEC Human Resources Office and/or AHEC EO Office for investigation no later than 7 days from the date of the allegation.

To the extent possible, any investigation will be handled in confidence. However, AHEC cannot promise anonymity to persons who report harassment and/or discrimination. It is illegal to retaliate against any employee for making, in good faith, a complaint or report of harassment, or for assisting in good faith in the investigation of any such complaint or report. Any suspected retaliation or intimidation should be reported immediately to the AHEC EO Director and/or the AHEC Human Resource Director, whose responsibilities include handling retaliation.

- Persons who are **not** employees of AHEC but who believe they have been subjected to harassment or discrimination by an AHEC employee may file a written complaint and submit it to the AHEC Equal Opportunity Office and/or AHEC Human Resource Office. Complaints regarding physical access issues for persons with disabilities should be filed with either the AHEC Equal Opportunity Office and/or the AHEC Human Resource Office.

- AHEC Employees who are found to have made an intentionally false or malicious report or complaint of sexual harassment or retaliation may be subject to corrective or disciplinary action, up to and including termination.

## **Procedures**

- Reports or complaints under this policy shall be addressed and resolved as promptly as practicable after the complaint or report is made. Typically, investigations shall be concluded and reports submitted no later than 90 days following the receipt of the complaint.
- At the conclusion of an investigation, the investigator shall prepare a written report that includes a summary of factual findings. These findings shall be forwarded to the AHEC appointing authority and AHEC Human Resource Office for appropriate action.
- All records of discrimination and related reports and investigations will be considered confidential and will not be disclosed publicly except to the extent required by law.

## **Investigation Process**

The AHEC Equal Opportunity Office shall determine the most appropriate means for addressing the report or complaint. Options include but are not limited to: (a) investigating the report of complaint; (b) with the agreement of the parties, attempting to resolve the report or complaint through a form of alternate dispute resolution (e.g. mediation); or (c) determining that the facts of the complaint or report do not warrant investigation.

The AHEC Equal Opportunity Office may designate another individual (either from within AHEC or from outside the agency) to conduct or assist with the investigation or to manage an alternate dispute resolution process. Outside investigators will have relevant training, qualifications and experience. Anyone designated to address an allegation will adhere to the process of this guideline and confer with the Equal Opportunity Office throughout the investigation.

All reports or complaints should be made as promptly as possible after the occurrence. A delay in reporting may be reasonable under some circumstances; however, an unreasonable delay in reporting is an appropriate consideration in evaluating the merits of a complaint or report.

If an investigation is conducted, the complainant and respondent will:

- (a) Receive written notice of the report or complaint, including a statement of the allegations, as soon after the commencement of the investigation as is practicable and to the extent permitted by law;

- (b) Be asked to present relevant information to the investigator(s); and
- (c) Receive, at the conclusion of the investigation, a copy of the investigator's report, to the extent permitted by law.

The AHEC Executive Vice President for Administration and/or the Vice President for Operations, the respondent's appointing/hiring authority and the respondent's supervisor shall be notified that an investigation is taking place. The AHEC Equal Opportunity Office and/or AHEC Human Resource Office will advise the respondent's supervisor whether the respondent should be relieved of any supervisory or evaluative authority during the investigation.

At the conclusion of the investigation, the investigator shall prepare a written report that includes a summary of factual findings. These findings shall be forwarded to the AHEC appointing authority and AHEC Human Resource Office for appropriate action.

All records of discrimination and related retaliation reports and investigations will be considered confidential and will not be disclosed publicly except to the extent required by law. State and Federal laws prohibit retaliation against persons who have complained of discrimination, or have participated in the investigation or resolution of a complaint of discrimination.

Attachments: 

- Initial Report of Discrimination/Harassment
- AHEC Discrimination/Harassment Reporting Procedures
- Employee's Rights & Responsibilities in the Disability Accommodation Process (Implementation Procedure)
- Rights & Responsibilities of Managers and Supervisors in the Accommodation process for Employees with Disabilities
- Request for Reasonable Accommodation
- Acknowledgement of Job Accommodation