



**Policy Number 3.3.5**

**Chapter: Employees and Human Resources**

**Title: Discrimination and Harassment**

**Division/Department: Administration/Human Resources**

**Policy Administrator: Human Resources Director /Equal Opportunity Officer**

**Adoption Date: April 1, 1989**

**Revision Dates: July 21, 2008; June 26, 2024**

## **1. PURPOSE**

The purpose of this policy is to state and affirm the commitment of the Auraria Board to equal opportunity and non-discrimination in employment at the Auraria Higher Education Center.

## **2. DEFINITIONS**

- 2.1. Discriminate or Discrimination means, on the basis of an individual's membership or perceived membership in a Protected Class (as defined below):
  - 2.1.1. To refuse to hire, discharge, promote or demote, Harass during the course of employment, or discriminate in matters of compensation, terms, conditions, or privileges of employment against any individual otherwise qualified;
  - 2.1.2. To limit, segregate, or classify employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect their status as an employee;
  - 2.1.3. To discriminate in employment opportunities, benefits or privileges, or to create discriminatory work conditions or use discriminatory work practices or evaluative standards; or
  - 2.1.4. To exclude an individual from participation in, deny the individual the benefits of, treat the individual differently from others in, or otherwise adversely affect a term or condition of an individual's employment.

- 2.2. Equal Opportunity Officer or “EEO”: The individual designated by AHEC to develop and review policies and procedures to guide and direct the agency in creating an inclusive workplace culture, implement equitable hiring and retention practices, and ensure compliance with relevant federal and state constitutions, statutes, and regulations. The Director of Human Resources is currently the EEO. The EEO is the ADA and Age Discrimination in Employment Act Coordinator.
- 2.3. Harass or Harassment: Unwelcome physical or verbal conduct or any written, pictorial or visual communication directed at an individual or group of individuals because of their membership in, or perceived membership in, a Protected Class, which is subjectively offensive to the individual alleging Harassment and is objectively offensive to a reasonable individual who is a member of the same protected class and as to which:
- 2.3.1. Submission to the conduct or communication is explicitly or implicitly made a term or condition of the individual's employment;
- 2.3.2. Submission to, objection to, or rejection of the conduct or communication is used as a basis for employment decisions affecting the individual; or
- 2.3.3. The conduct or communication has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment.
- 2.4. Prohibited Conduct: Acts of Discrimination, Harassment, Sexual Harassment or Retaliation in violation of this policy.
- 2.5. Protected Class: An individual’s or group’s attributes or perceived attributes or activities of:
- Disability (a mental or physical impairment which substantially limits a major life activity)
  - Race (includes hair texture, hair type, or a protective hairstyle commonly or historically associated with race)
  - Creed
  - Color
  - Sex
  - Sexual Orientation
  - Gender Identity
  - Gender Expression
  - Genetic Information
  - Religion
  - Age (40+)
  - National Origin

- Ancestry
  - Marital Status
  - Pregnancy, childbirth, and related conditions
  - Sharing and comparing wage information with coworkers
  - Other protected categories as provided by applicable law.
- 2.6. Retaliation: As defined in AHEC Policy no. 3.3.15, Retaliation and Whistleblower Protection, Retaliation means to impose any loss of benefits, demotion, discipline or adverse impact on the terms and conditions of employment against an employee because they have participated or may participate in a protected activity. Refer to the Retaliation and Whistleblower Protection policy for the full definition.
- 2.7. Sexual Harassment:
- 2.7.1. Sexual Harassment means unwelcome sexual advances, requests for sexual favors, unequal treatment, and other unwelcome verbal and physical conduct based on an employee's sex when:
- Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment; or
  - Submission to or rejection of such conduct is used as the basis for making employment decisions about a person; or
  - Such conduct has the purpose or effect of substantially and unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working or educational environment.
- 2.7.2. Sexual Harassment does not refer to behavior or occasional compliments of an objectively reasonable and socially acceptable nature.
- 2.7.3. A sexually hostile work environment may be created by the behaviors and actions listed in this policy.
- 2.8. Totality of the Circumstances: All facts known at the time that a matter is considered, including the following factors:
- The frequency of the conduct or communication, recognizing that a single incident may rise to the level of Harassment.
  - The number of individuals engaged in the conduct or communication.
  - The type or nature of the conduct or communication, recognizing that conduct or communication that, at one time, was or is welcome between two or more individuals may become unwelcome to one or more of those individuals.
  - The duration of the conduct or communication.

- The location where the conduct or communication occurred.
- Whether the conduct or communication is threatening.
- Whether any power differential exists between the individual alleged to have engaged in harassment and the individual alleging the harassment.
- Any use of epithets, slurs, or other conduct or communication that is humiliating or degrading.
- Whether the conduct or communication reflects stereotypes about an individual or group of individuals in a protected class.

### **3. POLICY**

- 3.1. It is the policy of AHEC to maintain an environment free of Discrimination, Harassment, Sexual Harassment, and Retaliation for all AHEC employees and prospective employees. All employees are expected to treat each other with respect, to know and comply with this policy, and to accept personal responsibility for their actions.
- 3.2. All employees are required to take annual training on Sexual Harassment prevention.
- 3.3. AHEC will not Discriminate or Retaliate against, nor Harass any employee with respect to compensation, terms, conditions, or privileges of employment on the basis of any of the listed Protected Class identities. This includes failing to provide reasonable accommodations to persons with disabilities or to accommodate religious practices.
- 3.4. AHEC is an equal opportunity and equal access employer and complies with all federal and Colorado state laws, regulations, and executive orders regarding non-discrimination.
- 3.5. Sexual Harassment:
  - 3.5.1. AHEC will not tolerate Sexual Harassment. An employee's conduct will be considered inappropriate and in violation of this policy when the employee knew or reasonably should have known it was unwelcome to the person subjected to it.
  - 3.5.2. Examples of Sexual Harassment:  
Sexual harassment may include actions and or behavior such as:
    - Sexually-oriented physical contact or gestures such as touching, patting, or repeated brushing against another's body.
    - Unwelcome propositions or requests for social dates or sexual activity.
    - Subtle pressures for sexual activity such as verbal teasing or abuse.
    - Sexually-oriented slurs, jokes, bantering, or suggestive comments.

- Sexually-oriented posters, pictures, cartoons, or calendars displayed in the office.
  - Sexually-oriented emails or viewing of sex-oriented web sites in the office.
  - Sexually-oriented entertainment appearing at the office or any other work-related site or function (e.g., training conferences held away from the work site).
- 3.6. Allegations of Prohibited Conduct will be evaluated by considering the Totality of the Circumstances as defined above.
- 3.7. Although repeated incidents generally create a stronger claim of Prohibited Conduct, a serious incident, even if isolated, can be sufficient. Examples include taunting, degrading, threatening, making offensive or hostile remarks such as slurs, jokes, or offensive stereotypes. Petty slights, minor annoyances, and lack of good manners do not constitute Prohibited Conduct unless the slights, annoyances, or lack of manners, when taken individually or in combination and under the Totality of the Circumstances, meet the definition herein.
- 3.8. Reporting Prohibited Conduct
- 3.8.1. Any AHEC employee or individual who is directly involved in, observes, or reasonably believes that a violation of this policy may have occurred can submit a report to the EOO, as follows:
- In person:  
1201 5th Street, Suite 370  
Denver, CO 80217
  - By telephone: 303-556-3384
  - By postal mail: Equal Opportunity Officer  
1201 5th Street, Suite 370  
Campus Box C, PO Box 173361  
Denver, CO 80217
  - By email: <mailto:HR@AHEC.edu>.
- 3.8.2. Obligation to Report: AHEC employees have an affirmative obligation to make AHEC aware of all instances of Prohibited Conduct against an employee or other member of the AHEC community that they witness or experience. They are required to report the incident to any of the following:
- Their supervisor.
  - Their second level supervisor.

- The EOO in the [Human Resources Department](#).
- 3.8.3. A supervisor receiving a report of Prohibited Conduct must immediately report it, in writing, to the EOO.
- 3.9. Filing a Complaint of Prohibited Conduct
- 3.9.1. Complaints must be filed using the AHEC [Initial Report of Discrimination/Harassment form](#) which is attached to this policy.
- 3.9.2. The Complaint will be handled in accordance with the AHEC Discrimination and Harassment Procedures, AHEC Policy 3.3.5.1.
- 3.10. 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.
- 3.11. Reports of conduct in which the Complainant believes their safety or the safety of another is threatened should be made immediately to the Auraria Campus Police Department by calling 303-556-5000 (or 911 from a connected campus phone).
- 3.12. If the reported act of Prohibited Conduct is based on disability, it must be referred to the AHEC EOO for investigation no later than seven days from the date of the allegation. See the AHEC policy on Accommodating Individuals with Disabilities.
- 3.13. To the extent possible, any investigation will be handled in confidence. However, AHEC cannot promise anonymity to persons who report violations of this policy.
- 3.14. Reports or complaints under this policy shall be addressed and resolved as promptly as practicable after being received by the EOO.
- 3.15. Any person who believes that they have been subjected to Prohibited Conduct may, in addition to the procedures and remedies provided by AHEC:
- File a complaint with the [Colorado Civil Rights Division](#).
  - File a complaint with the [U.S. Equal Employment Opportunity Commission](#), or the U.S. Department of Education's [Office for Civil Rights](#) .
  - NOTE: Filing a complaint with either of the above agencies is subject to strict time limits that run from the date the alleged discrimination occurred. Consult the agency or your personal attorney for more information.
  - Filing a complaint with an external agency may, in AHEC's discretion, have the effect of terminating the AHEC grievance process.
- 3.16. Discrimination, Harassment, Sexual Harassment and Retaliation are extremely serious types of misconduct and may result in corrective and/or disciplinary

action, up to and including termination of employment. Such conduct may also subject the perpetrator to personal legal liability.

**4. APPROVAL AND ADOPTION**

This Policy has been reviewed and approved by the Board of Directors for the Auraria Higher Education Center.

Date: June 26, 2024

Approved by: */s/ Kate Barton*

Vice Chairperson of the Auraria Board