



**Policy Number 3.3.5.1**

**Chapter: Employees and Human Resources**

**Title: Procedures for Discrimination, Harassment, Sexual Harassment and Retaliation Complaints**

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

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

**Adoption Date: April 1, 1989**

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

**1. PURPOSE**

Discrimination, Harassment, Sexual Harassment and Retaliation constitute Prohibited Conduct under Auraria Higher Education Center Policy 3.3.5. These Procedures will guide employees and administrators through the process of filing, investigating and resolving complaints of policy violations.

**2. DEFINITIONS**

Definitions of terms used in these Procedures are contained in Policy 3.3.5, Discrimination, Harassment and Retaliation (the “Policy”). In addition:

- 2.1. Complaint: The written account of the incident(s) that is alleged to have violated the Policy, submitted to the EOO on the [Initial Report of Discrimination/Harassment form](#).
- 2.2. Complainant: The employee who reports that they were impacted by conduct of another that violated the Policy.
- 2.3. Decision Maker: The individual with authority to make findings and a decision on the Complaint or Appeal under consideration. The Decision Maker is a Division Chief of other unit head having senior administrative authority over the Respondent’s department or unit.
- 2.4. Investigator: The Equal Opportunity Officer (EOO) or a neutral administrator appointed by the EOO to investigate a Complaint.

- 2.5. Respondent: The person(s) alleged to be responsible for engaging in Prohibited Conduct in violation of the Policy.

### **3. PROCEDURES**

- 3.1. These Procedures apply to all complaints of Prohibited Conduct as defined in the Policy. They do not supersede or supplant any procedures provided to state classified employees under the State Personnel Board Rules, 4 Colo. Code of Regulations 801-1.
- 3.2. AHEC will promptly investigate and resolve all complaints in accordance with the Policy, these Procedures, and the law. Minor variations from these Procedures that do not materially prejudice a party do not invalidate the complaint process; however, timelines are compulsory.
- 3.3. Complaints should be filed with the EEO using the AHEC [Initial Report of Discrimination/Harassment form](#) within 30 days after an incident has occurred. The EEO may assist a Complainant in completing the form.
- 3.4. A supervisor or manager who receives a verbal complaint of Prohibited Conduct must refer the employee to the EEO and provide the employee with the Initial Report form.
- 3.5. Upon receiving a Complaint or being advised by a supervisor or manager that violation of the Policy may have occurred, the EEO will notify the AHEC General Counsel.
- 3.6. The EEO will initiate an investigation to determine whether there is a reasonable basis for believing that the alleged violation of AHEC policy occurred and, at the discretion of the EEO, may appoint an Investigator.
- 3.7. AHEC encourages the resolution of issues or allegations through informal conflict resolution if possible. Informal conflict resolution such as mediation or other efforts to resolve the Complainant's allegations may be offered at any time during the Complaint process. However, AHEC reserves the right to investigate and take any action appropriate based on the allegations, regardless of whether a conflict resolution process is pursued.
- 3.8. If necessary, the Complainant and the Respondent will be separated during the course of the investigation through internal transfer, reassignment, relocation of an employee's work area, or other measures as deemed appropriate by the EEO.
- 3.9. During the investigation, the Investigator will interview the Complainant, the Respondent and any witnesses to determine whether the alleged conduct occurred and was a violation of the Policy. Written witness statements and other evidence may also be taken at the discretion of the Investigator. The Investigator may specify a reasonable time for the Complainant and Respondent to submit

evidence, after which time, no further evidence will be accepted.

- 3.10. The Complainant may, at any time, withdraw an allegation or Complaint by notifying the EOO in writing. However, the EOO reserves the right to continue the investigation if it is considered to be in the best interests of AHEC.
- 3.11. All AHEC employees have a duty to fully cooperate with any investigation under these Procedures.
- 3.12. At the conclusion of the investigation, the Investigator will prepare a written report of their findings and conclusions regarding the allegations in the Complaint. The report may specify the Investigator's recommendations for resolution of the Complaint, including any disciplinary or corrective action to be taken.
- 3.13. The report shall be sent to the Complainant, Respondent, and the Decision Maker. The Decision Maker shall issue a decision on the Complaint within a reasonable time after receipt of the investigation report. The decision is final, subject to appeal as described below.
- 3.14. Appeals
  - 3.14.1. Within 10 working days of receipt of the decision, the Complainant or Respondent may file an appeal. The other party shall have 10 working days to respond to the appeal and the appealing party shall have five working days to reply to the response. Appeals shall be filed with the General Counsel, 900 Auraria Parkway, Tivoli 325, Denver, Colorado 80204.
  - 3.14.2. The appeal shall be considered by the AHEC Chief Executive Officer, who will review the investigative report and all documents submitted in the appeal process. The CEO will issue a decision within a reasonable time. The decision is final.

#### **4. APPROVAL AND ADOPTION**

These Procedures have been reviewed and approved by the Human Resources Director for the Auraria Higher Education Center.

Date: June 26, 2024

Approved by: */s/ Teri Wilson*

Director of Human Resources/Equal Opportunity Officer