



UCCS CAMPUS POLICY

Policy Title: Discrimination and Harassment Policy

Policy Number: 300-017

Policy Functional Area: HUMAN RESOURCES

Effective: December 14, 2015
Approved by: Pam Shockley-Zalabak, Chancellor
Responsible Vice Chancellor: Chancellor
Office of Primary Responsibility: Office of Institutional Equity
Policy Primary Contact: Office of Institutional Equity, 719-255-4324
Supersedes: November 12, 2012; November 14, 2014
Last Reviewed/Updated: December 14, 2015
Applies to: Students, faculty, and staff

Reason for Policy: To foster a climate that encourages prevention and reporting of protected class discrimination and harassment, the University will provide prevention efforts and respond to all reports promptly, provide interim protection measures to address safety, and recognize the inherent dignity of all individuals involved.

I. INTRODUCTION

The University of Colorado Colorado Springs is committed to providing an environment where all individuals can achieve their academic and professional aspirations free from unlawful discrimination or harassment based on protected class status.

Further, it is critical to this commitment that anyone who believes they may have been the target of protected class discrimination or harassment in the context of University educational programs, activities, or employment, to feel free to report their concerns for appropriate investigation and response, without fear of retaliation.

II. POLICY STATEMENT

A. Authority for the creation of campus administrative policies is found in *The Laws of the Regents*, 2007, Article 3 Section B.5(A) which states:

The chancellor of each campus shall be the chief academic and administrative officer responsible to the president for the conduct of affairs of their respective campus in accordance with the policies of the Board of Regents. The chancellor shall have such other responsibilities as may be required by these *Laws*, or regent policy, or as may be delegated by the president.

B. Procedures:

1. Protected Class Discrimination and Harassment Prohibited

The University prohibits unlawful discrimination and harassment based on protected class and related retaliation. The University defines “protected classes” to include the following: race, color, national origin, sex, pregnancy, age, disability, creed, religion, sexual orientation, gender identity, gender expression, veteran status, political affiliation or political philosophy.

This prohibition applies to all students, faculty, staff, contractors, patients, volunteers, affiliated entities, and other third parties. Any violations may be subject to disciplinary action, up to and including, expulsion or termination of employment, as applicable. The University will consider what appropriate potential actions should be taken, including contract termination and/or property exclusion, regarding third party conduct that is alleged to have violated this policy; however those options may be limited depending on the circumstances of the arrangement.

This prohibition applies to conduct that occurs in the context of University educational programs, activities, or employment.

The University takes prompt and effective steps reasonably calculated to stop protected class discrimination and harassment and/or hostile environment, prevent its recurrence, and as appropriate, remedy its effects.

2. Reporting a Complaint of Protected Class Discrimination or Harassment

An individual may make a complaint of or report alleged protected class discrimination or harassment to the Office of Institutional Equity (“OIE”), including the Title IX Coordinator or designee. More information can be found at <http://www.uccs.edu/~equity/>.

3. Responsible Employees Must Report Protected Class Discrimination and Harassment

Any faculty or staff member who is considered a responsible employee, as defined in Section III, who witnesses or receives information regarding possible prohibited protected class discrimination or harassment is required to promptly report the information to the OIE, including the Title IX Coordinator or designee. Such information about the alleged conduct, includes:

- name of the alleged complainant(s);
- name of alleged respondent(s);
- name of any alleged witnesses; and

- any other relevant facts, including the date, time and specific location of the alleged incident.

All individuals, even if not considered a responsible employee, are highly encouraged to promptly report such information to a responsible employee or directly to the OIE, including the Title IX Coordinator or designee.

Good Faith Reports: Reports, complaints and other information must be provided in good faith. It is a violation of this policy when a person knowingly or recklessly alleges a false complaint of protected class discrimination or harassment or provides false information during the course of an investigation, and violations may be subject to disciplinary action, up to and including, expulsion or termination of employment, as applicable. This provision does not apply to reports made or information provided in good faith, even if the facts alleged are not later substantiated.

4. Confidential Resources and Privacy

The University supports the use of confidential resources so that individuals who feel that they may have experienced protected class discrimination or harassment can report such misconduct confidentially and receive support and accommodations as necessary through the OIE, including the Title IX Coordinator or designee. Communications with these confidential resources are confidential to the extent permitted by statutory law and not considered “responsible employees” pursuant to Section III.

Confidential Resources:

UCCS Counseling Center

719-255-3265

<http://www.uccs.edu/~counsel/>

UCCS Student Health Center

719-255-4444

<http://www.uccs.edu/~shc/>

If an individual discloses information to a responsible employee but wishes to maintain privacy or requests that no investigation be conducted or disciplinary action taken, the responsible employee remains required to report all relevant information to the OIE. The Title IX Coordinator will explain that the University prohibits retaliation and that the University will not only take steps to prevent retaliation but also to take strong responsive action if it occurs. If the individual would still like to maintain privacy, the Title IX Coordinator will weigh and determine that request against the University’s obligation to provide a safe, nondiscriminatory environment for all students, faculty, and staff. In

making that determination, the Title IX Coordinator will consider a range of factors, including the following:

- The increased risk that the alleged respondent will commit additional acts of protected class discrimination or harassment;
- The seriousness of the alleged conduct;
- Whether the alleged conduct was perpetrated with a weapon;
- Whether the alleged complainant is a minor;
- Whether the University possesses other means to obtain relevant evidence of the alleged conduct (e.g., security cameras or personnel, physical evidence);
- Whether the alleged conduct reveals a pattern of perpetration.

The Title IX Coordinator's decision will be conducted on a case by case basis after an individualized review. If the University honors the individual's request for privacy, the University's ability to meaningfully investigate the incident and pursue disciplinary action, if appropriate, may be limited, but nonetheless may proceed.

5. Investigation/Adjudication Process and Procedures

The University shall provide for the prompt, fair and equitable investigation and resolution within 90 days, to the extent feasible, of any protected class discrimination or harassment complaint that the campus knows of or, in the exercise of reasonable care, should have known about. All investigations shall be conducted by officials who are appropriately trained and shall afford the opportunity for both the complainant and the respondent to identify witnesses and submit evidence. All investigations shall use the preponderance of the evidence evidentiary standard (i.e., whether it is more likely than not that the conduct occurred) in findings regarding the complaint.

Detailed University process and procedures may be found at the link below.

Complaints Involving Two or More Campuses

When an alleged violation of this policy involves more than one University campus, the campus with primary disciplinary authority over the **respondent** shall investigate the complaint pursuant to its applicable complaint process and procedure. The campus responsible for the investigation may request the involvement or cooperation of any other affected campus and should advise appropriate officials of the affected campus of the progress and results of the investigation.

III. KEY WORDS

- A. Complainant
- B. Day
- C. Discrimination
- D. Employee
- E. Harassment

- F. Hostile Environment
- G. Preponderance of the evidence
- H. Protected Classes
- I. Respondent
- J. Responsible Employee
- K. Retaliation
- L. Student
- M. University
- N. Witness

IV. RELATED POLICIES, PROCEDURES, FORMS, GUIDELINES, AND OTHER RESOURCES

- A. Administrative Policy Statements (APS) and Other Policies
 1. University of Colorado Administrative Policy Statement 5014,
<http://www.cu.edu/sites/default/files/5014.pdf>
 2. Office of Institutional Equity Process and Procedures
http://www.uccs.edu/Documents/equity/policies_procedures/process_procedures_2015_2016.pdf
- B. Procedures
- C. Forms
- D. Guidelines
- E. Other Resources (i.e. training, secondary contact information)
- F. Frequently Asked Questions (FAQs)

V. HISTORY

Initial policy approval	March, 2009
Revised	November 12, 2012
Revised	November 14, 2014