

OFFICE OF DIVERSITY AND EQUAL OPPORTUNITY

COMPLAINT PROCEDURES

I. PURPOSE

The Office of Diversity and Equal Opportunity (“ODEO”) establishes these procedures to assist it in carrying out its responsibilities in the administration and enforcement of the University of Denver’s policies related to nondiscrimination and assuring the University’s compliance with applicable laws including Executive Order 11246; Title VII of the Civil Rights Act of 1964; the Age Discrimination in Employment Act; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Americans with Disabilities Act of 1990; the Rehabilitation Act of 1973; the Vietnam Era Readjustment Assistance Act; the Genetic Information Nondiscrimination Act of 2008; Title 24, Article 34 of the Colorado Revised Statute; and Denver Municipal Ordinances. University Policy and these Procedures are intended to comply with the prohibitions of these laws as amended as well as other applicable federal, state, and local anti-discrimination laws.

THE OFFICE OF DIVERSITY AND EQUAL OPPORTUNITY

The Office of Diversity and Equal Opportunity accepts and investigates complaints alleging discrimination, harassment or retaliation in violation of University of Denver policy and applicable laws. Consistent with federal, state and local law and University policy related to non-discrimination, the ODEO conducts neutral investigations of complaints of discrimination (including harassment) on the basis of race, color, national origin, age, religion, disability, sex, sexual orientation, gender identity, gender expression, marital status, veteran status or genetic information; complaints of retaliation; and complaints alleging failure to provide reasonable accommodations for disability and religion.

II. DEFINITIONS

A. **Complaint of Discrimination.** A charge filed in accordance with either these or other University procedures that alleges a violation of any applicable federal, state or local law or University policy related to discrimination as defined at II. C. below.

B. **Complainant.** A person who files a complaint alleging that he or she has been the subject of a discriminatory act.

C. **Discriminatory Act/Action.** Action taken in violation of the University’s Equal Opportunity and Sexual Harassment Policy. Discriminatory acts include discrimination, harassment, retaliation and failure to provide reasonable accommodations for disability and religion.

D. **Investigator.** The Director of the Office of Diversity and Equal Opportunity (“Director”), a person designated by the Director, which may include an external party who is unaffiliated with the University, or a person designated by the Director of Human Resources, pursuant to IV. C. 4. below.

E. **Office of Citizenship and Community Standards.** The Office of Citizenship and Community Standards in the Division of Student Life is the office that addresses allegations of student violation of the Equal Opportunity and Sexual Harassment Policy. This office also has disciplinary authority for students.

F. **Office of Diversity and Equal Opportunity.** The Office of Diversity and Equal Opportunity (“ODEO”) is the office that has primary responsibility for investigating if the Equal Opportunity and Sexual Harassment Policy has been violated.

G. **Respondent.** A person against whom a complaint is filed.

III. INITIATING A COMPLAINT AND COMPLAINT PROCESSING

A. **Who May File a Complaint.** Employees, applicants for employment, participants in University-sponsored activities, students and other persons affiliated with the University may file a complaint of discrimination with the Office of Diversity and Equal Opportunity in accordance with these procedures.

B. **Time for Filing a Complaint.** All complaints of discrimination should be filed as soon as possible following the alleged discriminatory act. To be timely, a complainant must initiate a complaint within 180 days of the most recent allegedly discriminatory act.

C. **Initiating a Complaint.**

1. Although not required to be accepted for filing, the complaint should be in writing on the complaint form provided by the ODEO.

2. To file a complaint, discuss concerns, or get more information, individuals may contact the Director at 303-871-7436 or by email at DEO@du.edu or by FAX at 303-871-7982.

3. Alternatively, individuals may report the situation to an appropriate supervisor who will immediately notify the ODEO or Human Resources of the complaint.

4. Supervisors must immediately report any complaints they receive or incidents of alleged harassment or discrimination they witness to the ODEO or Human Resource.

5. If the allegations are against a student, the report should go to the Office of Citizenship and Community Standards.

6. If the complaint relates to actions committed by the Director of the ODEO, the complaint should be directed to the Director of Human Resources, who shall appoint an appropriate investigator.

7. At the time of filing, the Complainant should provide his or her current contact information. It is the Complainant’s responsibility to notify ODEO of any changes to his or her contact information.

D. **Complaint Processing.**

1. The ODEO will investigate all timely complaints of discriminatory acts that contain sufficient allegations, if assumed to be true, to support a violation of University policy.

2. All complaints will be kept strictly confidential to the extent possible under the circumstances. Complainants and respondents should be aware, however, that certain individuals, including, but not limited to interviewees, supervisors and other responsible University administrators, may legitimately receive some or all of the information contained in the complaint and resulting from the investigation.

3. A Respondent shall be given reasonable notice of the complaint and the allegations contained therein, as well as the opportunity to provide information concerning the allegations of the complaint. Copies of the Respondent's notice shall be provided to the Respondent's supervisor.

4. Upon receipt of a complaint, the ODEO will investigate the complaint within 90 calendar days. However, if the investigation is not complete and additional time is needed to conduct a thorough investigation, the ODEO may in its discretion extend the time for completing the investigation as reasonably necessary. In this case, the ODEO will notify the Complainant, the Respondent and the Respondent's supervisor of the extension.

5. The investigator shall consider all relevant information and may conduct interviews, review documents and other relevant evidence concerning the alleged discriminatory acts.

6. The parties may provide any relevant information to the investigator, including the names of witnesses to contact and/or documents to review at any time before the investigation is closed.

E. Findings and Corrective Actions.

1. Upon completion of an investigation, the investigator shall issue a written report of his or her findings. The ODEO shall then issue a letter of determination, indicating whether or not a policy violation occurred. This letter of determination shall be sent to the Complainant, the Respondent, and the responsible administrators given copies of the Respondent notification.

2. The Respondent's supervisor will be responsible for deciding upon and imposing disciplinary action as soon as reasonably possible, but no more than one month after receiving the final determination and advice of ODEO. The Respondent's supervisor shall notify ODEO of the corrective or disciplinary action imposed, if any.

a) Following any decision on whether or not to impose disciplinary action, the ODEO shall notify the Complainant of such decision along with any necessary details, however, such notice shall also be consistent with University policies and procedures related to the confidentiality of employee personnel files.

b) The ODEO does not have the authority to impose any corrective or disciplinary action upon a finding of a discriminatory act.

3. Appeal of a determination.
 - a) Faculty and staff members who receive corrective or disciplinary penalties pursuant to these procedures may appeal such penalties through the University's Employee Dispute Resolution / Grievance Process.
 - b) Members of the faculty shall also have all applicable appeal rights available to them pursuant to the Faculty Personnel Guidelines Relating to Appointment, Promotion, and Tenure.
 - c) Appeals brought by staff members who are subject to a collective bargaining agreement or other University guidelines which provide for separate or alternative appeal rights shall be subject to the applicable provisions of those agreements.
 - d) A Complainant may appeal the determination of the ODEO or responsible supervisor in writing to the next most immediate decision maker consistent with the Employee Dispute Resolution process.

IV. DISCRIMINATION COMPLAINTS AGAINST STUDENTS

A. Complaints of discrimination allegedly committed by students may be raised as set forth above and may be filed with the Office of Citizenship and Community Standards.

B. The ODEO will refer complaints of discrimination allegedly committed by students to the Office of Citizenship and Community Standards. The ODEO may assist that office with the investigation of the complaint upon request.

V. EXTERNAL COMPLAINTS

An individual who believes that he or she has been subjected to unlawful discrimination, harassment, or retaliation has the right to file a complaint with an appropriate local, state, or federal agency, such as the Department of Education Office of Civil Rights, the Equal Employment Opportunity Commission, or the Colorado Civil Rights Division, within the agency's applicable time limits. In addition, any person who is dissatisfied with the University's internal procedures utilized for handling complaints or who is dissatisfied with the result of the investigation or the sanctions imposed may seek redress through these means to the extent allowed by law. The Complainant should be aware that filing a complaint with the ODEO or any other University office does not extend or postpone the deadline for filing with external agencies. The fact that an investigation has been filed with an external agency will in no way affect an investigation under these procedures. If a complaint is filed with an external agency or court, the University reserves the right to determine, in its discretion, whether University internal dispute resolution processes should be discontinued or continued separately.

VI. REVIEW AND APPEAL PURSUANT TO FACULTY PERSONNEL GUIDELINES

These procedures shall apply to matters considered pursuant to the Faculty Personnel Guidelines Relating to Appointment, Promotion, and Tenure, including, but not limited to, sections 7.3.6 and 7.4.5 of those Guidelines.

Effective Date: June 5, 2009