

Equal Opportunity Office (EOO)

The President's Equal Opportunity/Affirmative Action Policy Statement

Metropolitan State College of Denver (Metro State) has a continuing moral and legal obligation to foster equality of employment opportunity at the institution and to ensure that no one is discriminatorily excluded from its programs or activities because of her/his race, color, religion, sex, national origin, age, disability, sexual orientation or preference. All members of the College community are therefore expected to comply with the provisions of this Affirmative Action Program as well as with federal and state laws prohibiting, discrimination in employment and education.

In keeping with these obligations, all employment-related actions including recruitment, hiring, training, promotion, salary and benefit plans and terminations are to be administered in a manner calculated to promote equal employment opportunity. Employment-related decisions shall, moreover, be made without regard to race, color, religion, sex, national origin, age, disability/handicap, or Vietnam-era Veteran, disabled veteran status, or sexual orientation or preference and shall be based solely on valid, nondiscriminatory criteria and requirements.

Metro State will also take whatever steps are necessary to prevent unlawful discrimination in its educational, social and recreational programs and activities.

To assist the College to achieve these goals, an Equal Opportunity Office and an Equal Opportunity Advisory Council have been established to educate the college community in implementing affirmative action; to monitor institutional practices and procedures; to review and report on the College's implementation of the affirmative action program delineated by this Program; to recommend measures necessary to ensure compliance with this Program and federal and state law; and to mediate, hear, and recommend resolution of complaints of unlawful employment and educational discrimination.

You are urged to familiarize yourselves with this Program and with federal and state laws prohibiting discrimination. All administrators, faculty, employees and students have a responsibility to assure all present and prospective members of Metropolitan State College of Denver community equal employment and educational opportunity. I therefore expect each of you to make every good faith effort to implement Metro State's Equal Opportunity, Affirmative Action and Diversity Programs. Allegations of discrimination should be reported to the College's Office of Equal Opportunity at (303) 556-4746, CN 315.

Stephen Jordan
President

Affirmative Action Program (AAP)

Purpose and Content of MSCD's Affirmative Action Plan (41 C.F.R. 60-2.20)

The AAP consists of the application of every good faith effort to devise and pursue specific, result and action-oriented procedures which have as their overall objective equal employment and educational opportunity. Generally speaking, equality of employment and educational opportunity means that neither employment nor educational decisions are to be based on a person's race, color, religion, sex, national origin, age, disability/handicap, sexual orientation or Vietnam-era or disabled veteran status.¹

MSCD's affirmative action program is implemented through its Affirmative Action Plan. The Plan is the written document which identifies those areas in which the College is deficient in its utilization of minority groups and women; which sets goals and timetables for the correction of identified deficiencies; which specifies result and action-oriented procedures to which the College will devote every good faith effort to achieve prompt and full utilization of minorities and women in all segments of its work force where identified deficiencies exist; and which establishes guidelines and procedures and assigns responsibilities for the purpose of assuring equal employment and educational opportunity, to all persons employed by or seeking employment at MSCD and to all participants and prospective participants in its programs and activities.

THE OBJECTIVE

The equal employment objective of MSCD is to achieve within a reasonable period of time an employee profile, with respect to race and sex in each major job group, which is an approximate reflection of proper utilization through the following objectives.

1. Achieving full utilization of minorities and women at all levels of management and non-management at a pace beyond that which might occur normally, as well as the absence of discrimination in employment because of race, color, religion, national origin, sex, -age, veteran status, disability/handicap or sexual orientation.
2. Creating a work environment free of discrimination.
3. Reach the stated objective through the Affirmative Action Plan. An integral part of our program is to make a good faith effort through goals designed to change the race and sex profile in those areas where there has been underutilization of women and minority group persons.
4. To recruit and hire the finest candidates available. Our philosophy is to hire the best-qualified person for any given position regardless of race, color, disability, religion notional origin, sex, sexual orientation, age, or Vietnam-era veteran

¹ "Equal employment and educational, opportunity" cannot be defined precisely. Specific rights protected by federal and state Affirmative Action/Equal opportunity laws vary widely. For a more detailed elucidation of the rights of protected class members, please see: the Fourteenth Amendment to the United States Constitution; the Reconstruction-era Civil Rights Acts, 42 U.S.C. sections 1981, 1983, and 1985; Title VII of the Civil Rights Act of 1964, 42 U.S.C. section 2000(e) et sera; Civil Rights Act of 1991: sections 501-504 of the Rehabilitation Act of 1973, 29 U.S.C. sections 791-794; the Vietnam-era Veterans Readjustment Act, 38 U.S.C. section 2012; Americans with Disabilities Act(ADA)1990; Title VI of the Civil Rights Act of 1964, 42 U.S.C. section 2000(d) et sea; Title IX of the Education Amendments of 1972, 20 U.S.C. section 1681 et seq; Federal Executive Orders 11246 and 11375(as amended); Article II, sections 3, 4, 25 and 29 of the Colorado Constitution; sections 24-34-301 to 913, Colorado revised statutes; the Colorado State Personnel System Act, Title 24, Article 50,Coloradorevised statutes; the Governor's Executive Order of April 16, 1975: the many rules and regulations promulgated by federal and state administrative agencies to implement the above-cited statutes (these rules and regulations are published, respectively, in the code of federal regulations and the code of Colorado regulations); and to judicial decisions construing the foregoing constitutional provisions, statutes, and regulations. This list of federal and state laws is not exhaustive; under certain circumstances, equal opportunity may be guaranteed by other statutes and regulations. If you need assistance in finding equal opportunity laws, please contact the Equal Opportunity office.

status. While we set goals for fuller utilization of women and minorities , the choice of the best-qualified applicant is our top priority.

The Office of Equal Opportunity is assuring that full realization of our stated objective through a continuous procedure of monitoring and reporting. It should be emphasized that the Affirmative Action Plan is a plan of inclusion rather than exclusion.

REAFFIRMATION

Metropolitan State college of Denver's affirmative action policy provides equal employment opportunity in all personnel actions for all persons for employment and to recruit and administer hiring, working conditions, benefits and privileges of employment, compensation, training, appointments for advancement including upgrading and promotion, transfers, and terminations including layoffs and recalls for all employees without discrimination because of race, color, religion, national origin, sex, age, veteran status, disability/handicap or sexual orientation.

In addition, it is the policy of the College that local, state and federal laws and regulations implementing national equal employment opportunity objectives shall be fully complied with, not only by meeting the letter of the law and contractual requirements, but by carrying out the full spirit as well.

MSCD further pledges itself to a program of aggressive affirmative action aimed at assuring true equality of employment and a work environment without discrimination.

Equal Opportunity Office Responsibilities

The EO office's responsibility is to monitor College activities and educate faculty, staff and students to ensure compliance with College policy, and state and federal laws prohibiting discrimination on the basis of:

- race/color/national origin/ancestry
- religion
- sex/sexual harassment
- sexual preference
- age
- disability
- veteran status
- political affiliation
- any other protected class status

Filing a Grievance of Unlawful Discrimination

Filing a Grievance

Faculty, staff or student at Metro State College that believes that they have been unlawfully discriminated against on the basis of:

- race/color/national origin/ancestry
- religion
- sex
- sexual orientation
- age
- disability
- sexual harassment
- ADA violation
- retaliation

- creed (including political affiliation)

You may file a [grievance](#) with the Equal Opportunity by filling out a [Grievant Intake Form](#)

I. General Policies

A. Purposes of the Metropolitan State College of Denver Equal Opportunity Grievance Procedure.

1. To provide a mechanism for prompt and fair internal resolution of complaints alleging unlawful discrimination, harassment, or retaliation; and
2. To satisfy MSCD's Equal Opportunity obligations to the College community.

B. Protection of the Parties

1. Complaint investigations shall be treated with discretion to protect the privacy of those involved, as permitted by law.
2. Participants in EO grievance proceedings shall treat all information as confidential and shall not discuss the matter with, or provide documents to, anyone except those involved in the process and others as necessary for support and guidance, except as otherwise required by law.
3. Grievants shall not be required during the investigation to confront respondents except as provided in this grievance procedure.
4. The intimidation of a grievant, respondent, or witness during the pendency of an investigation shall constitute a violation of College policies.
5. Neither the respondent nor her or his representatives shall contact the grievant regarding allegations in the grievance unless such contact is arranged by the Equal Opportunity (EO) Office with the permission of the grievant.

C. Records and Documents.

1. Records of all discrimination, harassment, or retaliation complaints shall be maintained and stored for a minimum of three years in the EO office.
2. All information contained in the complaint file is classified as confidential to the extent permitted by law.
3. The EO Director shall provide each party with all documents filed by the other party.

D. Resort to Other Procedures.

1. Those who believe they are victims of unlawful discrimination, harassment, or retaliation, may also initiate outside legal action through private sources or the appropriate state or federal enforcement agencies. It is recommended that where time allows (before applicable statutes of limitations have run out) the internal grievance procedures of the college be used prior to using a grievance system outside the College.
2. The grievant may choose to file a complaint externally at any point before, during, or after the internal college proceedings.

3. If a charge or grievance arising out of the same incident(s) and making similar allegations of unlawful discrimination, harassment, or retaliation has been or is, at any time while an internal grievance is pending, filed outside the institution with an outside Equal Opportunity enforcement agency or in state or federal court, the President may, in her/his discretion, dismiss the internal complaint, refuse to accept an internal grievance, or discontinue any internal grievance proceeding already underway.

E. Retaliation.

1. Retaliation against any person, who opposes a practice which is forbidden by College Equal Opportunity Policy, or has filed a complaint, testified, assisted or participated in any manner in an investigative proceeding or hearing under the College Equal Opportunity Policy is prohibited, and may be the subject of a grievance filed under these procedures.
2. Individuals determined to have engaged in retaliation may face disciplinary action up to and including termination of employment or expulsion from the college.

F. Consolidation of Grievances.

1. Multiple grievances, whether filed by the same or different grievants, or naming the same or different respondents, may be consolidated if:
 - a. the grievances arise from a common nucleus of legally significant facts or one grievance alleges retaliation for filing an earlier, still-pending grievance; and
 - b. consolidation would not substantially prejudice any grievant or respondent.
2. Grievances may be consolidated at the request of either party or on the initiative of and in the discretion of the EO Director, the chair of the Equal Opportunity Advisory Council, or the chair of the hearing committee, depending on what stage the grievances have reached.

G. Representation.

1. Legal counsel may not act as representatives or advocates of either party except as specifically provided in these procedures.
2. The parties may represent themselves or choose other persons to act as their representatives.
3. The parties may also choose an advocate to provide support and advice during the grievance procedures.
4. The parties may at their own expense retain legal counsel to assist them in preparing their cases, but legal counsel retained by the parties may not participate in or attend any pre-hearing or post-hearing proceedings or participate in the hearing. Legal counsel may, however, attend the hearing for the sole purpose of conferring with and advising the parties during the hearing.
5. The EO Director and the hearing committee may be advised by the College Attorney, the Office of State Colleges' Director of Legal Affairs, or by an Assistant Attorney General.

II. Definitions.

A. Day means calendar day

B. Grievance means a dispute which

1. is filed by a grievant on a form set forth in Appendix 1 to this EO Grievance Procedure; and
2. alleges that a respondent engaged in discrimination, harassment, or retaliation based upon race, color, religion, national origin, sex, age, disability/handicap, Vietnam-era or disabled veteran status, sexual orientation or preference, or on any other basis proscribed by College policies concerning equal opportunity in employment and education.

C. Grievant means

1. any employee or student of the College and any applicant for employment or admission who alleges unlawful discrimination or harassment by an employee or student of the College; or
2. any person who has been threatened with or subjected to retaliation by an employee or student of the College as a result of;
 - a) opposing any unlawful discrimination or harassment;
 - b) filing a grievance or charge under this procedure;
 - c) representing a grievant under this procedure; or
 - d) testifying, assisting, or participating in any manner in an investigation, proceeding, hearing, or lawsuit alleging unlawful discrimination or harassment; and
 - e) who has filed a grievance under these procedures.

D. Party means

1. A grievant or respondent.

E. Respondent means

1. Any student or employee who is alleged to have engaged in unlawful discrimination, harassment, or retaliation.

F. Unlawful means

1. In violation of College policies that includes a requirement that College employees and students comply with federal and state laws prohibiting discrimination in employment and education.

G. Working Day means

1. A day on which the College holds regular class sessions or exams, and excludes Saturdays, Sundays, and College Holidays.

III. Time Limits.

- A. Grievances should be filed as soon as possible after the event(s) that gives rise to the grievance, but in no event later than 300 days following the earlier of the date of the act or omission giving rise to the grievance or the**

date on which the grievant knew or reasonably should have known of such act or omission.

B. A grievance alleging acts of discrimination, harassment, or retaliation that began before the 300 day time limit may be filed if the acts are a continuing violation.

1. A continuing violation may exist if at least one of a series of closely related acts that began more than 300 days before a grievance was filed satisfies the time limit; or pervasive, institutionalized, or systemic discriminatory practices or procedures result in at least one discriminatory act that comes within the 300 days.
2. Generally, the present effects or consequences of past discrimination do not constitute a continuing violation.
3. Court decisions interpreting Title VII and other civil rights laws shall guide the EO Director, College Attorney, and Director of Legal Affairs in determining whether a grievance properly alleges a continuing violation.

C. Because jurisdiction under this procedure is restricted to grievances alleging unlawful discrimination, harassment, or retaliation, complaints alleging other infractions of Trustee or College policy or other types of unfair or inequitable treatment will be dismissed and returned to the grievant for disposition under the appropriate grievance or complaint procedure. However, any limitation periods established by those procedures shall be counted as tolled from the date the grievance is incorrectly filed with the Equal Opportunity Office until the date the grievant is notified of its dismissal.

D. In computing any period of time, the day of the act or event from which the designated period begins to run shall not be included in the period. The last day of the period shall be included, unless it is a Saturday, Sunday, legal holiday, vacation day or other nonworking day, in which event the period shall run until the next day which is a working day.

E. When an act must be done by a certain day, it shall be done by the 5:00 p.m. on that day.

F. The EO Director or chairs of the Equal Opportunity Advisory Council or the hearing committee, as appropriate, may extend or shorten the time periods prescribed herein except that provided for the initial filing of a grievance.

IV. Informal Resolution.

A. The EO Director shall designate two present or past Council members, who shall not serve on the hearing committee, to attempt to resolve the grievance through mediation.

B. Mediation is essential to this grievance process, and every effort shall be made to resolve the grievance in this manner.

C. The grievant and respondent may be required by the Chair of the Equal Opportunity Advisory Council or the EO Director to attend a mediation conference.

D. At the mediation conference, the grievant and respondent will be encouraged to explain their positions to one another, clarify any

misunderstandings or misconceptions which may have played a part in the matters complained of, and formulate a mutually acceptable resolution.

- E. Mediation may begin at any time and may continue after the mediation conference until such time as the President provides a final decision on the matter.**
- F. If an informal resolution is agreed to by the parties, it shall be reduced to writing, signed by the parties, and forwarded to the EO Director for approval. If approved, the grievance shall be dismissed. If not approved, the parties shall continue informal resolution and the grievance process shall continue.**
- G. At such time as the EO Director determines that the grievants remedies have been provided, or the issue has otherwise become moot, the EO Director may dismiss the grievance.**

V. Initial Procedures.

A. Filing.

1. All EO grievances shall be filed on the EO grievance form set forth in Appendix 1 of this document and shall be filed in the Office of Equal Opportunity.
 - a) Complaints that are not related to discrimination, retaliation, or harassment should be filed in accordance with the appropriate procedures provided in the Student Handbook, the Trustee's Handbook for Professional Personnel, or the MSCD Handbook for Professional Personnel.
 - b) Classified personnel may file a complaint under this grievance procedure or the State Personnel grievance procedure. Classified personnel may also contact the Classified Advocacy Program for assistance.
2. The grievance form shall
 - a) be signed by the grievant;
 - b) describe in detail the specific incident(s), occurrence(s), decision(s), and other factual matters believed to constitute unlawful discrimination, harassment, or retaliation;
 - c) name as the respondent(s) the individual, department, committee, or other body whom the grievant believes to have engaged in prohibited behavior; and
 - d) include a brief statement describing the resolution, relief or action requested by the grievant.

B. Jurisdiction.

1. Jurisdiction under these procedures is met when:
 - a) the allegations of the grievance meet the definition of a grievance as defined in the EO Grievance Procedure; and
 - b) the grievance was timely filed; and
 - c) grievant has complied with section A, above.

2. Upon receipt of a signed EO grievance form, the Director of EO in consultation with the College Attorney, or an Assistant Attorney General shall determine whether the jurisdictional requirements have been met, but may defer the timeliness issue to the hearing committee.
3. The grievance shall be dismissed if the EO Director determines that the EO Office does not have jurisdiction over the grievance.
4. There shall be no appeal of the Directors jurisdiction determination; provided, however, that either party may request the Director to reconsider the decision, and the grievant may pursue the matter in other forums outside the College.

C. EO Office Investigation.

1. If the EO Office assumes jurisdiction over the grievance, the Director shall provide a copy of the grievance to the respondent and the respondents, vice president, and shall investigate the grievance as soon as practicable. The investigation should include an interview with the grievant, the respondent, and other persons who may have relevant information.
2. If the EO Director determines that there is no substantial factual basis for the grievance, the grievance shall be dismissed.
3. If the EO Director determines that there is a substantial factual but not legal basis for the grievance, the grievance shall be dismissed. An example of such includes a finding that an adverse action was taken for reasons other than prohibited discrimination. However, in such case the Director may provide the parties and the supervisor of the respondent with recommendations regarding resolution of the underlying dispute.
4. If the EO Director determines that there is a substantial factual and legal basis for the grievance, but that the allegations do not warrant disciplinary action, the Director shall forward to the supervisor of the respondent the findings, conclusions, and recommendations of the Director.
 - a) The supervisor shall take such corrective action as the supervisor in consultation with the EO Director determines appropriate under the circumstances, but such action shall not be disciplinary.
 - b) If the EO Director approves the corrective action taken, the grievance shall be dismissed.
 - c) If the EO Director does not approve the corrective action taken, the grievance shall proceed as provided in paragraph 5 below.
5. If the EO Director determines that there is a substantial factual and legal basis for the grievance, and that disciplinary action may be warranted if the allegations are determined to be true:
 - a) the parties shall be notified that the grievance shall be forwarded to a hearing committee;
 - b) the respondent shall have fifteen (15) days to file a response to the grievance; and temporary action may be taken by the College (e.g., a student may be removed from one class and placed in another). Such action may not be used as evidence in this or any subsequent proceeding.
6. Neither party may appeal the decision of the Director to dismiss a grievance under this Section C; provided, however, that either party may request the

Director to reconsider the decision, the grievant may pursue other avenues of redress outside the College, and respondent may file a grievance or complaint under other College or Trustee procedures to contest any corrective action taken under paragraph 4 above.

D. Response to Grievance.

1. The response to the grievance shall be filed with the EO Office within said fifteen (15) days and shall admit or deny each of the factual allegations of the grievance, or state that the respondent has insufficient knowledge or information to admit or deny the allegation.
2. The respondent shall include in the response a narrative:
 - a) stating why the respondent denies that the alleged incidents, occurrences, or decisions were unlawfully discriminatory; and
 - b) proffering non-discriminatory reasons or explanations therefore.

VI. Pre-hearing Procedures.

A. Selection of the Hearing Committee.

1. A hearing committee shall be selected within 10 days after respondents response is received by the EO Office.
 - a) The grievant (or group of co-grievants) and the respondent (or group of co-respondents) shall each select two members from the Equal Opportunity Advisory Council to serve on the hearing committee.
 - b) If a committee member is not selected by a party within 5 days, the EO Director may select that committee member.
 - c) Those four members shall select a fifth person from the Council to act as Chair of the hearing committee.
 - d) The EO Director may strike a selection for good cause shown.
2. Consolidated grievances shall be heard by a single hearing committee.
 - a) If grievances are consolidated before a hearing committee has been selected, the committee members shall be chosen in accordance paragraph 1 above.
 - b) If a hearing committee has already been selected to hear a grievance, the committee shall also hear any grievance or grievances which are consolidated with the original grievance.
3. No hearing committee member may be a faculty, staff or student in the same department or program area as any of the parties.
4. If a conflict of interest question is raised about any member of the hearing committee, the EO Director will obtain an opinion on the question from the College attorney, or an Assistant Attorney General.

5. If any Council member selected to serve on the hearing committee is unable or unwilling to do so, a substitute shall be selected by the person(s) who selected the member.
6. As soon as practicable after the committee has been selected, the EO Director shall transmit copies of the grievance and response to each committee member.
7. Duties of the Chair. The chair of the hearing committee shall preside over all pre-hearing and hearing procedures, decide all controversies arising in connection therewith, and write the committees finding, conclusions, and recommendations.
8. The EO Director shall assist the chair in such matters as scheduling rooms, mailing or delivering notices or other papers, arranging for tape recording, etc.

B. Schedule of Proceedings.

1. The Chair of the hearing committee shall promptly provide the parties and the EO Director with a Schedule of Proceedings on the form set forth in Appendix 2.
2. Ordinarily the hearing shall be scheduled for a date no later than one hundred twenty (120) days from the date the grievance was filed. If holding the hearing within such time is not practicable, the chair of the hearing committee may schedule the hearing for a later date.
3. Changes to the Schedule of Proceedings may be made by the Chair of the hearing committee or the EO Director for good cause shown.

C. Discovery.

1. Interrogatories
 - a) Parties may serve upon one another one concise set of written interrogatory questions which are calculated to lead to the discovery of evidence relevant to the issues raised by the grievance and response. A second set of interrogatories may be permitted by the chair of the hearing committee upon written request of a party.
 - b) Written answers to interrogatory questions shall be served within fifteen (15) days after the interrogatories are served upon a party.
 - c) Copies of interrogatories and answers shall be simultaneously filed with the EO Office and delivered to each party to the grievance.
 - d) Objections to interrogatories shall be made to the EO Office as soon as practicable but shall not extend the time to answer unless the Chair of the hearing committee or the EO Director so specifies in writing.
2. Documents
 - a) Each party, with notice to the other party, may obtain from the College copies of any non privileged document or file otherwise open to the public under the Colorado Public Records Act and the Family Educational Rights and Privacy Act relevant to the issues raised by the grievance and response.
 - b) The College will deliver to each party to the proceeding copies of the documents or files sought within fifteen (15) days after the request has been received.

D. Pre-hearing statement.

1. At least fifteen (15) days before the hearing, each party shall serve a pre-hearing statement on the other party, and shall file a copy with the EO Office.
2. the pre-hearing statement shall:
 - a) list the witnesses the party intends to call at the hearing;
 - b) give a brief summary of the matters to which each witness is expected to testify; and
 - c) identify and describe any document(s) or file(s) that party intends to introduce in evidence.
3. Failure to include a witness or document in the pre-hearing statement will not preclude additional witnesses or documents if new information is uncovered after serving the pre-hearing statement is filed.

E. Failure to Comply With Pre-hearing Procedures.

1. The failure to timely comply with requests for discovery, file the pre-hearing statement, or comply with any other pre-hearing procedure will subject the individual to sanctions imposed by the hearing committee.
2. Such sanctions may include, but are not limited to, drawing an adverse inference and/or barring the presentation of certain evidence.

VII. Hearing Procedures.

A. Hearings may be closed upon the written request of a party, and shall be electronically recorded.

B. Issue. The principal issue at the hearing shall be whether the unlawful discrimination, harassment, or retaliation alleged in the grievance and denied or otherwise disputed in the response occurred.

C. Opening statements. Each party, beginning with the grievant, may make an opening statement summarizing the grievance or response and stating what the party expects the testimony and other evidence to prove.

D. Witnesses. It is the responsibility of all parties to ensure the attendance of their witnesses at the hearing.

E. Burden of proof and order of presentation.

1. The grievant shall have the burden of proving the alleged discrimination, harassment, or retaliation by a preponderance of the evidence.
2. The grievant shall proceed first and shall present his/her case through the testimony of witnesses and the introduction of documentary evidence.
3. If the committee concludes at the close of the grievant's case that reasonable persons could not infer from the evidence presented that the grievant suffered unlawful discrimination, harassment, or retaliation, the committee may dismiss the grievance before the respondent presents his/her case.
4. If the committee concludes at the close of the grievant's case that a reasonable inference could be made from the evidence presented that the grievant suffered

unlawful discrimination, harassment, or retaliation, the burden of producing evidence to the contrary shall shift to the respondent who may present his/her case through witnesses and documentary evidence.

5. At the close of the respondents' case the grievant shall be permitted to present rebuttal testimony and other evidence.

F. Evidence and Objections.

1. Each party shall have the opportunity to cross-examine the witnesses presented by adverse parties.
2. Each party may object to any proffered testimony or other evidence as irrelevant or otherwise inadmissible. The committee Chair shall rule on all objections and reject any testimony or other evidence it deems irrelevant or otherwise inadmissible.
3. The committee may pose questions to any witness at any time, and may call any person or any party as a witness.

G. Closing Argument.

1. After all the evidence has been presented, each party may make a closing argument explaining to the committee why s/he believes that the evidence proves or fails to prove that unlawful discrimination, harassment, or retaliation occurred. The grievant goes first, and the respondent follows.

H. Decision of the Committee.

1. Following the hearing, the committee shall meet in one or more closed sessions to consider the evidence and arguments presented by the parties and to make findings, conclusions, and recommendations.
2. The committee's findings and conclusions shall be based solely on the evidence admitted at the hearing.
3. Within twenty-one (21) days after the hearing, the chair of the hearing committee shall transmit the committee's written findings, conclusions, and recommendations to the President with copies to all parties and the EO Director.
4. The committee shall have no power to make, amend, or repeal any College policy although it may recommend such action to the President.

VIII. Decision of the President.

- A. The President shall review the findings and conclusions of the committee and provide a written decision. If the President does not concur with the committee, the decision shall state reasons for modifying reversing, or remanding the committee's decision. The President's decision shall also give reasons for any corrective action ordered or for any omission to order such action.**
- B. The President's decision shall be transmitted to each party, the committee, and the EO Director as soon as practicable.**

IX. Appeals.

- A. There is no formal appeal from the President's decision, but a party may request reconsideration of the decision.**
- B. A grievant dissatisfied with the decision has the right to file a charge with an external Equal Opportunity enforcement agency.**
- C. A party facing a disciplinary action as a result of this grievance procedure may have the right to contest the action under Trustee policies or in an external administrative or judicial proceeding.**

Instructions for Completing the Grievance Intake Forms

The Metropolitan State College of Denver Equal Opportunity Office (EOO) has provided a grievance intake form for faculty, staff and students filing claims of unlawful discrimination.

When you file a claim of unlawful discrimination, you are providing us with information that will be used to determine whether or not your claim has the necessary elements to establish a civil rights claim; to do so the following must be done:

1. All EO grievances shall be filed on the EO grievance form set forth in Appendix 1 of this document and shall be filed in the Office of Equal Opportunity.
 - a) Complaints that are not related to discrimination, retaliation, or harassment should be filed in accordance with the appropriate procedures provided in the Student Handbook, the Trustee's Handbook for Professional Personnel, or the MSCD Handbook for Professional Personnel.
 - b) Classified personnel may file a complaint under this grievance procedure or the State Personnel grievance procedure. Classified personnel may also contact the Classified Advocacy Program for assistance.
2. The grievance form shall
 - a) be signed by the grievant;
 - b) describe your protected group status (e.g., race, color, religion, national origin, physical or mental disability, age, sex, sexual orientation, ancestry or medical condition);
 - c) describe in detail the specific incident(s), occurrence(s), decision(s), and other factual matters believed to constitute unlawful discrimination, harassment, or retaliation;
 - d) name as the respondent(s) the individual, department, committee, or other body whom the grievant believes to have engaged in prohibited behavior; and
 - e) include a brief statement describing the resolution, relief or action requested by the grievant.

If you need assistance with emotional and psychological effects of unlawful discrimination or sexual/racial harassment that an individual may experience Please contact:

Metropolitan State College Counseling Center- 303.556.3132

PLEASE BE ADVISED THAT:

- Formal complaints must be filed within **300 days** of the most recent occurrences.
- Completing the intake form is for **Review Purposes Only**.

-The information contained on the form is **held confidential** in the EO office.

-You will be notified by certified letter if this office **accepts jurisdiction** over your claim for formal investigation.

Metropolitan State College of Denver

**Office of the President
President Office of Equal Opportunity**

Discrimination or Harassment GRIEVANCE FORM

Date _____

Name

Address

City/State/Zip

E-mail _____

Phone: _____ **Alternate Phone:** _____

Office of the President
Office of Equal Opportunity
Central Classroom 315
P.O. Box 173362 Campus Box 63
Denver, Colorado 80217.3362
Office: (303) 556.4746 FAX: (303) 556.3912

GRIEVANT INTAKE INFORMATION

Name: _____ Date: _____

____ Student ____ Faculty ____ Contract Administrator ____ Classified ____ Other
_____ (Fill in for other explanation)

DISCRIMINATION ALLEGED

____ Race	_____ Religion	_____ Gender
____ Color	_____ Disability	_____ Sexual Harassment
____ National Origin Retaliation	_____ Age	_____ Sexual Orientation
____ Retaliation	_____ Other	

SUMMARY OF ALLEGED COMPLAINT

1. Date on which alleged conduct first occurred:

2. Date on which alleged conduct most recently occurred:

3. Names of witnesses (please specify whether employee, student, or other):

4. Name of person(s) who engaged in discrimination (respondent):

5. Describe in detail the specific incidents, occurrences, decisions, and other factual matters believed to constitute unlawful discrimination, harassment, or retaliation (if more space is needed, please attach additional sheets):

6. Harm caused:

7. I request that the following action be taken:

8. I have filed a complaint/ grievance with another agency: Yes____ No____

If yes, name of agency: _____

File/ complaint number:

ACKNOWLEDGEMENTS

I understand the following:

1. I have the right to be free of retaliation for filing this grievance. I agree to report any conduct which I believe is motivated by retaliation for filing this complaint. I understand, however, that if this statement contains accusations which I know are false, I may be subject to disciplinary action within the College, and/ or external legal action from those I have falsely accused.
2. The Equal Opportunity Office will try to protect my identity from public exposure. The respondent, however, will be given a copy of this grievance in order to have an opportunity to respond to it.
3. I have received a copy of the discrimination policy of Metropolitan State College of Denver. I may have the right to file a complaint with civil rights agencies or to file legal actions in a court of law. The Equal Opportunity Office will further explain these rights if I request.
4. I understand that the Equal Opportunity Office is an advocate for neither the grievant nor the respondent. The role of the Equal Opportunity Office will investigate complaints from a neutral position to determine whether violations of the College's discrimination policy have occurred.

CERTIFICATION

I CERTIFY THAT THE STATEMENTS MADE IN THIS GRIEVANCE ARE TRUE AND ACCURATE, AND THAT I HAVE READ AND UNDERSTAND THE STATEMENTS MADE IN THE ACKNOWLEDGMENTS SECTION OF THIS GRIEVANCE.

Signature of grievant

EEO SCHEDULE OF PROCEEDINGS

GRIEVANCE INFORMATION

Grievant: _____ Date _____ of
Grievance _____

Respondent: _____ Date of Response

INFORMAL RESOLUTION CONFERENCE

Date: _____ Time: _____

Location:

INTERROGATORIES

First Set of Interrogatories Due: _____

First Answers Due: _____

Second Set of Interrogatories Due: _____

Second Answers Due: _____

DOCUMENTS

Request for Documents Due: _____

Documents Due: _____

PREHEARING STATEMENTS

Pre hearing Statements Due: _____

HEARING

Date: _____

Time: _____

AAP PROCEDURAL GUIDELINES/ APPROXIMATE TIMELINES

DAY	ACTION OR EVENT
1	Grievance Filed
2-30	Informal Resolution Committee Members Selected/Mediation
5	Jurisdiction Determined
6	Respondent Provided Copy of Grievance
10	EO Investigation Completed
25	Response Filed
35	Hearing Committee Selected
37	Copies of Grievance and Response to Committee
40	Informal Resolution Conference
50	Interrogatories Due
65	Answers to Interrogatories Due
70	Document Request Due
85	Documents Due
95	Pre-hearing Statements Due
110	Hearing
130	Committee Report to President
150	President's Decision

Americans with Disabilities Act (ADA)

A. GUIDELINES FOR THE AMERICAN DISABILITIES ACT (ADA)

MSCD is committed to taking affirmative measures to guarantee equal employment and educational opportunity to disabled persons and to ensure that they are not denied access to MSCD's programs, activities, services and facilities because of their disabilities. This commitment has been made explicit in the Affirmative Action/Equal Opportunity policy, program and procedures detailed throughout this Plan. The following definitions and guidelines are intended to supplement MSCD's Affirmative Action/Equal Opportunity policy, program and procedures by clarifying their application to disabled persons.

1. Definitions

- a. "Disabled individual" means any person who:
 - 1) has a physical or mental impairment which substantially limits one or more of such person's major life activities;
 - 2) has a record of such impairment; or
 - 3) is regarded as having such an impairment. All references in other sections of this Plan to "disabled individuals," "disabled persons," "disabled," or "disabled," shall, however, mean "qualified disabled individual" as that expression is defined below.
- b. "Qualified disabled individual" means a "disabled individual," as defined above, who is either capable of performing a particular job with reasonable accommodation to her/his disability, or, in connection with educational programs, activities and services, who meets the academic or technical standards required for admission to or participation in the program or activity or who meets the essential eligibility requirements for the receipt of such services.
- c. "Physical or mental impairment" means:
 - 1) any physiological disorder, impairment, or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological, muscular-skeletal, cardiovascular, reproductive, digestive, genito-urinary, hammock or lymphatic, skin, endocrine; or
 - 2) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities; or
 - 3) any medically recognizable disorder or condition that has not been definitely characterized as physical rather than mental or as mental rather than physical or that is characterized as both physical and mental.

- d. "Substantially limits" denotes the degree of difficulty an individual encounters in finding or keeping a job, obtaining promotions, or participating in employment or educational programs, activities, or services.
- e. "Major life activities" include seeing, speaking, hearing, communicating, ambulating, breathing, self-care, socializing, performing manual tasks, learning, education, vocational training, adapting to housing, etc., for equal employment opportunity purposes, emphasis is placed on those life activities that affect employability.
- f. "Record" means a history of or misclassification as having a mental or physical impairment.
- g. "Is regarded as having such an impairment" means:
 - 1) has a physical or mental impairment which does not substantially limit major life activities but could be construed as constituting such a limitation; or
 - 2) has a physical or mental impairment that substantially limits major life activities only a result of the attitudes of others towards such impairment; or
 - 3) has none of the impairments defined above but is treated as having such an impairment.
- h. "Reasonable accommodation" includes:
 - 1) making facilities readily accessible and usable by disabled persons; or
 - 2) job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers, and other similar actions;
 - 3) provided that, taking into account the overall size and type of the affected program or activity, business necessity, and the nature and cost of accommodation needed, the accommodation will not impose an undue hardship on the operation of the College and/or its program and activities.

2. Guidelines

MSCD, by providing every good faith effort to pursuing the Affirmative Action/Equal Opportunity procedures and programs set forth in this Plan and these guidelines, shall take affirmative action to employ and advance in employment qualified disabled individuals; shall seek to ensure that no such person is excluded from participation in, denied the benefits of, or subjected to discrimination under its educational programs, activities and services; and shall take those steps within its power to make its facilities accessible to and

usable by qualified disabled persons. This commitment includes making reasonable accommodations, as defined above, to the known physical or mental limitations of qualified disabled persons. In order to achieve these objectives, MSCD has adopted the following specific guidelines:

- a. All applicants for employment, employees and other members of the College community who believe that they are disabled and who wish to benefit by MSCD's Affirmative Action/Equal Opportunity policies for the disabled are invited at any time to identify themselves as disabled to the Equal Opportunity Officer, providing this information is voluntary and refusal to provide it will not result in adverse treatment. The information will be kept confidential and will be used only for purposes authorized by the Rehabilitation Act of 1973/American Disabilities Act (ADA), federal regulations implementing the act, and to meet MSCD's obligations to disabled persons, and for statistical purposes.
- b. MSCD will work with the Auraria Higher Education Center (which is responsible for the physical facilities on the campus) to remove physical barriers or obstacles to access and use of the facilities in which MSCD's programs, activities, and services are conducted.
- c. The Chair of the Plan Review Committee of the Affirmative Action Advisory Council or her/his designee is appointed ad hoc coordinator for the disabled. S/he shall, in consultation with the other members of the Committee and the Equal Opportunity Officer, coordinate MSCD's efforts to achieve full compliance with the Rehabilitation Act of 1973 and its implementing regulations. The ad hoc coordinator and the Equal Opportunity Officer shall also solicit the assistance of interested persons, including disabled individuals and organizations representing disabled individuals, and, together with such individuals and/or organizations, shall study MSCD's policies, procedures and practices to identify those which disadvantage disabled persons. The ad hoc coordinator and the Equal Opportunity Officer shall from time to time recommend to the Affirmative Action Advisory Council and the President, measures intended to remedy the problems identified by the studies authorized by this paragraph.
- d. The affirmative action grievance procedure established by Section VII of this Plan shall be available to all grievants alleging discrimination on the basis of disability.
- e. The Equal Opportunity Officer shall compile and keep all records and data necessary for and shall make all reports regarding disabled persons required by federal and state law. A summary of such report(s) shall be included in the Equal Opportunity Officer's annual report to the Affirmative Action Advisory Council and the President.

**B. GUIDELINES FOR VIETNAM-ERA AND DISABLED VETERANS
(41 C.F.R.60-250)**

MSCD is committed to taking affirmative measures to guarantee equal employment and educational opportunity to Vietnam-era and disabled veterans and to ensure that they are not denied access to MSCD's programs, activities, services and facilities because of their status or service-connected disabilities. This commitment has been made explicit in the Affirmative Action/Equal Opportunity policy, program and procedures detailed throughout this Plan. The following definitions and guidelines are intended to supplement MSCD's Affirmative Action/Equal Opportunity policy, program and procedures by clarifying their application to Vietnam-era and disabled veterans.

1. Definitions.

a. "Disabled veteran" means a person entitled to disability compensation under laws administered by the Veterans Administration for a disability rated at 30% or more or a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty. All references in other sections in this Plan to "disabled veterans," "service-related disability," etc, shall, however, mean "qualified disabled veteran" as defined below.

b. "Qualified disabled veteran" means a disabled veteran, as defined above, who is capable of performing a particular job with reasonable accommodation to her/his disability; or, in connection with education programs, activities, or services, who meets the academic or technical standards required for admission to or participation in the program or activity or meets the essential eligibility requirements for the receipt of such services.

c. "Vietnam-era veteran" means

1) a person who:

a) served on active duty for a period of more than 180 days, any part of which occurred between August 5, 1964 and May 7, 1975 and was discharged or released there from with other than a dishonorable discharge; or

b) was discharged or released from active duty for service-connected disability if any part of such active duty was performed between August 5, 1964 and May 7, 1975; and

d. "Reasonable accommodation" includes:

1) making facilities readily accessible and usable by disabled veterans; or

2) job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the

provision of readers, and other similar actions; provided that, taking into account the overall size and type of the affected program or activity, business necessity, and the nature and cost of the accommodation needed, the accommodation will not impose an undue hardship on the operation of the College and/or its programs or activities.

2. Guidelines

MSCD, by applying every good faith effort to pursuing the procedures and program set forth in this Plan and these guidelines, shall take affirmative action to employ and advance in employment Vietnam-era and qualified disabled veterans and shall seek to ensure that no such person is excluded from participation in, denied the benefits of, or subjected to discrimination under its educational programs and activities. This commitment includes making reasonable accommodation, as defined, above, to the physical and mental limitations of disabled veterans. In order to achieve these objectives, MSCD has adopted the following specific guidelines.

- a. All applicants for employment, employees and other members of the College community who believe that they are Vietnam-era veterans or disabled veterans and who wish to benefit from MSCD's Affirmative Action/Equal Opportunity policies for Vietnam-era and disabled veterans are invited at any time to identify themselves with Vietnam-era and/or disabled veterans to the Equal Opportunity Officer, providing this information is voluntary and refusal to provide it will not result in adverse treatment. The information will be kept confidential and will be used only for purposes authorized by the Vietnam-era Veteran Readjustment Act of 1974, federal regulations implementing the Act and to meet MSCD's obligations to Vietnam-era and disabled veterans.
- b. The Chair of the Plan Review Committee of the Affirmative Action Advisory Council or her/his appointee is appointed Ad hoc coordinator for Vietnam-era and disabled veterans. S/he shall, in consultation with the other members of the Committee and the Equal Opportunity Officer, coordinate MSCD's efforts to achieve full compliance with the Vietnam-era Veteran's Readjustment Act and its implementing regulations. The Coordinator and the Equal Opportunity Officer shall solicit the assistance of interested persons, including Vietnam-era and disabled veterans and veterans' organizations and, together with such persons and/or organizations, shall study MSCD's policies, procedures, and practices to identify those which disadvantage Vietnam-era and disabled veterans. The Equal Opportunity Officer shall from time to time recommend to the Affirmative Action Advisory Council and the President measures intended to remedy the problems identified by the studies authorized by this paragraph.
- c. The Affirmative Action Grievance Procedure established by section VII of this Plan shall be available to all grievants alleging discrimination on the basis of Vietnam-era or disabled veteran status.

- d. The Equal Opportunity Officer shall compile and keep all records and data necessary for and shall make all reports regarding Vietnam-era and disabled veterans required by federal and state law. A summary of such report(s) shall be included in the Equal Opportunity Officer's annual report to the Affirmative Action Advisory Council and the President.

C. Affirmative Action Clause (41 CFR 60-50.4)

The affirmative action' clause for disabled veterans and Vietnam era veterans, as set forth in 41 CFR 60-250.4, is hereby incorporated by reference.

D. Listing of Employment Openings with State Employment Service (41 CFR 60-250.4(c))

The College will list all suitable employment openings with the appropriate local office of the State employment service system where the opening occurs. Definitions relevant to this section include the following:

1. "All suitable employment openings" include, but are not limited to, openings which occur in the following job categories: professionals, technicians, craft workers, operatives, laborers, and service workers. These categories are restricted to compensation on a salary basis of less than \$25,000 per year. This term includes full-time employment. It does not include openings which the College proposes to fill from within (including from recall lists) or to fill pursuant to a collective bargaining agreement.
2. "Appropriate office of the State employment service system" means the local office of the Colorado State Employment Service with assigned responsibility for serving the area where the employment opening is to be filled.
3. Openings filled "from within" means that first consideration will be given to individuals presently employed at the College.
4. A record of all openings listed with the State Employment Service will be maintained on an annual basis. This record includes the job title, number of openings for the job title, and the date of listing.

E. Quarterly Reports of Hires to State Employment Service (41 CFR 60-250.4(d))

The College files quarterly reports with the appropriate office of the State employment service system. Such reports indicate:

1. The number of individuals who were hired during the reporting period.
2. The number of non-disabled veterans of the Vietnam era hired.
3. The number of disabled veterans of the Vietnam era hired.

4. The total number of disabled veterans hired. Listing of employment openings does not require hiring any particular job applicant or hiring any applicant from any particular group of job applicants referred by the State employment service system.

F. Review of Affirmative Action Program (41 CFR 60-250.5)

The Affirmative Action Program is reviewed and updated annually. Any significant changes in procedures, rights, or benefits, as a result of the annual updating are communicated to employees and applicants for employment.

G. Availability of Program (41 CFR 60.250.5(c))

The Affirmative Action Program for Disabled Veterans and Vietnam era Veterans is available for inspection (M-F, 8:00 a.m. - 5:00 p.m.) by any employee or applicant for employment upon request.

H. Invitation to Disabled Veterans and Vietnam Era Veterans to Identify Themselves 41 CFR 60-250.5(d)

The College invites all applicants, new hires, and current employees who believe they are covered by the Act, and who wish to benefit under the Affirmative Action Program, to identify themselves. Current employees are given this opportunity on a periodic basis.

I. Proper Consideration of Qualifications (41 CFR 60-250.6(b) and (41 CFR 60-250.6(c))

The College reviews its personnel processes regularly to determine whether its present procedures assure careful, thorough, and systematic consideration of the qualifications of known disabled veteran applicants and Vietnam era veteran applicants for job vacancies filled either by hiring or promotion, and for all training opportunities offered or available. During the Search Process for filling job vacancies when applicants are eliminated from the Second Screening (applicants that will not be interviewed) a memo is sent to the appropriate hiring authority requesting that the qualifications of known disabled veterans, Vietnam era veterans or individuals with disabilities be reviewed and a determination be made and submitted as to whether those applicants should be brought forward for interview.

J. Review of Physical and Mental Job Qualification Requirements (41 CFR 60-250.6(c)(1) and (2))

The physical or mental job qualification requirements of all jobs at the College undergo constant review to ensure that they are job-related and consistent with business necessity and safe performance of the job.

K. Confidentiality of Medical Records (41 CFR 60-250.6 © 3)

Whenever the College inquires into an applicant's or employee's physical or mental condition, or conducts a medical examination prior to employment or change in employment status, information obtained in response to such inquiries or examination is kept confidential except that:

1. Supervisors and managers may be informed regarding restrictions on the work or duties of disabled veterans and Vietnam era veterans and regarding accommodations; and
2. Health and Safety Organization personnel may be informed, where and to the extent appropriate, if the employee's condition might require emergency treatment; and
3. Government officials investigating compliance with the Act will be informed.

L. Accessibility to the Employment Office

It has been determined by a visual survey that no physical barriers exist that would make the Employment Office inaccessible.

**M. Accommodations to Physical and Mental Limitations of Employees
(41 CFR 60-250.6(d))**

The College will put forth every effort to make reasonable accommodations to physical and mental limitations of disabled veterans and Vietnam era veterans, taking into consideration business necessity and financial costs and expenses.

**N. Compensation to Disabled Veterans and Vietnam Era Veterans
(41 CFR 60-250.6(e))**

In offering employment or promotions to disabled veterans and Vietnam era veterans, the College will not reduce the amount of compensation offered or attainable because of any disability income, pension, or other benefits the applicant or employee receives from another source.

**O. Outreach Positive Recruitment and External Dissemination of Policy
(41 CFR 60-250.6(f))**

The College has undertaken appropriate outreach and positive recruitment activities to provide affirmative action for the employment and advancement of qualified disabled veterans, and Vietnam era veterans. The following are methods the College has implemented:

1. Assistance and support is enlisted from recruiting sources such as the following:
 - a. Veterans Administration Regional Office;
 - b. Veterans group service centers;
 - c. Veterans Administration Hospital;
 - d. Veterans Rehabilitation groups;
 - e. American G.I. Forum (Veterans Outreach Program);
 - f. Job Placement Association of Colorado;
 - g. Interview disabled students during regular campus recruiting.

2. All subcontractors, vendors, and suppliers have been notified of the College's policy and appropriate action has been requested on their part.
3. Positive steps will be taken to attract qualified disabled veterans and Vietnam era veterans not currently in the work force who have requisite skills and can be recruited through affirmative action measures. These persons will be located through sources such as these listed in paragraph 1 above.

P. Internal Dissemination of Policy (41 CFR 60-250.6(g))

To insure greater employee cooperation and participation in College efforts, the following steps have been taken to internally disseminate the policy:

1. The policy for disabled veterans and Vietnam era veterans is included in the College's Policy Manual.
2. The Affirmative Action Policy and activities regarding disabled veterans and Vietnam era veterans will be highlighted in the College's new media.
3. Briefings will be held with the College Community to explain the intent of the policy and individual responsibility for effective implementation.
4. New employees will be informed of the College's Affirmative Action Policy at the time of new hire orientation.
5. The College Community has been notified of the College's Affirmative Action Program for Disabled Veterans and Vietnam era Veterans.
6. Posters regarding Affirmative Action Program for Disabled Veterans and the Disabled are posted on bulletin boards at the College.
7. Health and Safety Organization personnel may be informed, where and to the extent appropriate, if the employee's condition might require emergency treatment; and
8. Government officials investigating compliance with the Act will be informed.

Q. Accessibility to the Employment Office

It has been determined by a visual survey that no physical barriers exist that would make the Employment Office inaccessible.

R. Availability of Program (41 CFR 60-741.5(d))

The Affirmative Action Program for Disabled Veterans and Vietnam era Veterans is available for inspection (M-F, 8:00 a.m. - 5:00 p.m.) by any employee or applicant for employment upon request.

S. Reasonable Accommodations to Physical and Mental Limitations of Employees (41 CFR 60-741.6(d))

The College will put forth every effort to make reasonable accommodations to physical and mental limitations of employees, taking into consideration business necessity and financial costs and expenses.

T. Compensation To Disabled Employees (41 CFR 60-741.6(e))

In offering employment or promotions to disabled individuals, the College will not reduce the amount of compensation offered or attainable because of any disability income, pension, or other benefits the applicant or employee receives from another source.

U. Compensation to Disabled Veterans and Vietnam Era Veterans (41 CFR 60-741.6(e))

In offering employment or promotions to disabled veterans and Vietnam era veterans, the College will not reduce the amount of compensation offered or attainable because of any disability income, pension, or other benefits the applicant or employee receives from another source.

V. Outreach. Positive Recruitment and External Dissemination of Policy (41 CFR 60-741.6(f))

The College has undertaken appropriate outreach and positive recruitment activities to provide affirmative action for the employment and advancement of qualified disabled individuals. Special effort is made to interview disabled students during regular campus recruiting.

All subcontractors, vendors, and suppliers have been notified of the College's policy and appropriate action has been requested on their part.

W. Outreach, Positive Recruitment, and External Dissemination of Policy (41 CFR 60-741.6(f))

The College has undertaken appropriate outreach and positive recruitment activities to provide affirmative action for the employment and advancement of qualified disabled veterans, and Vietnam era veterans. The following are methods the College has implemented:

1. Assistance and support is enlisted from recruiting sources such as the following:
 - a. Veterans Administration Regional Office
 - b. Veterans group service centers
 - c. Veterans Administration Hospital
 - d. Veterans Rehabilitation groups
 - e. American G.I. Forum (Veterans Outreach Program)
 - f. Job Placement Association of Colorado
 - g. Interview disabled students during regular campus recruiting.
2. All subcontractors, vendors, and suppliers have been notified of the College's policy and appropriate action has been requested on their part.

3. Positive steps will be taken to attract qualified disabled veterans and Vietnam era veterans not currently in the work force who have requisite skills and can be recruited through affirmative action measures. These persons will be located through sources such as these listed in paragraph 1 above.

X. Internal Dissemination of Policy (41 CFR 60 41. (g))

In order to assure greater employee cooperation and participation in the College's Affirmative Action Program for the Disabled, the following steps will be/have been taken:

1. The policy for disabled is included in the College's Policy Manual.
2. The Affirmative Action Policy is publicized periodically in the College news media and disabled employees are included in the College news media.
3. Members of management are informed at regular and special meetings of the President's commitment and attitude towards the Affirmative Action Program for the Disabled.
4. College employees are informed periodically of the commitment to engage in affirmative action to increase employment opportunities for qualified disabled individuals.
5. The required clause pertaining to employment of the disabled (41 CFR Part 741.3) is included in applicable subcontracts to government contracts of the College.
6. The Affirmative Action Policy statement is posted on College bulletin boards.

Establishment of Responsibilities

Assignment of Responsibility for the Implementation and Supervision of MSCD's Equal Opportunity/Affirmative Action Programs

In order to facilitate the implementation of MSCD's Affirmative Action Program, the College has established and appropriately staffed an Equal Opportunity office and an Affirmative Action Advisory Council. This section of the Plan summarizes the duties and responsibilities which have been assigned to the Equal Opportunity Director, to the Affirmative Action Advisory Council, and to the vice presidents. (See Appendix A for Administrative Structure)

A. Duties and Responsibilities of the Equal Opportunity Director

MSCD's overall affirmative action program is coordinated by the Equal Opportunity Director. Her/his duties and responsibilities shall include but not be limited to the following:

1. The Equal Opportunity Director shall monitor MSCD's employment practices (including recruitment, hiring, training, promotions, salaries

and benefits, terminations, and employee social, cultural, and recreational programs) to verify (i) that equal employment opportunity has been extended to minorities, women, disabled/handicapped persons, and Vietnam-era and disabled veterans, and (ii) to ensure that all personnel actions have been administered without regard to race, color, religion, sex, national origin, age, disability/handicap, sexual orientation, or Vietnam-era or disabled veteran status. If the Equal Opportunity Director has probable cause to believe that discrimination or other violations of the College's Affirmative Action Program have occurred, s/he shall take the steps outlined elsewhere in this Plan to ensure compliance with the Plan's procedures and guidelines.

2. The Equal Opportunity Director shall annually review MSCD's overall Affirmative Action Program to identify problems areas and deficiencies and to assess MSCD's progress toward meeting the goals, timetables and other objectives established by this Plan. As necessary, the Equal Opportunity Director shall recommend that the work force and utilization analyses, goals and timetables set forth herein be updated and revised. The results of each annual review shall be reported to the Affirmative Action Advisory Council and the President of the College in a formal, written "Annual Affirmative Action/Equal Opportunity Report."
3. The Equal Opportunity Director shall assist administrative and/or supervisory personnel to identify problems in their areas and arrive at solutions to those problems. In performing the duties enumerated in the preceding paragraphs, the Equal Opportunity Director shall utilize the audit and reporting procedures described elsewhere in this Plan and shall, as may be necessary, assist in the design and implementation of more comprehensive and accurate audit and reporting systems intended to measure the effectiveness of MSCD's Affirmative Action Program and identify the need for remedial measures.
4. The Equal Opportunity Director shall act as MSCD's liaison with all federal and state Affirmative Action/Equal Opportunity enforcement agencies and shall prepare or assist in the preparation of all reports and responses required by these agencies.
5. The Equal Opportunity Director shall conduct annual affirmative action briefings for new administrators, faculty, and staff.
6. The Equal Opportunity Director shall prepare and publish Affirmative Action/Equal Opportunity policy announcements, news items, and college job announcements for **Metro State Community**.
7. The Equal Opportunity Director shall post job announcements, notices, posters and related Affirmative Action/Equal Opportunity materials in a timely manner on bulletin boards in each major area of the campus and shall ensure that they are conspicuously and neatly displayed. The Equal Opportunity Director shall make available, in a timely manner,

job announcements for presentation in **MSCD sponsored publications such as the Metro Reports.**

8. The Equal Opportunity Director shall ensure that all job announcements and communications with recruiting sources comply with the provisions of this Plan governing hiring practices and dissemination of MSCD's Affirmative Action/Equal Opportunity policy.
9. The Equal Opportunity Director shall act as a liaison with local and national programs, agencies and organizations that seek to improve the employment opportunities of minorities, women, disabled/handicapped persons, and Vietnam-era and disabled veterans.
10. The Equal Opportunity Director shall keep the MSCD administration and Affirmative Action Advisory Council abreast of the latest developments in the Affirmative Action/Equal Opportunity field.
11. The Equal Opportunity Director shall, upon request, give or arrange for specialized advice *or *counseling* concerning Affirmative Action/Equal Opportunity matters to administrative and supervisory personnel, faculty, staff, students, and other present or prospective members of the College community.
12. In accordance with the affirmative action grievance procedure incorporated in section VII of this Plan, the Equal Opportunity Director shall accept and attempt to resolve informally all grievances alleging unlawful discrimination received from administrators, faculty, staff, students and applicants for employment or admission.
13. The Equal Opportunity Director's duties and responsibilities embrace equal educational opportunity as well as equal employment opportunity. S/he shall therefore cooperate with the Affirmative Action Advisory Council, administrators, faculty and other staff to ensure that no otherwise qualified person is excluded from any MSCD program or activity on the basis of race, color, religion, sex, national origin, age, disability/handicap, sexual *orientation* or Vietnam-era or disabled veteran status.

B. Duties and Responsibilities of the Affirmative Action Advisory Council

1. The Affirmative Action Advisory Council shall be MSCD's principal Affirmative Action/Equal Opportunity policy-recommending, educational and grievance-hearing body. The composition and duties of the Council are set forth in section V of the MSCD Handbook for Professional personnel which, by this reference, is incorporated herein as if set forth in its entirety.
2. Additional duties of this Council are found in section II.D.5., section IV.B.3. and section V.B.2. MS. 1985 Plan.

C. Duties and Responsibilities of Vice Presidents

1. In addition to the already enumerated duties and responsibilities of the Equal Opportunity Director and Affirmative Action Advisory Council, the provost & vice presidents for academic affairs, business affairs, institutional advancement and student services are responsible for overseeing all activities within their respective areas to ensure compliance with MSCD's Affirmative Action/Equal Opportunity policy, this Plan and federal and, state law.
2. All vice presidents shall assist the Equal Opportunity Director to identify problem areas, if any, in the activities under their supervision and to arrive at solutions to these problems (including but not limited to meeting the goals and timetables established for their areas).
3. All vice presidents shall cooperate with the Equal Opportunity Director to ensure that their areas employment practices are in compliance with MSCD's Affirmative Action/Equal Opportunity policy, the procedures and guidelines established by this Plan, and state and federal law. To this end they or their designee. will, at a minimum: (1) Discuss the Affirmative Action/Equal Opportunity policy and relevant procedures with personnel under their supervision; (2) Keep all records not kept by other hiring authorities pertaining to recruiting, hiring, promotion, salaries, benefits, sabbatical leaves and other employment matters and make them available to the Equal Opportunity Officer upon request; (3) Monitor all federal grants and federally funded programs in their areas for compliance with Affirmative Action/Equal Opportunity regulations and guidelines.
4. The Vice President for Academic Affairs shall be responsible for ensuring that personnel policies, procedures, and actions affecting faculty members and non-instructional personnel are administered in compliance with both the Trustees' and MSCD Handbook for Professional Personnel, MSCD's Affirmative Action/Equal Opportunity policy, this Plan, and federal and state law.
5. The Vice President for Administration and Finance shall be responsible for all personnel policies, procedures, and actions affecting classified personnel and shall ensure that they are consistent with the rules and regulations of the Colorado State Personnel System, MSCD's Affirmative Action/Equal Opportunity policy, this Plan, and federal law.
6. The Vice President for Student Affairs shall ensure that all student activities within her/his purview are consistent with this Plan, MSCD's Affirmative Action/Equal Opportunity policy, state and federal statutes and regulations governing educational programs and activities (i.e., Title VI of the Civil Rights Acts of 1964, the Civil Rights Act of 1991, Title IX of the Education Amendments of 1972, and the Rehabilitation Act of 1973).

D. Deans, Department Chairpersons, Directors and Supervisor Personnel

Administrative officers, deans, department chairpersons, directors and supervisory personnel, as designated, are responsible for implementation of the MSCD's Affirmative Action Program. Each has the following responsibilities within their administrative area:

1. To conduct periodic audits of training, hiring, promotions and related areas.
2. To review qualifications of all employees in order to ensure that protected groups are given full opportunities for transfer and promotion.
3. To ensure that employees placed through affirmative action efforts are not harassed.
4. To cooperate with the Office of Equal Opportunity in conducting periodic audits regarding progress of affirmative action efforts.
5. To make every good faith effort to achieve goals established in their areas.

Under the State of Colorado Personnel System, MSCD's Director of Equal Opportunity and Administrative Officers monitor recruitment and hiring actions of classified staff positions in accordance with the rules and regulations as specified by the State Personnel System.

The Director of Equal Opportunity monitors only those aspects of the internal screening and selection process designated by the State rules and regulations to be the College's responsibilities, e.g., final selection of the candidates from among those referred by the state's examination process.

The purpose of monitoring is to identify conscious or unconscious practices in noncompliance with procedural guidelines, identify problems arising and attempts to follow guidelines. In addition, monitoring will provide a basis for recommended practices that will resolve problems before they seriously affect a personnel action.

The Equal Opportunity Director will confer with administrators, faculty hiring units and staff supervisors prior to recruitment to review goals and timetables. The Equal Opportunity Director will, on a yearly basis, conduct detailed analyses of personnel actions to include: raises, tenure actions, promotions, salary changes, demotions and terminations.

The Equal Opportunity Director has the right to review any personnel action and the right to participate with administrators, faculty hiring units and staff supervisors in the resolution of identified problems. The Director also has the right to recommend to the President that s/he intervene in or suspend a disputed personnel action until a suitable solution is forthcoming.

SUPPLEMENTARY GUIDELINES RESPECTING DISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN OR SEX (41 C.F.R. 60-20)

Metropolitan State College of Denver is committed to taking affirmative measures to guarantee that employment and educational opportunities at the College are open to all persons without regard to race, color, national origin or sex and to ensure that no one is on these bases excluded from participation in, denied the benefits of, or otherwise discriminated against under its educational programs and activities. This commitment has been made explicit in the Affirmative Action/Equal Opportunity Policy, Program and Procedures detailed throughout this Plan. The following guidelines and policies are meant to supplement MSCD's Affirmative Action/Equal Opportunity Policy, Program and Procedures by clarifying their application to several specific activities and areas of concern.

1. Benefits.

All student and employee health care, insurance, fringe benefits and leave programs and policies shall comply with Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the federal regulations implementing these acts.

2. Pregnancy.

Pregnancies, child birth and medically-related conditions shall be treated as are all other temporary disabilities similar in their effect on an individual's ability to work, for all job-related purposes (including fringe benefit programs and leave policies). Pregnancy, child birth and medically-related *conditions* shall be treated in the same *manner* and under the same policies as are all other temporary disabilities for the purpose of accessibility to student medical services, insurance plans or benefits provided, offered, or administered by the College and for the purpose of leave from and reinstatement to the College's programs and activities.

3. Financial Aid.

Student financial assistance programs shall be administered in compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Act of 1991 and Title IX of the Education Amendments of 1972 and their implementing regulations.

4. Athletics

All College athletic programs shall comply with title VI of the Civil Rights Act of 1964 and title IX of the Education Amendments of 1972 and their implementing regulations.

5. Sexual harassment

Metro State has adopted the following policy to deter sexual harassment of employees and students. MSCD has an affirmative duty to foster an employment and academic environment free from all forms of sexual harassment, sexual *intimidation*, and sexual exploitation. All members of the College community are hereby placed on notice that MSCD will not only not tolerate but will take all necessary measures to deter such misconduct and to discipline

employees and students culpable of infractions of this policy-- including, if appropriate, the dismissal or expulsion

a) Definition.

"Sexual harassment, intimidation, or exploitation" means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature if:

- 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; or
- 2) submission to or rejection of such conduct by an individual is used as a basis for employment or educational decisions affecting such individual; or
- 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance; or
- 4) such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment.

1. Grievances.

- a) Grievances alleging sexual harassment will be accepted under the affirmative action grievance procedure established by section D of this Plan.
- b) In determining whether an individual's conduct constitutes sexual harassment, intimidation, or exploitation in proceedings under the grievance procedure, all available information will be considered, including, among other matters, the nature of any sexual advances, remarks, or physical conduct alleged and the context in which the incident or incidents occurred.
- c) The determination will be made on a case-by-case basis. Any resulting disciplinary action judged appropriate by the President will be prosecuted in accordance with the law or policy (if any) applicable to such action (e.g., title 23 article 10, C.R.S. 1973; the rules and regulations of the state personnel system; or MSCD's student disciplinary policy).

2. Informal Resolution.

Because of the personal and often embarrassing disclosures concomitant to making or responding to accusations of sexual harassment, MSCD strongly encourages grievants to attempt to resolve their grievance informally (in lieu of or before commencing formal proceedings under the affirmative action grievance procedure). Informal resolutions may be attempted by taking one or more of the following steps. These steps are not, however, mandatory. *Anyone* believing that s/he has been subjected to sexual harassment may choose instead to immediately commence formal internal grievance proceedings or to file a charge with the appropriate federal or state Affirmative Action/Equal Opportunity enforcement agency.

- a) Confidential counseling concerning the grievant's options (including formal grievance procedures and legal remedies) may be sought through the Equal Opportunity Office, the Counseling Center, the Office of Personnel, the Student Affairs Office, the Women's Institute, the Gay and Lesbian Resource Center, Special Services, Handicapped Services, or the designated student representatives. The grievant need not file a formal complaint to obtain *counseling* nor will the respondent be notified or an investigation undertaken.
- b) The grievant may select *anyone* at the College to advise and represent her/him in connection with a complaint of sexual harassment.
- c) The grievant and/or her/his representative may speak with or write to the respondent advising him/her of the incident(s) believed to constitute sexual harassment, of the grievant's feelings about the incident(s), and of what the grievant wishes to have happen next. Any letter should be sent by certified mail and a copy of the letter and reply (if any) kept by the grievant.
- d) The grievant and/or her/his representative may discuss the allegations with an appropriate administrator. The likelihood of a successful informal resolution is greatest if the administrator is contacted as soon as possible after the incident(s). The administrator shall then have the responsibility to investigate and attempt to resolve the matter informally in the most confidential and expeditious manner practicable

3. Retaliation Prohibited

Retaliation against the grievant or anyone supporting her/his allegations of sexual harassment is prohibited by this policy and is grounds for an independent grievance.

4. Legal Redress

Under certain circumstances, sexual harassment constitutes unlawful sexual discrimination for which the victim may seek legal redress under title VII of the Civil Rights Act of 1964; title IX of the Education Amendments of 1972; and the Colorado Anti-discrimination Act of 1957. Some types of sexual harassment may also constitute actionable conduct under state civil tort law and/or criminal conduct under the state criminal justice code.

B. STUDENT EMPLOYEE

All student employment programs will be conducted in accordance with relevant federal and state statutes, regulations and policies. All employment decisions affecting student employment or applicants for student employment shall be made without regard to race, color, religion, sex, national origin, age, disability/handicap, sexual orientation or Vietnam-era or disabled veteran status.

1. Responsibilities of the Equal Opportunity Officer.
 - a) The Equal Opportunity Officer shall ensure that notification of college work-study or other college jobs for which students may qualify is appropriately disseminated.

- b) The Equal Opportunity Officer shall *annually* study student employee staffing patterns to ensure that hiring and other employment decisions are consistent with MSCD's Affirmative Action/Equal Opportunity policies. The results of this study shall be included in the Equal Opportunity Officer's annual report to the Affirmative Action Advisory Council and the President.
- c) The Equal Opportunity Officer shall be notified of all major student personnel or employment decisions and shall advise the Vice President of Administration and Finance concerning their conformity with MSCD's Affirmative. Action/Equal-Opportunity policies.

