

APPENDICES

APPENDIX 1: DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT, SEXUAL MISCONDUCT, DOMESTIC VIOLENCE, DATING VIOLENCE, STALKING, AND RETALIATION

Purpose

Application of Policy

Exemptions

Definitions

Statement of Policy Principles

Responsibilities and Procedures

1. Title IX Sex-Based Discrimination, Harassment, Misconduct and Retaliation Involving Students
2. Sexual Misconduct, Domestic Violence, Dating Violence, Stalking and Retaliation Involving Non-Students who are Covered Persons
3. Employment-Related Discrimination, Harassment, and Other Violations
4. First Amendment
5. Affirmative Action
6. Retaliation
7. Required Training
8. Procedure for Complaints

Filing with External Agencies

Expectations for Members of the University Community

References

Helpful Resources

APPENDIX 2: CONSENSUAL RELATIONSHIPS

APPENDIX 3: FAMILY MEDICAL LEAVE POLICY

Introduction

Covered Appointment/Employee Types

Eligibility

Entitlement to Family Medical Leave

Entitlement to Military Family Leave

Entitlement to Military Caregiver Leave

Application for Family Medical Leave

Intermittent or Reduced Family Medical Leave

Paid/Unpaid Leave

Use of Leave Without Pay

Required Use of Family Medical Leave

Continuation of Benefits

Return from Family Medical Leave

Effect of Family Medical Leave on Tenure Process

APPENDIX 4: PROCEDURE FOR RESOLUTION OF DISCRIMINATION COMPLAINTS (OTHER THAN SEXUAL HARASSMENT)

I. Policy

II. Applicability of Policy

III. Definitions

IV. Form of the Complaint

V. Time Restriction and Conditions for Filing Either an Informal or Formal Complaint

- VI. Resolution of Informal Complaints
- VII. Resolution of Formal Complaints
- VIII. Appeals and Administrative Review
- IX. Expectations for Members of the University Community

APPENDIX 5: RESEARCH MISCONDUCT

APPENDIX 6: FAMILIAL RELATIONSHIPS

APPENDIX 7: BULLYING IN THE WORKPLACE

Purpose of Policy

Application of Policy

Definitions Use in Policy

Policy Statement

Policy Procedures

Compliance with Policy

Bullying Complaint Guidelines and Procedures

Administrative Review

APPENDIX 1: Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, Stalking, and Retaliation (last revised February 3, 2017)

Purpose of Policy

Colorado State University is committed to providing an environment that respects the dignity and worth of every member of its community. The University strives to create and maintain a work and study environment that is fair, inclusive, and responsible so that each member of the University community is treated with dignity and respect and is rewarded for relevant considerations such as ability and performance. The purpose of this policy is to define the types of conduct that are prohibited by the University as a means of achieving these goals and to prevent harm arising from discrimination, harassment, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking and retaliation.

Colorado State University is committed to providing an environment that is free from discrimination and harassment based on race, age, creed, color, religion, national origin or ancestry, sex, gender, disability, veteran status, genetic information, sexual orientation, gender identity or expression, or pregnancy, and will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. Such an environment is necessary to a healthy learning, working, and living atmosphere because discrimination and harassment undermine human dignity and the positive connection among all people at our University. Acts of discrimination, harassment, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking, and retaliation will be addressed consistent with this policy.

Consistent with state and federal law, reasonable accommodation will be provided to persons with disabilities. This Policy supersedes all prior University Policies on discrimination, harassment, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking, and retaliation.

Application of Policy

This policy applies to all members of the University community who are subject to the jurisdiction and authority of the University with respect to matters of discrimination, harassment, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking, and retaliation. This includes, without limitation, students, faculty, employees, affiliates, visitors, and (where provided by law or contract) agents, contractors, subcontractors, and grantees of the University. All University business units, wherever located, are covered by this policy.

Exemptions

None.

Definitions

As used in this policy, the following terms are to be understood and applied as follows, unless clearly stated otherwise:

- a. **Action or conduct**, as used in this policy, also includes inaction or omission where there is a responsibility to act. Action or conduct that occurs off-campus can be subject to this policy if it involves one or more Covered Persons and (a) causes an impact to any person(s) on campus, (b) reasonably relates to the health, safety and security of the campus or any person(s) on campus, or (c) reasonably relates to the Responding Party's fitness or capacity to act in accordance with his or her obligations and/or the policies of the University (e.g., the Student Conduct Code or any policy or code relating to the conduct of an employee).
- b. **Consent** to sexual activity is consent that is informed, knowing and voluntary. Consent is active, not passive, and requires cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. Silence, in and of itself, cannot be interpreted as consent. Sexual activity with someone known, or who should be known, to be mentally or physically incapacitated by alcohol or other drug use, unconscious or in a state of blackout, or otherwise unable to give consent, is not valid consent. A person is considered to be incapable of giving consent when the person lacks the cognitive ability to make an important life decision, and this measure applies even when the same persons have engaged with one another in consensual sex in the past.
- c. **Covered Persons** are all Colorado State University students, employees (including faculty), visitors, volunteers, affiliates, and (where provided by law or contract) agents, contractors, subcontractors, and grantees.
- d. **Dating violence** means violence committed by a person:
 - 1. who is or has been in a social relationship of a romantic or intimate nature with the impacted party; and
 - 2. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. the length of the relationship;
 - ii. the type of relationship;
 - iii. the frequency of interaction between the persons involved in the relationship.
 - 3. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic

violence.

- e. **Discrimination** is conduct that is based upon an individual's race, age, creed, color, religion, national origin or ancestry, sex, gender, disability, veteran status, genetic information, sexual orientation, gender identity or expression, or pregnancy, or because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant, and that (a) excludes an individual from participation in, (b) denies the individual the benefits of, (c) treats the individual differently from others in, or (d) otherwise adversely affects a term or condition of an individual's employment, education, living environment or University program or activity. It is unlawful discrimination for an employer to refuse to hire, to discharge, to promote or demote, to harass during the course of employment, or to discriminate in matters of compensation, terms, conditions, or privileges of employment against any person otherwise qualified because of any of these factors. This includes failing to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities.
- f. **Domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Colorado or other jurisdiction in which this policy applies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- g. **Harassment** covered under this policy is conduct that demonstrates hostility towards a person (or a group of persons) based upon that person's race, age, creed, color, religion, national origin or ancestry, sex, gender, disability, veteran status, genetic information, sexual orientation, gender identity or expression, pregnancy, or because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant and has the purpose or effect of:
 - 1. Creating an intimidating or hostile environment in which to work, learn, or participate in a University activity, or unreasonably interfering with or affecting any such activities; or
 - 2. Unreasonably affecting a person's educational or work opportunities.
Harassment may take various forms, including name-calling, verbal, graphic or written statements (including the use of electronic means), or other conduct that a reasonable person would find physically threatening, harmful, or humiliating. Harassment does not have to involve the intent to cause harm, be directed at a specific target, or involve repeated incidents in order to be prohibited. Sex-based harassment includes sexual harassment, which is further defined below, and non-sexual harassment based on stereotypical notions of what is female/feminine

v. male/masculine or a failure to conform to those gender stereotypes.

- h. **Impacted Party/Complainant:** The person who reports, or is reported by another person, as having been subject to acts constituting discrimination, harassment, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking or retaliation by another.
- i. **Responding Party:** The person reported to have been engaging in acts that may constitute a violation of this policy, including discrimination, harassment, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking or retaliation in violation of this policy.
- j. **Retaliation** is any overt or covert act of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment, against any person or group for exercising rights under this policy, including opposing any practices forbidden under this policy, filing a complaint, testifying, assisting, or participating in any manner in an investigation or proceeding under this policy. This includes action taken against a bystander who intervened to stop or attempt to stop discrimination, harassment, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking or retaliation. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy or participating in the complaint processes under this policy.
- k. **Sexual harassment** is harassment that is of an implicitly or overtly sexual nature, or is based on a person's actual or perceived sex, gender, sexual orientation, gender identity, or gender expression. Sexual harassment, including sexual assault, can involve persons of the same or opposite sex, and includes any unwelcome sexual advance, request for sexual favors, or other conduct of a sexual nature when:
 - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education or participation in a University activity;
 - 2. Submission to, or rejection of, such conduct by an individual is used as the basis for, or a factor in, decisions affecting that individual's employment, education or participation in a University activity; or
 - 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's employment or academic performance or creating an intimidating, offensive or hostile environment for that individual's employment, education or participation in a University activity.
- l. **Sexual misconduct** is any conduct that constitutes sexual assault, sexual exploitation, or sexual violence, as follows:

1. Sexual assault means an actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to:
 - i. Involvement in any sexual contact when the victim is unable to consent.
 - ii. Intentional and unwelcome touching of, or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts (defined as genital area, groin, inner thigh, buttocks, or breast).
 - iii. Sexual intercourse without consent, including acts commonly referred to as rape, such as penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - iv. Fondling, including the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or temporary or permanent mental incapacity.
 - v. Incest, including sexual intercourse between persons who are related to each other within degrees where marriage is prohibited by law.
 - vi. Statutory rape, including sexual intercourse with a person who is under the statutory age of consent.
2. Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses defined herein. Examples of behavior that could rise to the level of sexual exploitation include:
 - i. Prostituting another person;
 - ii. Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity;
 - iii. Non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;
 - iv. Going beyond the bounds of consent (such as letting others hide in the closet to watch you having consensual sex);

- v. Engaging in non-consensual voyeurism;
 - vi. Knowingly transmitting a sexually transmitted disease, such as HIV, to another without disclosing your STD status;
 - vii. Exposing one's genitals in non-consensual circumstances, or inducing another to expose his or her genitals; and
 - viii. Possessing, distributing, viewing or forcing others to view illegal pornography.
3. Sexual violence is a severe form of sexual harassment, and refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent, including but not limited to rape, sexual assault, sexual battery, sexual coercion or similar acts in violation of state or federal law.
- m. Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others, or (b) suffer substantial emotional distress. For the purposes of this definition:
- i. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
 - ii. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
 - iii. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

Examples of behaviors by a person stalking another are:

- 1. Follow you and show up wherever you are.
- 2. Send unwanted gifts, letters, cards, or e-mails.
- 3. Damage your home, car, or other property.
- 4. Monitor your phone calls or computer use.

5. Use technology, like hidden cameras or global positioning systems (GPS), to track where you go.
6. Drive by or hang out at your home, school, or work.
7. Threaten to hurt you, your family, friends, or pets.
8. Find out about you by using public records or online search services, hiring investigators, going through your garbage, or contacting friends, family, neighbors, or co-workers.
9. Posting information or spreading rumors about you on the Internet, through social media, in a public place, or by word of mouth.
10. Other actions that control, track, or frighten you.

Statement of Policy Principles

It is the policy of Colorado State University to maintain an academic and work environment free of discrimination, harassment, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking and retaliation for students, faculty, and employees. Such conduct is contrary to the standards of the University community and common decency. It diminishes individual dignity, impedes equal employment and educational opportunities and equal access to freedom of academic inquiry, and creates barriers to fulfilling the University's scholarly, research, educational, and service missions. Such conduct will not be tolerated at the University.

Discrimination, harassment, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking and retaliation also are illegal; they are prohibited in the employment context by Title VII of the 1964 Civil Rights Act, in the education context by Title IX of the Educational Amendments of 1972, and, in both employment and education contexts, by Colorado's anti-discrimination laws, including, but not limited to, C.R.S. §24-34-401, et seq. Such conduct also can violate federal and state criminal laws.

Colorado State University does not discriminate on the basis of race, age, creed, color, religion, national origin or ancestry, sex, gender, disability, veteran status, genetic information, sexual orientation, gender identity or expression, or pregnancy, and will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. The University complies with the Civil Rights Act of 1964, as amended, related Executive Orders 11246 and 11375, Title IX of the Education Amendments Act of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, Section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, the Age Discrimination in Employment Act of 1967, as amended, The Pregnancy Discrimination Act of 1978, Americans with Disabilities Act of 1990, the Civil Rights Act of 1991, the ADA Amendments Act of 2008, the Genetic Information Nondiscrimination

Act of 2008, and all civil rights laws of the State of Colorado. Accordingly, equal opportunity of employment and admission shall be extended to all persons. The University shall promote equal opportunity and treatment in employment through a positive and continuing affirmative action program for ethnic minorities, women, persons with disabilities, and veterans.

To comply with federal requirements regarding non-discrimination in admissions and operations, the University's approved non-discrimination statement must appear in major University publications such as the General Catalog. A brief required non-discrimination statement also must appear in written advertisements and University publications, including those used to inform prospective students of University programs. The required non-discrimination statements, as well as further information regarding these requirements, are available at the Office of Equal Opportunity.

The University prohibits any act of discrimination, harassment, sexual harassment, sexual misconduct, domestic violence, dating violence or stalking by a Covered Person, and any retaliation related to reports of such acts. The University takes all allegations of such misconduct seriously. When allegations of such acts are reported, and a Covered Person is found to have violated this policy, consequences will result, up to and including dismissal from CSU. Any disciplinary action for a tenured faculty member must follow the procedures outlined in Section E.15; Disciplinary Action for Tenured Faculty, of the *Faculty and Administrative Professional Manual*.

All members of the CSU community are expected to not infringe upon the rights of others. This Policy has been adopted to reaffirm this principle and to provide support and recourse to those who are impacted by discrimination, harassment, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking, or retaliation perpetrated by a member of the University community. When the Responding Party is determined not to be a Covered Person at the time of the report, he or she may nevertheless be subject to this policy in the event that he or she becomes a Covered Person in the future, as well as being subject to other laws and policies.

Responsibilities and Procedures

1. Title IX Sex-Based Discrimination, Harassment, Misconduct and Retaliation Involving Students

CSU has appointed a Title IX Coordinator and a Deputy Title IX Coordinator to oversee and coordinate its compliance with Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq. (Title IX), and its implementing regulations, 34 C.F.R. Part 106. Title IX prohibits discrimination on the basis of sex in education programs or activities by recipients of federal financial assistance. The Title IX Coordinator is the Executive Director of the Office of Equal Opportunity. The Deputy Title IX Coordinator is the Director of the Office of Support and Safety Assessment.

All CSU employees and volunteers, including faculty, staff and students acting in their

employment or volunteer roles, are mandatory reporters of any violations or alleged violations of Title IX. In order to comply with this law and enable the University to proactively respond effectively and stop instances of sex-based discrimination, sexual harassment and sexual misconduct involving students at the University, all University employees must, within 24 hours of receiving the information, report information they have about alleged or possible sex-based discrimination, sexual harassment, sexual misconduct, and retaliation involving students to the Deputy Title IX Coordinator in the Office of Support and Safety Assessment (SSA) or the Office of Equal Opportunity (OEO). Mandatory reporting means that information indicating that a person has allegedly committed or been the target of alleged or possible sex-based discrimination, sexual harassment, and sexual misconduct involving students may not be withheld, even if confidentiality is requested by the reporting party.

Being a mandatory reporter is consistent with having concern for and supporting those involved in violations or alleged violations. It signifies that campus safety is at the forefront of the community's concern. When a Covered Person discloses information, it is best for the employee or volunteer to mention they are a mandated reporter and will have to share the information with the University, but that the Covered Person will still always have the choice whether or not to share their story with others at the University whose responsibility it is to investigate. Examples of mandatory reporters include, but are not limited to:

- a. Faculty member to whom a student reveals an incident of sexual harassment or sexual misconduct involving the student or other Covered Persons protected under this policy.
- b. A Resident Assistant who receives information from one of their residents that they were assaulted by another student at an off campus party.
- c. A person who is acting as a volunteer at a CSU-hosted activity who observes another person engaging in sexual contact with a child in the program.

Remember, these are just examples. Sex-based discrimination, harassment, misconduct and retaliation must be reported no matter what the circumstances if they involve students. Employees exempt from these mandatory reporting requirements are only those employees who are statutorily prohibited from reporting such information, for example, licensed healthcare professionals acting within the scope of the professional-patient relationship, and Sexual Assault Victim Assistance Team members. If you are unsure whether or not you are exempt, you must contact OEO to determine whether or not an exemption applies. Teachers are not exempt from reporting incidents involving students unless one of these special statutory exemptions applies. Reports of any violation or suspected violation of the protections of Title IX involving a student may be made to the Deputy Title IX Coordinator, whose name and contact

information is always available online at <http://www.supportandsafety.colostate.edu/sexual-harassment> or by calling 970-491-7407.

Upon receiving a report of alleged or possible sex-based discrimination, harassment, sexual harassment, sexual misconduct, sexual assault, or retaliation, the Deputy Title IX Coordinator will evaluate the information received and determine what further actions should be taken. Further action may include contacting the CSU Police Department. If, after such evaluation, it reasonably appears that a violation of this policy by a student or an employee has occurred, SSA will follow the appropriate procedures referenced below.

When the Responding Party is a student, the Deputy Title IX Coordinator will determine what further actions shall be taken, which may include investigation of the report and referral to the Office of Conflict Resolution and Student Conduct Services for possible disciplinary action and imposition of sanctions as set forth under the Student Conduct Code.

2. Sexual Misconduct, Domestic Violence, Dating Violence, Stalking and Retaliation Involving Non-Students who are Covered Persons

The Office of Support and Safety Assessment also handles complaints of sexual misconduct, domestic violence, dating violence, stalking, and related retaliation, involving non-students who are Covered Persons under this policy, and may refer such matters (or receive referrals from the CSU Police Department or other law enforcement agencies). Reports of such incidents should be made to SSA or CSUPD.

3. Employment-Related Discrimination, Harassment, and Other Violations

The Office of Equal Opportunity handles reports of discrimination and harassment in employment or educational opportunity, including sexual harassment complaints involving both students and non-student Covered Persons. (Note: student-to-student discrimination and harassment may be reported directly to the Office of Conflict Resolution and Student Conduct Services (CRSCC) at 491-7165).

There are two conditions under which the OEO will take steps, either directly with the Impacted Party or through a reporting employee, to provide information about the University's procedures for filing a complaint:

- a. when the Impacted Party is a student and the Responding Party consists of either faculty, employees, affiliates, or visitors;
- b. when the Impacted Party and the Responding Party are non-students.

The OEO will maintain, publish and follow procedures for the review and resolution of complaints where the Responding Party is not a student.

When the person alleged to have committed the violation is an agent or contractor of the University who is not subject to any disciplinary procedures of the University and it reasonably appears that a violation has occurred, the matter will be referred to the appropriate official or department for further action. This may include, as appropriate, any or all of the following:

- a. The Director of Contracting Services, for action that may be taken under the terms of a university contract, such as contract suspension or termination, demanding a change of personnel working under a contract, or initiation of contractor debarment;
- b. The CSU Police Department, for initiation of a criminal investigation and/or complaint;
- c. An outside law enforcement or governmental agency with actual or apparent jurisdiction over the alleged perpetrator.

4. First Amendment

The protections of the First Amendment must be considered if issues of speech or artistic expression are involved. Free speech rights apply in the classroom and in all other education programs and activities of public institutions, and First Amendment rights apply to the speech of students and teachers. Great care must be taken not to inhibit open discussion, academic debate, and expression of personal opinion, particularly in the classroom. Nonetheless, speech or conduct of a sexual or hostile nature that occurs in the context of educational instruction may exceed the protections of academic freedom and constitute prohibited harassment or sexual harassment if it meets the definition of harassment or sexual harassment as contained in this policy and (1) is reasonably regarded as non-professional speech (i.e., advances a personal interest of the faculty member as opposed to furthering the learning process or legitimate objectives of the course) or (2) lacks accepted pedagogical purpose or is not germane to the academic subject matter.

5. Affirmative Action

The University takes affirmative action to employ qualified women, minorities, veterans, and individuals with disabilities. For information on this Affirmative Action commitment and program, contact the OEO at oeo@colostate.edu or 970-491-5836.

6. Retaliation

Retaliation against members of the University community for making good faith reports of non-compliance with laws, regulations, or University policies is strictly prohibited, and is subject

to disciplinary action up to and including termination or dismissal from employment or enrollment at the University. It is prohibited to discharge, demote, suspend, threaten, harass, intimidate or otherwise retaliate against an individual in the terms or conditions of employment or educational opportunity based on the individual's good faith report of potential non-compliance, or based on the individual's cooperation with an investigation or hearing regarding a report of potential non-compliance. Retaliation includes violation of no contact orders as well as contact with the impacted party/complainant through third parties, such as private investigators. Such retaliation is prohibited regardless of whether the matter reported is substantiated.

Colorado State University protects all participants in the complaint and grievance processes from retaliation. No person shall restrain, interfere with, coerce, attempt to intimidate, or take any reprisal against a participant under these procedures. Failure to comply with this expectation may result in the imposition of University sanctions up to and including termination or dismissal.

Acts or threats of retaliation constitute a serious violation of University policy, and the University encourages prompt reporting of any retaliatory action. Students should report retaliation to OEO, SSA or Conflict Resolution & Student Conduct Services (CRSCS). Employees should normally report retaliation to their supervisor, but, if the supervisor is involved in the matter, or for any reason an individual is uncomfortable speaking with his or her supervisor, the report may be made to the responsible department head, the Office of Equal Opportunity, or by using the CSU System's Compliance Reporting Hotline which may be accessed online (<http://reportinghotline.colostate.edu/>) or by calling, toll-free, 1-855-263-1884. The Hotline allows anonymous reporting if desired.

7. Required Training

Federal law requires that all newly hired CSU employees (including faculty) and incoming students participate in primary prevention and awareness programs, and that students and faculty engage in prevention and awareness programs on an ongoing basis. These programs may be offered by OEO, SSA, the President's Commission on Women and Gender Equity (PCWGE), CRSCS, and other University programs. Sexual Harassment Awareness Training is offered by OEO and may be retaken anytime as a refresher by contacting OEO at oeo@colostate.edu or by calling 970-491-5836.

8. Procedures for Complaints

The University provides fair, understandable, and legally sound procedures for handling all complaints of discrimination, harassment, sexual harassment and sexual misconduct, domestic violence, dating violence, stalking and retaliation. These procedures can vary depending on the nature of the complaint and the status of the persons involved (i.e., student, faculty, employee, or non-employed party). The responsible departments are required to maintain, publish, and follow appropriate procedures.

Filing with External Agencies

Persons who believe that they have been subjected to discrimination, harassment, sexual harassment, sexual misconduct, or stalking may be able to file a complaint with the Colorado Civil Rights Division, the U.S. Equal Employment Opportunity Commission or the U.S. Department of Education's Office for Civil Rights. Information regarding filing charges with any of these agencies may be obtained from the Office of Equal Opportunity.

Expectations for Members of the University Community

Cooperation and participation by the members of the University community in the resolution of a complaint under these procedures is necessary. All University community members asked to participate should do so. If an Impacted Party/Complainant does not participate, the University may continue the investigation, invoke necessary interim and permanent remedies, or conclude the complaint. If a Respondent does not participate, the University will move forward with the complaint with the information it is able to collect and ascertain.

The Impacted Party/Complainant(s), Respondent(s), and all witnesses shall be truthful in their testimony. This includes statements made verbally and in writing. Failure to comply with this expectation may result in the implementation of University sanctions.

References

- Colorado State University Student Conduct Code
- US Department of Education, Office of Civil Rights – Pamphlet on Sexual Harassment
- Office of Equal Opportunity—<http://OEO.colostate.edu>

Helpful Resources

An Impacted Party may report confidentially to the following campus resources that provide support and guidance:

1. Sexual Assault Victim Assistance Team (970) 492-4242
2. Women and Gender Advocacy Center (970) 491-6384
3. Women's Clinic at CSU Health Network (970) 491-1754
4. Counseling Services (970) 491-6053

The following are other campus resources. These resources do not provide complete confidentiality.

1. Deputy Title IX Coordinator/Director of Support and Safety Assessment (970) 491-7407
2. Colorado State University Police Department (970) 491-6425
3. Director of Student Case Management & Referral Coordination (970) 491-8051

APPENDIX 2: CONSENSUAL RELATIONSHIPS *(last revised June 23, 2010)*

The University is committed to the principle that its personnel shall carry out their duties in an objective and ethical fashion and in an atmosphere in which conflicts of interest are identified and managed. The University does not interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the University. However, consensual romantic or sexual relationships in which one party retains a direct supervisory or evaluative role over the other party have the potential to interfere with these goals and policies. Therefore, consistent with its commitment to objectivity and ethical behavior, the University is required to intervene in such circumstances.

A romantic, intimate, or sexual relationship in which one individual is in a position to Exercise Authority over the other creates conflicts of interest and perceptions of undue advantage or disadvantage. When both parties have consented at the outset to a romantic, intimate, or sexual relationship, this consent does not remove grounds for a charge of conflict of interest, sexual harassment, or violation of applicable parts of Section D.9, Code of Ethical Behavior, based upon subsequent unwelcome conduct.

For the purposes of this Appendix, the following definitions shall apply:

- a. “Consensual Relationship” shall mean and refer to any relationship, either past or present, which is romantic, intimate, or sexual in nature and to which both parties consent or consented. This includes marriage.
- b. “Student” shall mean and refer to any person applying to the University or currently enrolled, either full-time or part-time, in any course or academic program associated with Colorado State University.
- c. “Employee” shall mean and refer to any person currently employed by Colorado State University, either full-time or part-time, in any location and in any capacity. “Employee” shall include, but is not limited to, administrators, faculty, administrative professionals, state classified staff, graduate assistants, student hourly employees, non-student hourly employees, non-paid staff, and student work-study employees.
- d. “Exercise(s) Authority” shall mean and refer to evaluating, providing oversight, supervising, academic advising, mentoring, coaching, counseling, providing extracurricular oversight, and/or otherwise participating in or influencing votes or decisions that may reward or penalize a Student or subordinate Employee.
- e. “Supervisor” shall mean the individual who performs the Employee’s annual evaluation.

A faculty member shall not enter into a new Consensual Relationship with a Student over whom

the faculty member Exercises Authority.

An Employee shall report immediately to his or her Supervisor the following:

- a. Past or preexisting Consensual Relationships with a Student for whom the Employee is in a position to Exercise Authority. Examples include, but are not limited to, a Student research assistant, a Student in a current class, a Student intern, or a Student advisee.
- b. Past or present Consensual Relationships with a subordinate Employee over whom the supervising Employee Exercises Authority. An Employee who is the subordinate Employee in a Consensual Relationship also is encouraged to report that relationship to the Supervisor of the individual with whom he or she is involved.

Within fifteen (15) working days of receiving a report of a Consensual Relationship, the Supervisor shall consult with his or her supervisor to develop a plan to manage or eliminate conflicts of interest and mitigate adverse effects on the involved parties and other third parties. This plan shall document in writing the actions that shall be taken, including one or more of the following actions:

- a. Transferring supervisory, decision-making, evaluative, academic, and/or advisory responsibilities;
- b. Providing an additional layer of oversight to the supervisory role;
- c. Transferring one of the individuals to another position; and/or
- d. Taking any other action reasonably necessary to manage or eliminate the actual or potential conflict of interest and/or mitigate adverse effects.

Every effort should be made to preserve confidentiality, sharing names and pertinent information only with individuals directly involved in these actions and only as necessary.

If an Employee has a Consensual Relationship with another Employee who is not a subordinate, then he or she shall refrain from participating in or influencing votes or decisions that may reward or penalize that Employee (such as votes or decisions regarding tenure and/or promotion).

A violation of this policy may lead to disciplinary action, as permitted by University policy and law, up to and including termination of employment.

Retaliation against persons who report concerns about Consensual Relationships is prohibited and constitutes a violation of this Policy.

APPENDIX 3: FAMILY MEDICAL LEAVE POLICY *(last revised August 8, 2014)*

Introduction

Colorado State University (CSU) recognizes that its faculty members and staff strive to balance the responsibility of their work and personal lives. This Family Medical Leave Policy is designed to support those efforts and to comply with the provisions of the Family Medical Leave Act of 1993 (FMLA), as later amended, and applicable implementing regulations including the State of Colorado's Family Care Act (FCA)¹. Much of the language in Appendix 3 is taken from the FMLA of 1993 and later amendments as of August 2013 and the FCA, which is effective August 2013.

This Appendix provides rules and guidance for the use of Family Medical Leave (hereinafter referred to as "FM Leave" for these needs. Additional procedures, guidelines and forms for applying for FM Leave, recording the use of such leave in the university's HR system, and working with employees to assure that this policy is correctly and consistently followed, are prescribed by Human Resources.

FM Leave is not a form of paid leave; it is a job protection benefit afforded by the university in accordance with the law. In order for any period of FM Leave to be taken as paid leave, the employee must concurrently use another type of accrued leave, such as sick or annual leave, in accordance with the university's policies and procedures for that type of leave. If an employee is entitled to FM Leave but has insufficient accrued, applicable, paid leave benefits available for the full period of absence, then the remaining period of FM Leave will be unpaid.

Covered Appointment/Employee Types

All CSU appointment/employee types other than State Classified personnel, including those with faculty, administrative professional, graduate assistant, veterinary resident, post-doctoral fellow, veterinary or clinical psychology intern, student or non-student hourly appointments (including work study), or a combination thereof, are covered by this policy and are eligible for Leave in accordance with the criteria listed below under "Eligibility." FM Leave policies for State Classified employees are contained in the procedures adopted by the Executive Director of the State Department of Personnel and Administration.

Eligibility

Any CSU faculty member or employee, other than State Classified personnel, who has been appointed or employed at CSU for at least twelve (12) months and who has worked at least 1040 hours during the twelve (12) months immediately preceding the commencement date of the leave (hereinafter referred to as an "Eligible Employee") is eligible for FM Leave under this policy for the purposes set forth below under "Entitlement to Family Medical Leave". The appointment or employment may have been in one (1) or any combination of the covered appointment/employment categories listed above. Faculty members with regular, special, or

senior teaching nine (9) month appointments of half-time (0.5) or greater and administrative professionals with regular or special nine (9) month appointments of half-time (0.5) or greater are deemed to meet the 1040 hour standard, assuming that all other eligibility criteria are met.

As used in this Appendix 3, the following definitions shall apply:

- a. “Spouse” means a person who is legally married to an Eligible Employee, including a common-law spouse or same-gender spouse when the applicable jurisdiction’s law recognizes such marriages.
- b. "Child" includes biological children, adopted children, foster children, stepchildren, and legal wards of either the Eligible Employee or the Eligible Employee's Spouse, domestic partner, or civil union partner, as well as any person for whom either the Eligible Employee or the Eligible Employee's Spouse, domestic partner or civil union partner is standing in loco parentis, provided that the child is under eighteen (18) years of age and/or is incapable of self-care because of a mental or physical disability.
- c. “Domestic partner” has the meaning defined under the University’s benefits plan.
- d. “Civil union partner” has the meaning defined in C.R.S. §14-15-103.

Entitlement to Family Medical Leave

An Eligible Employee is entitled to up to twelve (12) work weeks of FM Leave during a rolling twelve (12) month year that begins on the first date the Eligible Employee uses FM Leave. These twelve (12) work weeks of FM Leave do not need to be consecutive. The Eligible Employee is not expected to “make up” the time taken as FM Leave. FM Leave may be taken for any one (1) or a combination of the following reasons:

- a. The birth of a Child to the Eligible Employee or the Eligible Employee’s spouse or domestic partner or civil union partner and care for the newborn Child. In this case, the FM Leave must be completed within twelve (12) months of the date of birth.
- b. The placement of a Child for adoption or foster care with the Eligible Employee or the Eligible Employee’s spouse or domestic partner or civil union partner and care for the newly placed Child. In this case, the FM Leave must be completed within twelve (12) months of the date of placement.
- c. Care for a spouse, domestic partner, civil union partner, Child, or parent with a serious health condition.

- d. Inability of the Eligible Employee to perform one (1) or more of the essential functions or his or her position because of his or her serious health condition.

Entitlement to Military Family Leave

An Eligible Employee may take Military Family Leave for a Spouse, domestic partner, civil union partner, Child, or parent on covered active duty or called to active duty status with the Armed Forces due to a “Qualifying Exigency,” which is defined as one (1) of the following situations:

- a. Advance notice of deployment that is one (1) week or less.
- b. Military events or related activities.
- c. Urgent (as opposed to recurring or routine) child-care/school activities necessitated due to military service.
- d. Exigent financial or legal tasks to deal with the family member’s call to active duty.
- e. Counseling for the Eligible Employee or a Child which is provided by someone other than a healthcare provider if the need for counseling arises from the covered active duty of a military family member.
- f. Spending time with the service member on rest and recuperation breaks during deployment.
- g. Post-deployment activities.
- h. Other situations arising from the call to duty, as agreed upon by the Eligible Employee and his or her supervisor.

Note: The employee taking FMLA qualifying exigency leave does not need to be related to the military member’s child. However, (1) the military member must be parent, spouse, domestic partner, civil union partner, or child of the employee taking FMLA leave, and (2) the child must be the child of the military member (including a child to whom the military member stands *in loco parentis*).

Entitlement to Military Caregiver Leave

An Eligible Employee who is the spouse, domestic partner, civil union partner, Child, parent, or next of kin of a service member in the Armed Forces, is entitled to up to twenty-six (26) work weeks of Military Caregiver Leave during a rolling twelve (12) month year to care for the service member if he or she becomes seriously injured or ill in the line of duty. The service member

must be undergoing medical treatment, recuperation, or therapy; be in outpatient care; or be on the temporary disability retired list. In addition to service members, this provision applies to a veteran undergoing medical treatment, recuperation, or therapy for an injury or illness that existed prior to the beginning of the veteran's active duty, but was aggravated by service in the Armed Forces. The veteran's discharge must have been other than dishonorable and must have been effective during the five (5) year period immediately preceding the date on which the leave is to begin. The rolling year for Military Caregiver Leave begins on the first date that the Eligible Employee uses the Military Caregiver Leave, and this rolling year is distinct from the rolling year for any other FM Leave. However, the use of Military Caregiver Leave cannot cause the total use of all types of FM Leave to exceed twenty-six (26) work weeks during any twelve (12) month period.

Application for Family Medical Leave

In order to utilize FM Leave, the Eligible Employee must comply with his or her home department's customary procedures for requesting leave. An employee may request FM Leave by contacting his or her supervisor to fill out the required forms provided by Human Resources. The supervisor will provide the Notice of Eligibility and Rights and Responsibilities to the employee and follow proper procedures to obtain sufficient documentation to determine whether an employee's leave qualifies as FM Leave. Additional information, such as medical documentation, may be requested in accordance with the FMLA in order to make this determination. The supervisor shall review the request for leave and supporting documentation and then, in consultation with Human Resources, a determination will be made as to whether the circumstances warrant the designation of FM Leave. This determination is ultimately the responsibility of Human Resources. The supervisor has five business days (absent extenuating circumstances) to provide a Designation Notice to the employee after the receipt of sufficient information to indicate that FM Leave is warranted.

Unless it is not reasonably practical, an application for FM Leave must be submitted at least thirty (30) days prior to the start of the leave, and FM Leave for planned medical treatment must be scheduled so as to minimize disruption to University activities.

Intermittent or Reduced Family Medical Leave

FM Leave time may be taken on an intermittent or "reduced leave" basis if this is approved by the department or unit head. A request for intermittent or reduced FM Leave that is due to the Eligible Employee's own serious illness or to allow the Eligible Employee to care for a spouse, domestic partner, civil union partner, Child, or parent who is ill must be approved when this is determined to be medically necessary.

Paid/Unpaid Leave

FM Leave is unpaid leave, but pay may be provided by using accrued sick leave, accrued annual leave, short-term disability coverage, long-term disability coverage, and/or Worker's

Compensation benefits concurrently with the FM Leave. The Eligible Employee must use sick or annual leave concurrently with FM Leave if such leaves are applicable and have not been exhausted (subject to the limits on the use of sick leave in Section F.3.2.2).

Eligible Employees may use accrued sick leave to provide care for and/or bond with a Child who is newly born to or newly placed for adoption or foster care with either the Eligible Employee or the Eligible Employee's spouse or domestic partner or civil union partner. The child need not be ill for the use of sick leave under these circumstances. Employees may also use sick leave to care for a spouse, domestic partner, civil union partner, Child or parent who needs medical care. Both males and females may use sick leave under either of these circumstances. See Section F.3.2.2 for more details regarding the use of sick leave.

Colorado State University's short-term disability plan provides a continuation of income for enrolled Eligible Employees who exhaust all of their accrued sick and annual leave in the event of illness, injury, surgery, or pregnancy. These benefits begin only after a completed application has been received and approved by Human Resource Services. The maximum benefit period for short-term disability is sixty (60) days, and this period runs concurrently with the use of FM Leave, sick leave, and/or annual leave. Contact the Benefits Unit in Human Resources for more details regarding the use of short-term disability.

Use of Leave Without Pay

Once FM Leave has been exhausted, the employee may request additional time off using other types of leave (see Section F.3). The granting of such additional leave is at the discretion of University administrators.

Required Use of Family Medical Leave *(last revised August 8, 2014)*

Whenever an employee takes any type of leave that is covered under the FMLA as Family Medical Leave, the employee's home department is responsible for correctly entering the leave as FM Leave in the HR information system. FM Leave runs concurrently with all other types of leave taken (including Parental Leave, which may be taken anytime within the first twelve months from the Child's date of birth or placement for adoption).

Continuation of Benefits

Eligible Employees who are receiving a University contribution to their benefits at the time that a period of FM Leave begins shall continue to receive those contributions and benefits during periods of FM Leave, regardless of whether or not other types of leave are being used concurrently to provide pay.

Return from Family Medical Leave

An Eligible Employees granted FM Leave under this policy shall be returned to his or her same position, or a position of comparable pay and status, upon completion of the FM Leave with the following exceptions:

- a. An Eligible Employee whose employment is conditional upon having student status (e.g., a graduate assistant, a veterinary resident, or a student hourly employee) shall be returned to his or her former position or to position of comparable pay and status upon completion of the FM Leave only if his or her student status at the time of return qualifies him or her for his or her former employment status.
- b. An Eligible Employee whose appointment has a specified ending date which is earlier than the completion of the FM Leave or whose appointment would otherwise have terminated during the period of FM Leave may not be entitled to reinstatement, in accordance with the provisions of the Family Medical Leave Act. Departments and units must refer questions regarding the status of returning employees with the Benefits Unit in Human Resources.
- c. Medical documentation of the fitness to return to work may be required by the supervisor in consultation with Human Resources.
- d. Any other reason which would have resulted in the proper and lawful termination of the employment during the period of FM Leave, other than the reason(s) for which FM Leave was taken. Examples include (but are not limited to): termination as a final result of a disciplinary action; termination for lack of a necessary credential or license; or inability to perform one or more essential functions of the job.

Effect of Family Medical Leave on the Tenure Process

If a tenure-track faculty member takes FM Leave, and the accumulated amount of FM Leave taken is at least eight (8) weeks, then the end of his or her probationary period shall be pushed back by one (1) year. If this occurs before the Comprehensive (Midpoint) Review (see Section E.14.2), then this Review shall also be pushed back by one year. The expectations for tenure shall not be increased due to this extension of the probationary period. If the faculty member chooses not to make use of this one (1) year extension, this shall not cause his or her application for tenure to be treated as an early application.

Additional use of FM Leave will generally not lead to an additional one (1) year extension of the probationary period, since the accumulated amount of FM Leave taken will generally be far less than one year. However, in exceptional circumstances, the faculty member may request a second one (1) year extension by following the procedure in Section E.10.4.1.2.

¹ C.R.S. 8-13.1-203, the Colorado Family Care Act (FCT), provides that, in addition to the leave that an employee may be entitled to under the Family and Medical Leave Act, an eligible University employee is entitled to up to 12 weeks of unpaid leave in a 12-month period to care for a person with a serious health condition if that person is the employee's civil union partner as defined in C.R.S. §14-15-103(5) or is the employee's domestic partner who has satisfied the University's criteria using the required affidavit. However, the statute states that such leave does not increase the total amount of FM Leave available to the employee; it runs concurrently with FM Leave.

**APPENDIX 4: PROCEDURE FOR RESOLUTION OF DISCRIMINATION
COMPLAINTS (OTHER THAN SEXUAL HARASSMENT)** *(last revised
January 27, 2006)*

I. Policy

It is the policy of Colorado State University that no member of the University community may discriminate against another member of the community on any basis for which discrimination is prohibited by state or federal law or University policy, including, but not limited to, race, color, religion, gender, age, national origin, veteran status, sexual orientation, and disability. Therefore, this appendix provides an internal mechanism at Colorado State University for the expeditious resolution of complaints of discrimination involving actions that are either unlawful or violate University policy, excepting claims of sexual harassment, against the University or any of its faculty members, administrative professionals, state classified employees, or student employees (separate and apart from this policy, claims of sexual harassment are dealt with in accordance with Appendix 1). It is also possible to pursue complaints through avenues external to the University. These avenues have their own restrictions and time limitations. However, the pursuit of any outside remedy precludes invoking the provisions of this appendix.

II. Applicability of Policy

A. Students

Complaints against students shall be handled in accordance with procedures set forth in Student Rights and Responsibilities in the *University General Catalog*.

B. State Classified Staff

Complaints against State Classified Staff shall be handled in accordance with procedures set forth in Chapter 8 of the *State Personnel Board Rules*.

**C. Faculty, Administrative Professionals, Other Non-Student Employees
(Excepting State Classified Staff), and Student Employees**

Complaints against these individuals will be handled in accordance with the policy set forth in this Appendix.

III. Definitions *(last revised January 27, 2006)*

A. Complainant

A complainant is a current or former Colorado State University: student, student employee, faculty member, administrative professional, or employee who files a

complaint. Volunteers and others who encounter issues covered by this policy are encouraged to contact the OEO for guidance regarding appropriate channels to pursue.

B. Respondent

A respondent is a Colorado State University: faculty member, administrative professional, employee, or student employee against whom a complaint is filed.

C. Discriminatory Act or Policy

A discriminatory act or policy is an act or policy that violates state or federal law or University policy with regard to discrimination, including, but not limited to, discrimination based on race, color, religion, gender, age, national origin, veteran status, sexual orientation, and disability.

D. Office of Equal Opportunity (“OEO”)

This office is a unit of the University that reports to the President. It is administered by the Director and Associate Director, it attempts to conciliate informal complaints of discrimination, and it investigates and hears formal complaints of discrimination.

E. Associate Director

The Associate Director of OEO receives all complaints, both informal and formal, extends all deadlines as deemed appropriate, coordinates the procedures listed under this policy, and informs all parties of the procedures and deadlines under this policy.

F. Director/Hearing Officer

The Director of OEO shall serve as the Hearing Officer for formal complaints that are referred for a hearing. Any party to the Hearing may submit to the vice president of his or her administrative unit a written statement claiming that the Director has a conflict of interest. If the vice president agrees, then he or she shall appoint a different Hearing Officer after consultation with the Office of the General Counsel. If the vice president is a party to the Hearing, then this duty shall be assumed by the President.

G. Complaint

A complaint is a written, signed allegation by a Complainant that one (1) or more Respondents has committed one (1) or more discriminatory acts and/or pursued one (1) or more discriminatory policies against the Complainant during the performance of the Respondent's official duties as a University employee. Complainants are advised that there are some instances in which the University has a responsibility to act, even if the

Complainant requests that no action be taken, such as, for example, where other members of the University community may be at risk.

There are two (2) types of complaints:

1. Informal Complaint

If the Complainant designates the complaint as informal, he or she thereby requests the Associate Director to review and conciliate the matter with the Respondent(s) in the alleged discrimination. The Complainant may change his or her informal complaint to a formal complaint at any time during the process in Section VI or within thirty (30) calendar days after the completion of the process in Section VI, even if this extends beyond the time limit of one hundred eighty (180) calendar days mentioned in Section V.A. A failure to file a formal complaint within this time frame constitutes a waiver of the right to file a formal complaint.

2. Formal Complaint

If the Complainant designates the complaint as formal, he or she thereby requests a hearing before the Hearing Officer with the right to appeal the decision to the vice president who oversees the Respondent's area of employment (or the President, if the Respondent is a vice president).

IV. The Form of the Complaint

To file either an informal or formal complaint, a prospective complainant must submit to the Associate Director a written signed dated document containing the following information:

- A.** Identification of the Complainant and Respondent(s) and the nature of their relationships to the University;
- B.** The type of discrimination alleged (see Section III.C);
- C.** A description of the circumstances of the alleged discrimination, including the date(s) and location(s), witnesses, and supporting documents, if available; and
- D.** A designation of whether the complaint is informal or formal.

V. Time Restriction and Conditions for Filing Either an Informal or Formal Complaint
(last revised January 27, 2006)

- A.** Both informal and formal complaints shall be submitted to the Associate Director within one hundred eighty (180) calendar days from the time the Complainant

becomes aware of the alleged discrimination. The Associate Director has the discretion to consider a complaint outside this time frame, but compelling reasons must be given for extending the deadline.

- B.** The Associate Director shall, within ten (10) working days after the filing of a formal complaint, review the complaint and determine whether the issues raised are of a discriminatory nature (but not whether the claims are true or whether any action is required). If, in the opinion of the Associate Director, discriminatory issues are not present in the complaint, the complaint will not be forwarded to the Hearing Officer, and the Complainant and Respondent(s) shall be notified in writing of this decision. Otherwise, the Associate Director will certify in writing that the issues raised are of a discriminatory nature.
- C.** A Complainant who has filed a formal complaint that has been heard and resolved has invoked these procedures in lieu of any other internal procedures.

VI. Resolution of Informal Complaints

Informal resolution of discrimination complaints is encouraged whenever possible. In order for an informal complaint to proceed, the parties must have agreed to participate. When an informal complaint is received by the Associate Director, the following steps shall be completed within twenty (20) working days of receipt:

- A.** The Associate Director shall interview the Complainant.
- B.** The Associate Director shall notify each Respondent in writing that an informal complaint has been filed against him or her and arrange for an interview with each Respondent.
- C.** The Associate Director shall interview each Respondent.
- D.** The Associate Director shall interview relevant witnesses as identified by the Associate Director, including, but not limited to, witnesses named by the Complainant and Respondent(s).
- E.** After the Associate Director conducts the above investigation, the Associate Director will examine the evidence. If the Associate Director finds the complaint to be without merit, it will be dismissed, and all parties shall be notified in writing of the dismissal. If the Associate Director finds merit in the informal complaint, the Associate Director shall attempt to negotiate and conciliate the matter in a manner satisfactory to all parties. Possible outcomes of an informal resolution may include, but are not limited to, an explicit written understanding about future

conduct, changes in workplace assignment, or the substitution of one class for another.

- F.** Any written understanding that is created to resolve an informal complaint requires mutual acceptance by the Complainant, the Respondent(s), and the Associate Director. Such a written understanding shall state that the acceptance of the document by the parties does not imply an admission of wrongdoing or a clearance of charges. It shall also state which issues are being resolved by the document and which issues remain unresolved. Only issues that remain unresolved may be raised later in a formal complaint.
- G.** If an informal resolution is not achieved, the Associate Director shall notify all parties in writing that the informal process has terminated without a resolution. The Complainant has thirty (30) calendar days from the date that this notification is received to file a formal complaint.

A brief summary of the informal process shall be kept on file in the archives of the OEO for the duration of the employment of the Complainant and Respondent(s), and it shall be considered to be part of the official Personnel Files of the Complainant and Respondent(s). If the Complaint is dismissed, the summary shall include the reasons for dismissal. If an informal resolution is achieved, the summary shall include the conditions of the resolution, including any written understandings. If a resolution is not achieved, the summary will include a statement to this effect.

VII. Resolution of Formal Complaints

A. Notification

When a formal complaint is filed within the allowed time frame (see Sections III.G.1 and V.A), the Associate Director shall send a written acknowledgment to the Complainant and provide a copy of the formal complaint to each Respondent within five (5) working days after certification of the complaint as set forth in Section V.B.

B. Respondent's Reply

Each Respondent shall submit a written reply to the Complaint and to the Associate Director within fifteen (15) working days from the date of receipt. A copy of each reply shall be sent to the Complainant by the Associate Director within five (5) working days from the date of receipt.

C. Complaint and Reply

The Complaint and the Reply shall define the issue(s) to be addressed at the Hearing. The Associate Director shall inform the Complainant of this limitation prior to the filing

of the Complaint. The Respondent shall be informed of this limitation when the Complaint is sent to him or her. The Associate Director shall forward the Complaint and Reply and other appropriate materials to the Hearing Officer within five (5) working days from the date of receipt.

D. Notification of Hearing

The Hearing Officer shall notify all parties of the date, time, and location of the hearing at least thirty (30) working days prior to the Hearing date.

E. Submission of Names of Witnesses and Exhibits by the Parties

Within ten (10) working days of being notified of the Hearing date, each party shall submit to the Associate Director a list of proposed witnesses, together with the relevance of each, and all exhibits that he or she intends to present at the Hearing. The Associate Director shall make this material available to all other parties and the Hearing Officer within five (5) working days of the date of receipt. Within five (5) working days after receipt of this material, the parties shall provide a list of rebuttal witnesses to the Associate Director, who will then forward them to the Hearing Officer.

F. Hearing Proceedings

1. Rights of Participants *(last revised January 27, 2006)*

a. Hearing Officer

The Hearing Officer shall be advised by a representative from the Office of the State Attorney General or the Office of the General Counsel.

b. Complainant and Respondent(s)

Each party may seek the aid and assistance of counsel, both legal and peer, at his or her expense. Legal counsel refers to those counselors selected by the parties who are licensed to practice law, whether or not they are members of the University Community. Peer counsel refers to a member of the University community at the time the complaint was filed. A member of the University community is a current employee or a matriculating student. Each party may select one (1) legal counsel and one (1) peer counsel to serve as advisors during the Hearing.

c. Questioning of Witnesses

The Complainant, each Respondent, and the Hearing Officer shall have the right to hear all testimony and question all witnesses. Furthermore, each

Respondent must be afforded the opportunity to question the Complainant. If the Complainant refuses to appear as a witness, then the Hearing shall conclude immediately, and no disciplinary action shall be taken as a result of this Hearing. If the Hearing Officer decides that special circumstances warrant it, the questioning of one (1) or more witnesses may occur with the parties being in different physical locations, but the questioning must occur in a real-time, spontaneous format (e.g., a video conference or a teleconference).

d. Role of Advisors

All advisors shall have the right to be present during the proceedings, to advise their client(s), and to present written material on behalf of their client(s), but they may not speak on behalf of their client(s) during the proceedings.

2. Rules of Evidence

The Hearing Officer shall not be strictly bound by state law governing the use and admissibility of evidence. However, he or she shall not allow evidence that is irrelevant to the issues defined by the Complaint and Reply.

3. Identification of Witnesses and Exhibits

The Hearing Officer shall review the list of witnesses submitted by the Complainant and Respondent(s). The Hearing Officer may add additional witnesses that he or she believes may have knowledge of facts pertinent to the charge. The Hearing Officer shall submit to all parties the names of all witnesses, together with the relevance of each, at least ten (10) working days prior to the Hearing date. Each party shall have five (5) working days from the date of receipt to submit to the Hearing Officer a list of additional rebuttal witnesses, together with the relevance of each. The Hearing Officer shall make this material available to all other parties within five (5) working days of receipt, and at least two (2) working days prior to the Hearing date.

4. Notification of Witnesses

Each proposed witness shall be informed in writing by the Associate Director of the date and place of the formal Hearing and the approximate time the witness is expected to give testimony.

5. Role of Hearing Officer

During the Hearing, the Hearing Officer shall call witnesses, receive exhibits into evidence, and rule on objections, as needed.

6. Hearing

- a. Attendance at the formal Hearing shall be limited to the Hearing Officer, Complainant, Respondent(s), advisors, representative from the Office of General Counsel, representative from the Office of the State Attorney General, recorder, and any others the Hearing Officer may deem appropriate (the Hearing Officer shall provide a justification for each such additional attendee).
- b. Witnesses other than those persons listed in Section VII.F.6.a shall not be present at the formal Hearing, except when giving testimony before the Hearing Officer.
- c. The duplication and dissemination of the formal Complaint, Reply, list of proposed witnesses, and exhibits to be presented at the formal Hearing shall be limited to the Complainant, Respondent(s), Hearing Officer, Associate Director, and advisors. Witnesses may be given access to relevant materials as deemed appropriate by the Hearing Officer. All documents shall be considered confidential to the extent permitted by law.
- d. A verbatim record of the Hearing shall be taken, and a printed copy shall be made available, without cost, to the Complainant and each Respondent at his or her request. The University shall bear the cost.

7. Issuance of Hearing Officer's Written Report

The Hearing Officer shall issue a written report within ten (10) working days after the close of the Hearing. The report shall include the Hearing Officer's factual findings and conclusions of law. If the Hearing Officer finds that discrimination did occur, the report shall also contain recommended remedial or disciplinary action, which may include, but is not limited to, training, letter of reprimand, salary reduction, demotion, suspension, or termination of employment. The report shall be sent to all parties and the vice president who oversees each Respondent's area of employment (or the President, if the Respondent is a vice president).

8. Written Records

All written records, including the Complaint and each Reply; the verbatim record of the Hearing; supporting documents; the written report of the Hearing Officer;

administrative reviews of the Hearing Officer's recommendations; appeals, replies, and results of appeals; and final actions, shall be kept on file in the archives of the OEO for the duration of the employment of the Complainant and Respondent(s), and these shall be considered to be part of the official Personnel Files of the Complainant and Respondent(s).

VIII. Appeals and Administrative Review *(last revised January 27, 2006)*

A. Appeals

1. Appeal of Hearing Officer's Recommendations

If either the Complainant or any Respondent wishes to appeal the Hearing Officer's recommendations, he or she must file such an appeal in writing with the Hearing Officer and the vice president charged with overseeing each Respondent's area of employment (or the President, if the Respondent is a vice president) within ten (10) working days of the receipt of the Hearing Officer's report. The Hearing Officer shall prepare a written reply to the Appeal within ten (10) working days after receipt. No remedial measures or disciplinary action related to this complaint shall occur until the appeals process has been completed.

2. Vice President's Review of Hearing Officer's Report *(last revised January 2006)*

Within ten (10) working days of receipt of the Appeal, the Hearing Officer shall forward the Appeal, the reply, and the record of the Hearing to the vice president charged with overseeing each Respondent's area of employment (or the President, if the Respondent is a vice president). The vice presidential (Presidential) review shall be completed within twenty (20) working days. The decision from this review is final. Each party and the Hearing Officer shall be provided with the written result of the vice presidential (Presidential) review, specifying in writing the reasons for support or modification of the Hearing Officer's recommendations with regard to the Respondent(s) overseen by him or her.

3. Administrative Action Following Review of Hearing Officer's Report

If remedial measures are recommended, the vice president (President) will work with the Respondent's supervisor to implement these measures. In the event that disciplinary action is recommended, the vice president will forward the matter to the Respondent's supervisor for consideration of appropriate action as provided for in the *Manual* or the *State Personnel Rules*.

B. Administrative Review

1. Vice President's Review of Hearing Officer's Report

If the Hearing Officer's report is not appealed pursuant to Section VIII.A, the vice president (or the President, if the Respondent is a vice president), at his or her sole discretion, may send a written statement to all parties and the Hearing Officer making modifications to the recommendations contained in the report with regard to the Respondent(s) overseen by him or her and providing a written rationale for these modifications.

2. Administrative Action Following Review of Hearing Officer's Report

If remedial measures are recommended, the vice president (President) will work with the Respondent's supervisor to implement these measures. In the event that disciplinary action is recommended, the vice president (President) will forward the matter to the Respondent's supervisor for consideration of appropriate action as provided for in the *Manual* or the *State Personnel Rules*.

IX. Expectations for Members of the University Community *(last revised January 27, 2006)*

- A. Cooperation and Participation by Members of the University Community:** Cooperation and participation by the members of the University community in the resolution of a Complaint under these procedures is necessary.
- B. Truthful Testimony:** The Complainant, Respondent(s), and all witnesses shall be truthful in their testimony. This includes statements made in the Complaint and each Reply. Failure to comply with this expectation may result in the implementation of University sanctions.
- C. Protection of Participants:** No person shall restrain, interfere with, coerce, and attempt to intimidate, or take any reprisal against a participant under these procedures. Failure to comply with this expectation may result in the implementation of University sanctions.
- D. False or Malicious Charges:** Intentionally making false or malicious charges may result in the implementation of University sanctions against the Complainant.

APPENDIX 5: RESEARCH MISCONDUCT *(new section added August 12, 2009)*

Universities receiving federal funds must comply with requirements promulgated by the federal agencies regarding ethical behavior in scholarship. The terminology used in this regard is “Research Misconduct,” although the concern for ethical behavior encompasses virtually every discipline. The definition of Research Misconduct, as well as the procedures for reporting, investigating, and holding hearings regarding suspected cases of Research Misconduct may be found at the following website: <http://web.research.colostate.edu/ricro/mis/policies.aspx>

APPENDIX 6: FAMILIAL RELATIONSHIPS *(new section added May 3, 2011)*

The University is committed to the principle that its personnel shall carry out their duties in an objective and ethical fashion and in an atmosphere in which conflicts of interest are identified and managed. A situation in which an employee retains a direct supervisory or evaluative role over a family member creates conflicts of interest and perceptions of undue advantage or disadvantage.

For the purposes of this Appendix, the following definitions shall apply:

- a. “Family Member” shall mean and refer to a spouse, domestic partner, parent, sibling, or child (as defined in Appendix 3).
- b. “Student” shall mean and refer to any person applying to the University or currently enrolled, either full-time or part-time, in any course or academic program associated with Colorado State University.
- c. “Employee” shall mean and refer to any person currently employed by Colorado State University, either full-time or part-time, in any location and in any capacity. “Employee” shall include, but is not limited to administrators, faculty, administrative professionals, state classified staff, graduate assistants, student hourly employees, non-student hourly employees, non-paid staff, and student work-study employees.
- d. “Exercise(s) Authority” shall mean and refer to evaluating, providing oversight, supervising, academic advising, mentoring, coaching, counseling, providing extracurricular oversight, and/or otherwise participating in or influencing votes or decisions that may reward or penalize a Student or subordinate Employee.
- e. “Supervisor” shall mean the individual who performs the Employee’s annual evaluation.

An Employee shall notify his or her Supervisor immediately in writing of a situation in which the Employee is in a position to Exercise Authority over a Family Member who is a Student or a subordinate Employee. Within fifteen (15) working days of receiving this notification, the Supervisor shall consult with his or her supervisor to develop a plan to manage or eliminate conflicts of interest and mitigate adverse effects on the involved parties and other third parties. This plan shall document in writing the actions that shall be taken, including one or more of the following actions:

- a. Transferring supervisory, decision-making, evaluative, academic, and/or advisory responsibilities;
- b. Providing an additional layer of oversight to the supervisory role;

- c. Transferring one of the individuals to another position; and/or
- d. Taking any other action reasonably necessary to manage or eliminate the actual or potential conflict of interest and/or mitigate adverse effects.

In addition, an Employee shall refrain from participating in or influencing votes or decisions that may reward or penalize a Family Member who is a Student or Employee (such as votes or decisions regarding tenure and/or promotion).

A violation of this policy may lead to disciplinary action, as permitted by University policy and law, up to and including termination of employment.

Retaliation against persons who report concerns about Familial Relationships is prohibited and constitutes a violation of this Policy.

APPENDIX 7: BULLYING IN THE WORKPLACE *(new section added February 9, 2018)*

Purpose of Policy

Colorado State University is committed to maintaining an environment conducive to working and learning, in which the rights and dignity of all staff, faculty, and students of the university community are respected. The university prohibits behaviors that rise to the level of bullying, as described below. Workplace bullying is a form of psychological violence that disrupts the peaceable environment and can result in lower workplace morale and productivity, greater employee absenteeism and turnover, and higher stress and its related health issues.

Application of Policy

This policy applies to all employees (“Covered Persons”), including, but not limited to, faculty, administrative professionals, state classified employees, student employees, volunteers, affiliates, and all other persons under the jurisdiction of the University to impose sanctions for behavior in the employment context, including agents, contractors and subcontractors. It is not intended to cover CSU students who are not employed by CSU (although a similar policy applies under the Student Conduct Code).

It is the responsibility of all Covered Persons to know and apply this policy.

DEFINITIONS USED IN POLICY

Bullying in the context of the workplace is repeated mistreatment by words or actions that are intended to shame, embarrass, humiliate, degrade, demean, intimidate, and/or threaten an individual or group.

A person who is a target of bullying may not be the only one, or even an intended target; behavior that foreseeably places bystanders or unintended targets at risk or in fear, or causes them to feel threatened or humiliated, is within the scope of this definition.

The determination of whether bullying has occurred is highly dependent upon the facts and circumstances surrounding any given situation. Words or actions that may cause an individual discomfort or distress do not necessarily constitute bullying behavior.

Differences of opinion and routine conflicts or problems in workplace relationships are not bullying, as these may be part of working life. Behavior that is unfriendly, dismissive or curt is not bullying unless carried to such an extreme that a reasonable person would feel fearful, intimidated, or physically or mentally harmed by it. Criticism, complaints, or negative feedback are not considered bullying when they are reasonable, legitimate, and proportional, and directly address issues of workplace performance and/or conduct. Employees are expected to meet the reasonable performance and behavior standards of their position, and requiring a person to meet those expectations is not bullying under this policy.

Bullying can take a variety of forms and may include behaviors that are physical, verbal, nonverbal, direct or indirect, and may take place face-to-face, via written communications, or by electronic means. Some examples of bullying include, but are not limited to:

- Shouting or yelling at, berating, ridiculing, or demeaning others;
- Name calling and attacks on one's character, using a person as the butt of jokes, using nicknames after being warned by the target that the nickname is considered to be offensive, or spreading gossip and rumors about the person to others;
- Mocking, ridiculing, punishing, or putting someone down in front of others, constant unwarranted criticism, or making offensive remarks regarding a person's known intellectual or physical attributes;
- Persistently interrupting a person or otherwise preventing a person's legitimate attempts to speak;
- Undermining or sabotaging the work performance of others;
- Spreading false or sensitive information about another;
- Deliberately excluding, isolating or marginalizing a person from normal workplace activities;
- Tampering with a person's personal effects or work equipment; damage to or destruction of a person's work product, work area, including electronic devices, or personal property;
- Punishments or negative consequences designed primarily to shame, exclude, and/or draw negative attention from others;
- Violent behavior, such as pushing, shoving, kicking, poking, or tripping; assault or threat of physical assault; making threatening gestures toward a person or invading personal space after being asked by the target to move or step away. Bullying that is physically violent may violate criminal law and is addressed in CSU's Workplace Violence policy.
- Making threats, either explicit or implicit, to the security of a person's job or position when not part of a legitimate process by the supervisor to set expectations or engage in progressive discipline as outlined by the University. This may include, but is not limited to, manipulating the workload of a person in a manner intended to cause that person to fail to perform legitimate functions.

POLICY STATEMENT

The University values the well-being of its employees and recognizes that bullying in the workplace can significantly impact a person's dignity and their physical and mental health, as well as the overall experience of working at CSU. Colorado State University considers workplace bullying unacceptable and will not tolerate it under any circumstances. Bullying, as defined in this policy, is prohibited.

CSU has a policy that prohibits unlawful discrimination and harassment. While workplace bullying can be intertwined with unlawful discrimination and harassment, bullying behavior can occur apart from these other forms of misconduct. In either case, workplace bullying is prohibited by this policy. Conduct that might be unlawful discrimination or harassment should be reported to the Office of Equal Opportunity (970-491-5836 or oeo@colostate.edu).

1. **Freedom of Speech**
The University values and promotes freedom of expression and inquiry as provided under applicable law. Please refer to the University's policies under References, below. Nothing in this policy is intended to limit or restrict a person's First Amendment rights or rights to academic freedom; however, such rights do not include the right to engage in workplace bullying.
2. Anyone impacted by bullying behavior may access support services from the Employee Assistance Program, by calling 1-800-497-9133.
3. **Violence**
The University is committed to providing a safe and secure campus environment for members of the CSU community, and workplace violence impedes such goals and endangers the entire community. Violent behavior is prohibited in or on any university facility or while participating in any university activity, as described in the University's separate Violence in the Workplace policy.

Any incident that involves a threat of violence or physical harm should be reported immediately and referred to the Office of Support and Safety Assessment for review and consultation, unless the threat is imminent, in which case the CSU Police (or local law enforcement having jurisdiction) should be called. In certain circumstances, the University may impose interim measures for the duration of the review, including but not limited to campus exclusion.
4. Members of the university community shall cooperate with the reasonable inquiry and review process.
5. **Retaliation**
The University will not tolerate, and this policy expressly prohibits, retaliation against employees making good faith reports as provided for in this policy, even where the concerns are ultimately unsubstantiated. False reports of prohibited behavior that are found to have been made intentionally are also a violation of this policy. Policy violations may result in University disciplinary action in accordance with established policies and procedures, as appropriate.

POLICY PROCEDURES

1. Any person who is a target of workplace bullying (an "impacted party"), or who witnesses or learns of an incident of workplace bullying at CSU, is strongly encouraged to report it to their supervisor, or, if the supervisor is involved, then to the next level supervisor in the reporting line. Reports may also be made by calling or emailing the Human Resources (HR) Solutions Partner (970-491-6947 or myhr@colostate.edu), who may bring the matter to the attention of other university officials, as appropriate.

Individuals wishing to report a concern are encouraged to do so as soon as possible following the incident(s).

2. If the person reporting, the impacted party, and/or the alleged bully (the “responding party”) have different supervisors, then the HR Solutions Partner will contact the other supervisor(s) or a common higher level administrator and facilitate communications between those involved. At the discretion of the Chief Human Resources Officer (CHRO) or delegate, the matter may be elevated to other university officials, as appropriate.
3. Those involved are encouraged to consider informal methods of resolution (see the Bullying Complaint Guidelines and Procedures attached to this policy). Resources to assist with an informal resolution include the HR Solutions Partner and the Office of the Ombuds. However, if informal resolution is not feasible or any party wishes to follow the formal process, a written complaint should be made to the impacted party’s immediate supervisor. (See the required Bullying Complaint Form attached to this policy). A formal complaint must be filed within 180 days of the incident of workplace bullying or, where the behavior is of an ongoing nature, within 180 days from the most recent incident. Either the impacted party or the supervisor of either party may file a formal complaint.
4. The formal process requires that the supervisor(s) (or higher level university official) and the HR Solutions Partner make a jointly coordinated, reasonable inquiry into the facts, document what is discovered, and, if warranted, take appropriate action, which may include counseling those involved, initiating corrective action, or pursuing other employment action. If a supervisor of either party filed the complaint, that person cannot act as an investigator, and the matter will be referred to the next higher level supervisor.
5. The steps to be taken in the reasonable inquiry and resolution process are described in the Bullying Complaint Guidelines and Procedures. The procedures include an administrative review process that any of the parties involved may initiate if the resolution of the matter is unacceptable to them.
6. At the discretion of the CHRO, related complaints or incidents may be combined for purposes of inquiry, resolution, and/or review through the HR Solutions Partner.
7. At the conclusion of the formal process, if the bullying was substantiated, it should be documented, and action should be taken promptly to address the situation, including disciplinary action or other employment action, if warranted, subject to applicable university policies and procedures.
8. Substantiated bullying incidents should be taken into consideration in an employee’s annual performance review, subject to established evaluation procedures (see, e.g., *Academic Faculty and Administrative Professional Manual*, section C.2.5 for faculty and D.5.5 for Administrative Professionals, and Human Resources Manual section 3 for State

Classified). In particular, department heads need to be familiar with the restrictions in section C.2.5 of the *Manual*.

9. In addition, the reasonable inquiry process may identify improper or problematic conduct that does not constitute bullying as defined and prohibited by this policy. In that situation, the supervisor should address the improper conduct, and such conduct may form the basis for action by the supervisor in accordance with university policies and procedures.
10. Supervisors should inform participants in the bullying process that the Employee Assistance Program exists to provide help and resources to employees who are dealing with the impacts of workplace bullying and conflict.

COMPLIANCE WITH POLICY

Compliance with this policy is mandatory. For assistance with interpreting or applying its provisions, contact the designated Human Resources Solutions Partner.

Any person covered by this policy who engages in workplace bullying is subject to disciplinary sanctions up to and including termination or dismissal from the University, in accordance with applicable policies and procedures, including: for tenured faculty, section E.15 of the Academic Faculty and Administrative Professional Manual; for state classified personnel, the Human Resources Manual section 3; and for administrative professionals, section D.5.5 of the *Faculty and Administrative Professional Manual*.

Student employees who are in violation of this policy are also subject to the procedures detailed in the CSU Student Conduct Code.

This policy is not intended to conflict with or supersede any other policy that might subject a violating party to disciplinary review, including but not limited to the Policy on Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, Stalking, and Retaliation; the Policy on Workplace Violence; the CSU Student Conduct Code; the *Academic Faculty and Administrative Professional Manual*; and existing Human Resources and departmental conduct policies.

REFERENCES

- [CSU Policy on Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, Stalking, and Retaliation](#)
- [Student Conduct Code](#)
- [Colorado Governor's Executive Order D 023 09, Establishing a Policy to Address Workplace Violence, including Domestic Violence Affecting the Workplace](#)
- [Academic Faculty and Administrative Professional Manual sections D.9.c, E.15](#)
- [Freedom of Expression and Inquiry](#)

- [CSU Policy on Workplace Violence](#)
- [Academic Faculty and Administrative Professional Manual](#)

BULLYING COMPLAINT GUIDELINES AND PROCEDURES

Responsibility to Report

Any person who is a target of workplace bullying, or who witnesses or learns of an incident of workplace bullying at CSU, is strongly encouraged to report it to his or her supervisor (or, if the supervisor is involved, then to the next level supervisor in the reporting line). Reports may also be made by calling or emailing the Human Resources (HR) Solutions Partner (970-491-6947 or myhr@colostate.edu), who may bring the matter to the attention of other University officials, as appropriate.

In the case of physical assault or harm, or imminent danger of harm, the supervisor should immediately contact CSU Police (or the local police in a non-campus location) by dialing 911. The non-emergency number for CSU Police is 970-491-6425. The matter should also be referred to the Office of Support and Safety Assessment (970-491-1350) for review and consultation within five working days (a “working day” is any day that the University is open for business).

Anyone impacted by bullying behavior may access support services from the Employee Assistance Program, by calling 1-800-497-9133. EAP is a resource available to all employees that can provide support and resources for employees impacted by concerns about workplace bullying—including resources for the person who feels they have been a target as well as for the responding party in a bullying complaint.

The Ombuds Office is a confidential resource for all employees to explore options and obtain information about the policy and processes related to workplace bullying. As a neutral resource, the office is available both to the person who feels they have been a target of bullying as well as the responding party to bullying complaints. As an informal resource, the Ombuds Office is not an office where complaints are placed “on the record.” Therefore, if someone wants to initiate a formal process, the Ombuds Office can discuss the process but does not initiate an inquiry or document the concerns for the institution.

Note: More than one impacted party, more than one responding party, and/or more than one supervisor may be involved in the bullying complaint process. Singular references herein may be taken as plural as the context requires. As used herein, “impacted party” means the person(s) targeted or affected by the responding partying behavior, and “responding party” means the person(s) alleged to have engaged in bullying behavior.

Informal Resolution by the Targeted Employee

An employee who believes he or she has been bullied may wish to take informal action, in which case, some suggestions are as follows:

1. **Keep Records:** Keep notes detailing the nature of the behavior (e.g., dates, times, places, what was said or done and who was present) and copies of paper trails that may indicate bullying. Hold onto copies of documents that provide evidence of events (e.g., time sheets, letters or emails). This documentation will be useful when seeking advice from another party, discussing the matter with the responding party, or if the matter is formally investigated.
2. **Seek Immediate Support and Advice:** Explain the behavior you experienced to someone you trust. Good sources of support and advice are HR Solutions Partners, the Employee Assistance Program (EAP), and the Ombuds. It is vital to discuss the situation with somebody who is empathic and trained in these issues. These individuals can provide information regarding one's rights and responsibilities and suggest options on how best to deal with the situation. Bringing the situation to the attention of another party is often an effective way of dealing with the problem and ensuring that the bullying stops. Oftentimes bullying goes on in private and, by informing someone, it may become apparent that others are feeling the same way. This will help employees get the support and advice they need.
3. **Consider Addressing the Behaviors of the Responding Party Directly:** Employees may want to consider approaching the responding party directly and raising the matter, either face-to-face or in writing, but should only do so if they feel it is a safe option. Avoid being contentious or escalating the situation. Tell the responding party politely and calmly exactly which behaviors are offensive and why, and expressly state that the behavior is unwelcome and unacceptable. The person should be asked to stop immediately, and told that if the behavior doesn't stop further action will be taken. Remaining silent allows the responding party to continue their behavior, which may result in the bullying getting worse. Sometimes the responding party will stop immediately once becoming aware that his or her behavior is offensive and harmful.

Addressing the responding partying behaviors directly can be difficult. The person involved may deny and perhaps misconstrue the accusations. To address these issues, a colleague or an HR Solutions Partner may act as support or as a witness. Keep a record of the discussion and a copy of any correspondence that is sent to the responding party. It is best to seek guidance from support personnel prior to meeting with the responding party.

4. **Mediation:** Consider mediation as an option. If all parties agree to mediation, they will be given the opportunity to state their case and how they would like to see the situation resolved. The mediator will assist the parties in attempting to reach a mutually acceptable solution. However, it is important to remember that bullying may result from an imbalance in power, in which case, the target and

the responding party may not be on an equal footing. Seek guidance from the Ombuds Office or HR Solutions Partner to explore the option of mediation.

Informal Resolution by the Responding Party

If you have been accused of bullying, there are steps you should take immediately to resolve the situation and to prevent it from escalating.

1. **Keep Records:** If you are told that your actions have offended someone and that they feel bullied by you as a result, you should document this discussion including what you were told and how you responded. This will be important if you need to discuss the matter with your supervisor or Human Resources or if the matter is formally reviewed.
2. **Seek Advice:** You are advised to seek counsel immediately from your supervisor, Human Resources, or the Ombuds, especially if you do not understand the complaint against you or if you believe that the allegations are unjust or malicious.
3. **Stop the Offending Behavior:** If you have been told that your behavior makes someone feel uncomfortable, then you should stop it immediately. Even though your behavior may seem innocent to you, it is important to consider its effects on others. Remember it is the other person's reaction to your behavior that is important, not the reaction you think they should have.
4. **Reflect on Your Work Behavior:** Review the way you behave at work and consider whether any of your behaviors may be perceived as bullying. For instance, ask yourself the following question: If other people were to witness my behavior would they find it offensive, humiliating, intimidating, or threatening? If you have concerns about the appropriateness of your behavior consider asking your supervisor for training on communication, conflict management, etc. or seek advice from the Employee Assistance Program.

Informal Resolution by a Bystander

Individuals who witness someone being bullied can utilize informal methods to support the person being bullied and to attempt to stop the behavior.

1. **Talk to the Alleged Target:** It is advised that you speak with the person who you think has been bullied to ensure that you have understood the exchange between him or her and the responding party. If you still feel that bullying has occurred, you should discuss with the individual how he or she feels about the incident and whether he or she needs any support. You should advise the individual of the available resources that can help with situations of bullying such as HR Solutions Partners, the Ombuds, or the Employee Assistance Program.

2. **Keep Records:** If you think you have witnessed bullying you should keep a record of when and where the behavior occurred. This will be important when discussing the matter with the responding party, sharing your concerns with a third party, or if the matter is formally investigated.
3. **Address the Responding Party:** If comfortable with addressing the responding party, inform the responding party in a constructive manner that his or her actions are inappropriate, the effect they have on the target and workplace, and that they should not be repeated.
4. **Tell Someone:** Report any concerns to the appropriate supervisor or HR Solutions Partner, regardless of whether the responding party is confronted. They will determine whether the incident can be resolved informally or requires further action. If the situation has been discussed with the responding party and he or she has agreed to amend his or her behavior, then no further action may be required.

Informal Resolution by the Supervisor

When a report of bullying is received, or when a supervisor observes the bullying behavior directly, the supervisor may attempt to resolve the matter informally by interacting with both the impacted party and the responding party.

Supervisors may begin by initiating informal discussions with the parties involved (and the supervisor of each of the parties, if different from the one receiving the complaint). If this does not resolve the situation, or if the supervisor receives a formal written bullying complaint, they should first notify their HR Solutions Partner, and then follow the formal resolution process. Any supervisor with a conflict of interest should recuse herself or himself from the process and refer it to the next higher level supervisor.

Other approaches that a supervisor may take to informally resolve the matter may include:

1. **Offer Support:** The person who believes he or she is being bullied needs to be able to discuss the situation with somebody who is empathetic and trained in these issues. If bullying is occurring, the employee will gain strength to address the offensive course of action; if bullying is not occurring, those involved can be advised accordingly.
2. **Seek Advice:** Obtain the advice and support of individuals or groups with expertise in handling bullying such as your supervisor, the HR Solutions Partner, the Ombuds, or the Employee Assistance Program when deciding the most appropriate course of action to follow.

3. **Refer the Employee to Available Resources:** Suggest that the impacted party access support and guidance from sources such as Human Resources, the Ombuds, or the Employee Assistance Program as appropriate.
4. **Address the Responding Party:** Accompany and support the impacted party when he or she approaches the responding party to ask the behavior to stop, but without taking sides before you know the facts. If the impacted party is not comfortable approaching the responding party directly, you may approach the person on the employee's behalf. Make the responding party aware of the behavior in question, as well as its harmful effects, its inappropriateness, and that it is contrary to policy. Remind the responding party that bullying is a disciplinary offense and repeated incidents may render him or her liable to a formal procedure which may result in disciplinary action. It may be necessary to discuss any training needs with the responding party that may help change the unacceptable behavior.

Formal Resolution Process

1. If an informal resolution was not reached and the impacted party wishes to pursue the matter, he or she must submit a written complaint to his or her immediate supervisor (or, if the supervisor is involved, then to the next level supervisor) using the Bullying Complaint Form. The complaint must be limited to events having occurred within the last five years, with the most recent incident having occurred within the last 180 days. The supervisor should be prompt to acknowledge receipt of the complaint, in writing. Only the targeted, impacted party or the supervisor of either party, may file a formal complaint.
2. Within 10 working days of receiving the complaint, the supervisor must contact the designated HR Solutions Partner (970-491-6947 or myhr@colostate.edu). If the impacted party, and/or the responding party have different supervisors, then the HR Solutions Partner will contact the other supervisor(s) and facilitate communications between those involved. In the discretion of the Chief Human Resources Officer (CHRO) or delegate, the matter may be elevated to other University officials, as appropriate. The CHRO or delegate also has the authority to extend all timelines as deemed necessary.
3. Before initiating a reasonable inquiry into a complaint of bullying, the supervisor should contact the HR Solutions Partner for help in creating a plan of action. The supervisor should consider if she or he has any biases or other conflicts of interest that would preclude her or him from conducting a full and fair reasonable inquiry. If so, the next higher level supervisor should take over responsibility. The HR Solutions Partner will assist in this determination.

4. Supervisors and the HR Solutions Partner should jointly begin the inquiry promptly upon learning of the complaint, conduct the inquiry expeditiously, prepare a confidential, written report and provide it to the parties and HR within 30 working days after receiving the written complaint. If a longer time is needed, the HR Solutions Partner can extend the time.
5. The supervisor and/or HR Solutions Partner must meet with the complainant to discuss the complaint of bullying. When meeting with the complainant, the interviewer(s) should listen carefully and not be judgmental. The interviewer(s) should refrain from evaluating the complaint or offering premature feedback to the complainant.
6. Acknowledging the complainant's perceptions and feelings by briefly paraphrasing what the complainant has shared to ensure accurate understanding is important. The interviewer(s) should make notes of the key facts that are stated and instruct the complainant to put their requested relief in writing, utilizing the Bullying Complaint Form.
7. The supervisor should thank the complainant for bringing concerns forward and ensure them there will be timely follow-up regarding their concerns.
8. A supervisor and/or the HR Solutions Partner conducting a reasonable inquiry should meet privately with the responding party to get his or her side of the story. They should clearly communicate the need for undesirable behavior to change. Clear expectations should be set with the complainant, responding party and any witnesses. Supervisors and/or the HR Solutions Partner should emphasize with all parties that retaliation is not acceptable, and explain that disciplinary action will follow if retaliation occurs.
9. The confidential report will include, at a minimum, the following information:
 - a. Identities of the supervisor, HR Solutions Partner and any others involved in conducting the reasonable inquiry;
 - b. Nature and substance of the allegations;
 - c. Reasonable inquiry process, including the number of witnesses interviewed, but excluding the identity of the witnesses;
 - d. Summary of the facts;
 - e. Final determination of whether the Bullying Policy was violated;
 - f. Decision as to action to be taken.
10. If the determination is that the facts do not sustain a charge of bullying, this should be documented and communicated to the parties, and no further action is

required. If requested by the responding party, this determination should also be communicated to all persons interviewed during the inquiry.

11. If the action to be taken involves formal discipline, the applicable CSU policies and procedures for the employees involved will be followed. Actions not involving formal discipline may include:
 - a. Separation of the parties involved within the workplace, without a change in duties;
 - b. Counseling one or both parties;
 - c. Requiring attendance at an appropriate training about workplace behavior;
 - d. A letter of expectations that is shared only with the responding party and does not become part of the employee's personnel file.
12. Repeated violations of the bullying policy by the same individual should result in progressively stricter actions being taken.
13. The file containing all documents related to the report, review, and reasonable inquiry must be kept for 5 years by Human Resources, after which time, it may be destroyed.

Administrative Review

The final decision of the supervisor may be subject to administrative review at the request of either the complainant or the responding party. The request must be made in writing and submitted to the HR Solutions Partner within 10 working days after the written decision is received. The request must specify the reasons why the party finds the resolution unacceptable.

The administrative review will be performed by the next higher level supervisor of the person who rendered the decision (or the department/unit head if that person is higher in the reporting line). The reviewer will assess the written request for a review, the written report and decision, and the written documentation in the case. The reviewer may also consult with the supervisors involved and the HR Solutions Partner. No new evidence will be taken. The decision will be announced, in writing, within 30 working days after the receipt of the written request for a review by the reviewing administrator. The decision of the administrative review is final, and is not grievable.