

3-6-101 Appointment Procedures for Exempt Staff.

3-6-102 Hiring Pools. Colleges/Schools/Departments are encouraged to develop college-wide/school - wide/department -wide hiring pools of candidates for temporary assignments. Assignments may be part or full -time but the duration of employment shall not exceed three (3) consecutive academic semesters.

(1) The Process:

(a) In order to initiate a college -wide/school -wide hiring pool, the PAF & FA are prepared in the office FA ded(f)- ~~and the DAA.~~ ~~Preside DAA.~~

(b) The VA must include all

service shall be required for that position and the terms of said requirements. This information shall then be incorporated into the candidate's written contract.

The department chair/school director, or their designee in cases where the

the form, the rationale for the refusal and alternative methods of filling the position.

3-6-103 Equal Opportunity. Equal Opportunity in employment and education is an essential priority for the University of Northern Colorado and one to which the University is deeply committed. The University of Northern Colorado is dedicated to providing an equal opportunity climate and an environment free from discrimination and harassment. In accordance with established laws, the University prohibits discrimination based on race, religion, gender, age, national origin, disability, sexual orientation, gender identity, gender expression, military service, or political affiliation

1-507.]

3-6-106 Statement of Commitment to Employment Opportunities. [See also Board Policy Manual, Title 1, Article 1, Part 5, 1 -1-508.]

3-6-107 Equal Opportunity for Students. [See also Board Policy Manual, Title 1, Article 1, Part 4, 1-1- 404.]

3-6-107(1) Student Title

(2) Rubella (German Measles) - Immunization administered June 1969 or later (immunization must have been administered after first birthday); or a positive blood test for Rubella immunity performed by qualified medical personnel (diagnosis of disease or age are not acceptable proof of immunity).

Exemption Requirements:

(1)

Insurance Authority will not pay the claim.

- (a) Report the injury to your supervisor and Human Resources. You will then be referred to a designated provider at Occupational Medicine, North Colorado Medical Center.

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University reserves the right to modify coverage's, change carriers or terminate invested benefits as is determined appropriate in the best interest of the University.

3-6-115(1) Tax-Sheltered Annuities. All full-time employees of the University are authorized to participate on an optional basis in a tax-sheltered annuity program under Internal Revenue Code (IRC) 403(b), as amended by Public Law 93-406 (Employee Retirement Income Security Act of 1974). Certain commercial life insurance companies and TIAA/CREF have been approved for participation in this plan. Other tax sheltered investment programs are available through the 401(K) plan offered by PERA, and the 457 deferred compensation plan offered by the state of Colorado.

UNC faculty, administration and professional personnel may continue dental coverage as provided by COBRA upon retirement. Coverage is for a maximum of 18 months, and cannot exceed age 65, upon payment of a monthly premium equal to 102% of contract

a tuition grant. The percentage shall be equal to the percentage of full- time

ongoing employees of the University of Northern Colorado and Aims Community College will be permitted to take courses at the other institution without payment of tuition.

(a) Employees will receive tuition grants in the amount of in-state tuition only.

(b) Employees must pay all other applicable fees.

(c) University off-campus courses and Aims non-credit courses are not available for this exchange program.

(d) Each institution's current definition of ongoing employee will be acceptable to the other.

(e) The applicant is responsible for meeting all admission and registration requirements at the institution of enrollment.

(f) In order to take advantage of the Exchange Program, the University and Aims College will require each participant to complete the Tuition Grant Application and the Exchange Program Agreement.

3-6-122 Employment Contracts. Guidelines for Personnel Contracts. All full-time and part-time exempt employee contracts (including GA, TA and GRA) shall be on forms approved by the University and prepared in accordance with the University. Human Resources shall be the responsible office for disseminating these forms and procedures.

3-6-123 Separation From Service. Upon leaving the University, all employees must check out with Human Resources. Procedures are explained regarding PERA Refunds, continuation of Health and Dental insurances, return of University property and basic check out policies. -6-

3-6-126 Definitions

The following definitions apply to the DCP:

(1) "Arbitrary and/or capricious" means a Decision that is devoid of factual support and/or based on a personal grudge or bias.

(2) "Appeal Meeting" means the meeting on the BDC the Appeal Decision Maker at which the Complainant, and the Respondent have the opportunity to make

(17) "PNG (persona non grata)" means an order issued by the University that prohibits a person from being on University property or a defined portion of University property.

(18) "Preponderance of the evidence" means that considering all the evidence, an

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(26) "University" means the University of Northern Colorado.

(27) "University Counsel" means the University employee who acts as the chief legal officer for the University.

3-6-127 General Procedures.

(1) Filing a Complaint. A Complaint under the DCP is initiated by contacting the appropriate person described below and submitting the Discrimination Complaint Form described in subsection (3), below. The contacts described below may be face-to-face, by telephone or electronic/online means:

(a) If the Complainant is a student, by contacting the Assistant Dean of Students/Office of Student Engagement ("Asst DOS") or the Title IX Coordinator.

(b) If the Complainant is faculty or staff, by contacting the Director of Human Resources Services ("Dir HR").

(c) If the Complainant is a person who is not a student, faculty or staff, by contacting the Title IX Coordinator or Dir HR.

(d) If the Respondent is the Asst DOS, Dir HR, and/or the Title IX Coordinator, by contacting the Senior Vice President/Chief Academic Officer.

(2) Investigation Where Discrimination Complaint Form Not Submitted.

When a University official, including but not limited to the President, a Senior Vice President, University Counsel, Title IX Coordinator, Asst DOS and/or Dir HR becomes aware of allegations that, if true, constitute Discrimination, Harassment and/or Retaliation, the University may investigate such allegations regardless of whether a Discrimination Complaint Form is submitted and, if reasonable and appropriate, may identify the Complainant(s) and Respondent(s) with respect to such allegations and proceed with the Formal Complaint Procedures described in the DCP.

(3) The Discrimination Complaint Form. After the Complainant contacts the appropriate individual as stated in subsection (1), above, the Complainant will be requested to complete a Discrimination Complaint Form ("Form") to provide information about the Complaint.

(a) Contents. The Complainant will provide the following information in the Form:

(i) The name of the Complainant;

(ii) The name of the Respondent(s);

(iii) A description of the events that the Complainant believes constitute Discrimination, Harassment and/or Retaliation;

(iv) The names of persons who the Complainant believes have information that would support the allegations of Discrimination, Harassment and/or Retaliation;

(v) The remedy or outcome

Procedures, or

(2) In order to prevent manifest injustice to one or more of the parties or other participants as determined by:

(a) The Title IX Coordinator or Dir HR, as the case may be, under the Informal Complaint Procedures, or

(b) The D [(T) P (D) H (B) D (C) 0 (2) C (3) P (4) M (5) T (6) 1 (7) d (8) j (9) C (1) 2 (2) 3 (3) 4 (4) 5 (5) 6 (6) 7 (7) 8 (8) 9 (9) 10 (10) 11 (11) 12 (12) 13 (13) 14 (14) 15 (15) 16 (16) 17 (17) 18 (18) 19 (19) 20 (20) 21 (21) 22 (22) 23 (23) 24 (24) 25 (25) 26 (26) 27 (27) 28 (28) 29 (29) 30 (30) 31 (31) 32 (32) 33 (33) 34 (34) 35 (35) 36 (36) 37 (37) 38 (38) 39 (39) 40 (40) 41 (41) 42 (42) 43 (43) 44 (44) 45 (45) 46 (46) 47 (47) 48 (48) 49 (49) 50 (50) 51 (51) 52 (52) 53 (53) 54 (54) 55 (55) 56 (56) 57 (57) 58 (58) 59 (59) 60 (60) 61 (61) 62 (62) 63 (63) 64 (64) 65 (65) 66 (66) 67 (67) 68 (68) 69 (69) 70 (70) 71 (71) 72 (72) 73 (73) 74 (74) 75 (75) 76 (76) 77 (77) 78 (78) 79 (79) 80 (80) 81 (81) 82 (82) 83 (83) 84 (84) 85 (85) 86 (86) 87 (87) 88 (88) 89 (89) 90 (90) 91 (91) 92 (92) 93 (93) 94 (94) 95 (95) 96 (96) 97 (97) 98 (98) 99 (99) 100 (100)]

- (e) Reversal or Modification of the Decision. In order for the Appeal Decision Maker to conclude that the Decision should be reversed or modified, the Appeal Decision Maker must find that the Remedies, Sanctions and/or Disciplinary Action(s) described in the Decision are “arbitrary and/or capricious.”

- (f) Deadline for Filing an Appeal. An appeal must be filed by submitting a written Appeal Form with the Appeal Decision Maker no later than 5 days from the date the Decision is provided simultaneously to the Complainant and the Respondent. No appeal will be allowed as a response to an appeal filed by the other party.

- (g) Contents of the Appeal Form. The Appeal

(iii) Describe the reasons in support of the Appeal Decision Maker's conclusions about (i) and (ii), above.

(q) Decision Final and Binding. The Appeal Decision is final and binding on the University, the Complainant and the Respondent.

3-6-134 Investigators, Decision Makers, Collaborators and Appeal Decision Makers

(1) If both the Complainant and the Respondent are students:

(a) The Investigator and Decision Maker is the Assistant DOS, provided,

subsections (a) and (b), above, the procedures described in Board Policy 2-1-504(1) will be used with respect to Respondent's appeal.

(10) A Respondent who, under subsection (7) or (9), above, requests the Appeal Process described in the DCP waives their right to the procedures referenced in Subsection (7)(a) or (9)(a), above as the case may be.

3-6-135 Additional Procedures on or After August 14, 2020 – Purpose and Scope

Should the provisions of part 106 of title 34 of the Code of Federal Regulations published by U.S. Department of Education in the Federal Register on May 6, 2020 ("Title IX Rule") be in force and effect on or after August 14, 2020, the following provisions of the DCP shall be applicable to "formal complaints" of

of a Grievance Process.

(3) “Dating Partner” means a person who is or has been in a social relationship of a romantic or intimate nature with another person and where the determination of whether the two persons are Dating Partners is determined by consideration of (a) the length of the relationship; (b) the type of relationship; and (c) the frequency of interaction between the two persons.

(4) “Dating Violence” means physical violence committed by a Dating Partner of the victim.

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(5) “Determination Regarding Responsibility” (which may be Cd.001 Tw 021h Tw 021h Tw wCd

person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Colorado.

- (9) "Emergency Removal" means the removal of a Respondent from the University's Education Program or Activity after the University (a) undertakes an individualized safety and risk analysis,
- (b) determines that an immediate threat to the physical health or safety of any student or individual arising from the allegations of Sexual Harassment against the Respondent justifies removal, and
- (c) provides the Re (c)-5 (y)]TJ 5iC.n.014 Tcl .C(m)-3 (e)-2 (n)1 (t)-6 7 (t)-1 no3 (n)-10-5 (-7 (i)-1 (c

(20) “Unwelcome Sexual Conduct” means behavior of a sexual nature determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a University Education Program or Activity.

3-6-137 Initiation of the Grievance Process

(1) Notice of Allegations Withiðive (5Td (n)a (du)3to a ens 1 Tf 56Sw 11.8270132 (r)-15 (f -0.0(t)9 (f
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- (i) The identities of the persons involved in the incident, if known;
 - (ii) The conduct alleged to constitute Sexual Harassment; and
 - (iii) The date and location of the incident during which the Sexual Harassment is alleged to have occurred, if known.
- (3) Notice of Additional Allegations If, in the course of an investigation, the University decides to investigate allegations about the Complainant or Respondent that are not described in the original written notice of allegations, the University shall provide notice of the additional allegations to the parties whose identities are known.

3-6-138 Dismissal of a Formal Complaint

- (1) Required Dismissal After the University investigates the allegations of a Formal Complaint it shall dismiss the Formal Complaint, or certain of the allegations of Sexual Harassment alleged in the Formal Complaint, if the University determines the conduct alleged, even if proved:
- (a) Would not constitute Sexual Harassment;
 - (b) Did not occur in a University Education Program or Activity; and/or
 - (c) Did not occur within the United States.
- (2) Permitted Dismissal After the University investigates the allegations of a Formal Complaint it may dismiss the Formal Complaint, or certain of the allegations of Sexual Harassment alleged in the Formal Complaint, if at any time prior to the issuance of the Determination Regarding Responsibility:
- (a) The Complainant notifies the Title IX Coordinator in writing that the Complainant wishes to withdraw the Formal Complaint or any allegations in it;
 - (b) The Respondent is no longer enrolled in the University, if a student, or employed by the University, if an employee, as the case may be; and/or
 - (c) Specific circumstances prevent the University from gathering evidence sufficient to reach a Determination Regarding Responsibility as to the Formal Complaint or the allegations of Sexual Harassment in it.

including fact and expert witnesses, as well as inculpatory and exculpatory evidence;

- (c) Permit each party's advisor to ask the other party and any witnesses only relevant questions and follow -up questions, including questions challenging the credibility of the parties and any witnesses as further described in Section 3 -6-142(3), below;
- (d) Permit only relevant documentary and other physical materials to be received in at the Live Hearing; and
- (e) Not permit questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent or lack thereof.

(3)

shall explain their decision to exclude a question that they determine is not relevant; and

- (e) If a party or witness does not submit themselves to cross-examination at the Live Hearing, the Decision-Maker shall not rely on any statement of that party or witness in reaching the Determination Regarding Responsibility, provided however, that the Decision-Maker shall not draw an inference in the Determination based solely on a party's or witness's absence from the Live Hearing or refusal to answer cross-examination or other questions.

- (5) Recording or Transcript of the Live Hearing The University, in its discretion, will create an audio or audiovisual recording or a written transcript of the Live Hearing and make the recording or transcript available for the inspection and review of each party.

3-6-143 The Decision -Maker's Determination Regarding Responsibility

- (1) Issuance and Matters Addressed in the Determination Regarding Responsibility After the Live Hearing has concluded, the Decision -Maker shall issue a written Determination Regarding Responsibility ("Determination") regarding the allegations of Sexual Harassment in the Formal Complaint, which Determination shall apply the "preponderance of the evidence" standard. The Determination must:

- (a) Describe the allegations potentially constituting Sexual Harassment;
- (b) Describe the procedural steps taken from the Filing of the Formal Complaint through the issuance of the Determination including any:
 - (i) Notifications to each party;
 - (ii) Interview of the parties and witnesses;
 - (iii) Site visits;
 - (iv) Methods used to gather other evidence; and
- (c) State the Decision-Maker's findings of fact supporting the Determination;
- (d) State the conclusions regarding the application of the relevant

University policies and relevant provisions of the DCP to the facts;

- (e) State the result as to each allegation and the rationale for such result, including the Determination regarding responsibility, any Disciplinary Sanctions the University is to impose on the Respondent, and any Remedies designed to restore or preserve equal access to the University Education Program or Activity that the University will provide to the Complainant; and
 - (f) The University procedures and permissible bases for the Complainant and Respondent to appeal the Determination, if either of them decides to do so.
- (2) To whom the Determination is Provided The Decision-Maker must provide the Determination to each of the parties and to the Title IX Coordinator simultaneously.
- (3) When the Determination Becomes Final The Determination becomes final either on the date that the University provides the parties with the Determination of the result of an appeal, if an appeal is filed, or, if an appeal is not filed, the date on which an appeal would no longer be considered timely.

3-6-144 Appeals

- (1) Who may Appeal and Under What Circumstances Either party may appeal from (1) a written Determination Regarding Responsibility or (2) the University's dismissal of a Formal Complaint or any of the allegations in a Formal Complaint, on the following bases only:
- (a) Procedural irregularity that affected the outcome of the matter;
 - (b) New evidence that was not reasonably available at the time the Determination Regarding Responsibility or dismissal of the Formal Complaint (or any allegations contained in the Formal Complaint was issued, that would have affected the outcome of the matter; and/or
 - (c) The Title IX Coordinator, investigator(s) or Decision-Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent involved in the Formal Complaint, that affected the outcome of the matter.

- (2) Deadline for Filing an Appeal The deadline for filing an appeal and the

3-6-125 DISCRIMINATION COMPLAINT PROCEDURES – PURPOSE AND SCOPE.

3-6-125 Section added (Apr 2015)

Section 3-6-125 amended (Aug 2020)

3-6-126 DEFINITIONS.

3-6-126 Section added (Apr 2015)

3-6-127 GENERAL PROCEDURES.

3-6-127 Section added (Apr 2015)

3-6-128 INTERIM ACTIONS.

3-6-128 Section added (Apr 2015)

3-6-129 LIMITATIONS ON DISCLOSURE TO THE PUBLIC AND UNIVERSITY OFFICIALS,
EMPLOYEES AND STUDENTS.

3-6-129 Section added (Apr 2015)

3-6-130 INITIATION OF EXTERNAL PROCEDURES.

3-6-130 Section added (Apr 2015)

3-6-131 TIME LIMITS AND EXTENSIONS.

3-6-131 Section added (Apr 2015)