



Operational Area	Employment
Responsible Executive	Chief Operations Officer
Responsible Office	Human Resource Office
Effective	August 1, 2024

## Complaints by Administrators and Staff

### Employment

#### Contents:

- I. Introduction
- II. Roles and Responsibilities
- III. Policy Statement
- IV. Definitions
- V. Procedures
- VI. Complaint Flowchart
- VII. Policy History
- VIII. Policy Approval

### I. Introduction

- a) **Authority:** C.R.S. § 23-54-102, et seq. (2024) authorizes the Trustees of Metropolitan State University of Denver (MSU Denver) to establish rules and regulations to govern and operate the University and its programs. The Trustees retain authority to approve, interpret, and administer policies pertaining to University governance. The Trustees authorize the President of MSU Denver to approve, administer, and interpret policies pertaining to University operations.
- b) **Purpose:** This policy states the rights and responsibilities of University administrators and staff to address complaints as defined in this policy.
- c) **Scope:** This policy applies to University administrators and staff exempted from the State of Colorado personnel system in accordance with C.R.S. § 24-50-135.

### II. Roles and Responsibilities

- a) **Responsible Executive:** Chief Operations Officer
- b) **Responsible Administrators:** Chief Human Resource Officer
- c) **Responsible Office:** Human Resources Office
- d) **Policy Contact:** Chief Human Resource Officer, 303-615-0999

### III. Policy Statement

The most satisfactory procedure for resolving problems is a discussion between the persons involved in the matter at the lowest level possible before filing any formal complaint. Such persons, and other affected individuals, should reason together to identify problems, develop understanding, and reconcile differences before they develop into formal complaints.

Complaint Records shall be held by the Senior Human Resource Partner and held as confidential to the fullest extent permitted by the Colorado Open Records Act.

#### Related Procedures:

- a) Allegations for discrimination must be addressed to the University's Equal Opportunity Office



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- b) The University will not retaliate against or bully a complaining individual for making a good-faith complaint under this policy, as outlined in the "Discrimination, Harassment, Sexual Misconduct, Title IX Violations, and Retaliation Policy" and the "Bullying in the Workplace Policy." This policy shall not be used to bring frivolous or malicious complaints. Disciplinary actions may be taken against any person bringing a complaint in bad faith.

### IV. Definitions

- a) "Complaint" means a claim by an affected professional employee of improper, unfair, or arbitrary treatment and is not a matter for which an alternative method of review is prescribed. This complaint procedure is intended to address complaints by professional personnel concerning treatment by supervisors or colleagues acting in an official capacity.
- b) "Improper" means inconsistent with an established fact, or with a rule that is not a University policy.
- c) "Unfair" means unjustifiably biased or prejudiced.
- d) "Arbitrary" means without any rational basis.
- e) "Respondent" means the party who is alleged to have treated the complaint in arbitrary, unfair or improper manner.
- f) "Complainant" means the party bringing the complaint forward.

### V. Procedures

- a) **General Requirements**
- i) Failure at any step to communicate the decision in writing within the specified time limit shall permit the employee to proceed to the next step.
  - ii) Failure by an employee to give written notice of appeal to the next step within the specified time limits shall terminate the process and the case will be deemed closed.
  - iii) A complaint may be withdrawn at any time by the employee by filing a written withdrawal with the individual responsible for the step of the process that is active at the time.
- b) **Examples of Possible Complaints**
- i) Bullying, Toxic Work Environment, Insubordination, Microaggressions, Workplace Disputes.  
(1) This is not an all-inclusive list.
  - ii) During any part of this complaint process, an employee may represent him/her/their self with or without an advisor or the employee may be represented by any other person.
- c) **Filing a Complaint**
- i) It is recommended a complainant notify the respondent and initiate an informal discussion for the purpose of resolving the complaint within 30 calendar days from the time the



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employee knew, or reasonably should have known, of the occurrence that gave rise to the complaint. Complaints can include related incidents from the past.

- ii) If the complainant is dissatisfied with the results of the informal discussion, the complainant must file a written Notice of Complaint. The complainant is required to file the Notice of Complaint with the respondent's supervisor (the Step 1 reviewer) and send a copy to their Senior Human Resource Partner. Such Notice shall be filed no later than 60 calendar days from the date of the occurrence that gave rise to the complaint. The Step 1 Reviewer shall investigate the complaint and respond in writing to the complainant and the respondent within 30 calendar days after receipt of the Notice of Complaint. The intent is to move through the process as efficiently as possible.
- iii) In the Notice of Complaint, the Complainant shall include a comprehensive and detailed statement of the facts and circumstances that form the basis of the complaint and shall include a statement of the remedies requested.

#### d) **Complaint Investigation Process**

- i) If an employee reports a concern to their Supervisor, the Supervisor should discuss the complaint with the employee and help them determine if a formal complaint should be filed or if it should be handled within the work unit. Supervisors are encouraged to offer support to their employees. Supervisors can consult with their manager and/or Human Resources if they need assistance in guiding the employee. If the employee determines that a formal complaint is warranted, the steps below outline the process.
- ii) **Student Employee Complaints**
  - (1) Complaints involving student employees will follow the same process.
  - (2) Human Resources will collaborate with the Dean of Students and other offices as needed.

#### e) **Process Lifecycle**

- i) **Human Resources receives a complaint**
  - (1) The Sr. HR Partner reviews the complaint and meets with the complainant to obtain general information.
  - (2) Sr. HR Partner determines if the Complaint or others need immediate support (for example mental/physical health) and if appropriate will direct that forward.
  - (3) During the initial conversation, the Sr. HR Partner does an initial intake to learn the details of the complaint, identify potential impacts, and who else may be involved.
    - (a) If the complaint is related to Title IX (non-discrimination policy), Sr. HR partner directs the complainant to the OEO.
    - (b) if there are possible safety issues, Sr. HR Partner will contact the appropriate offices for support (AHEC, Legal, etc.)



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- (4) If the complaint is possibly a policy violation (bullying, etc. Sr. HR Partner manages the process.
- (5) If the complaint is not a possible policy violation and does not fall under Title IX, Sr. HR Partner manages the process.

#### ii) Investigation

- (1) After the intake conversations, whether or not it is determined there is enough information to warrant an investigation Sr. HR Partner will manage the process and communicate with all parties.
  - (a) For policy violations, Sr. HR Partner will prepare a notice of investigation and send it to the complainant and the respondent.
  - (b) The Sr. HR Partner may collaborate with legal and leadership along the way.

#### iii) Conclusion

- (1) If upon completion of the investigation a policy violation is found, Sr. HR Partner collaborates with leadership to determine action to take disciplinary action, (for example, termination). The Sr. HR Partner may collaborate with legal and leadership along the way.
- (2) If upon completion of the investigation, a policy violation was not found but inappropriate conduct was found, Sr. HR Partner works with leadership to determine the appropriate action to take.
- (3) If upon completion of the investigation, there is no finding of wrongdoing on the part of the respondent, Sr. HR Partner communicates the decision to all parties. Sr, HR Partner may collaborate with legal and leadership along the way.
- (4) Sr. HR Partner works with leadership to carry out the final decision.
- (5) Sr. HR Partner communicates the rationale for their final decision with the complainant and respondent.

#### iv) Related Information

- (1) Throughout the Investigation, if parties need additional support they may be referred (CSEAP, Dean of Student, for example)
- (2) The Sr. HR Partner managing the complaint creates and maintains all documentation. There is collaboration across the Sr. HR Partner team to identify trends and patterns and to make their findings available to leadership.

#### v) MSU Denver Resources

- (1) iCSEAP - <https://cseap.colorado.gov/>
- (2) Ombuds - <https://www.msudenver.edu/ombuds/>
- (3) AHEC - <https://www.ahec.edu/services-departments/police>



President's  
Policy Statement  
University Policy Library

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- (4) Policy library - <https://www.msudenver.edu/policy/policy-library/>
- (5) Faculty Handbook - <https://www.msudenver.edu/wp-content/uploads/2023/06/AY2324-Faculty-Employment-Handbook-Effective-June-30-2023.pdf>

### VI. Complaint Flowchart

- a) Please see the Attached Complaint Flowchart

### VII. Policy History

- a) Effective: August 1, 2024
- b) Revised: This policy supersedes Chapter X of MSU Denver's Handbook for Professional Personnel, July 1, 2017; revised July 1, 2010; revised August 1, 2024.
- c) Enacted: February 2, 2005
- d) Review: This policy will be reviewed every three years or as deemed necessary by University Leadership

### VIII. Policy Approval

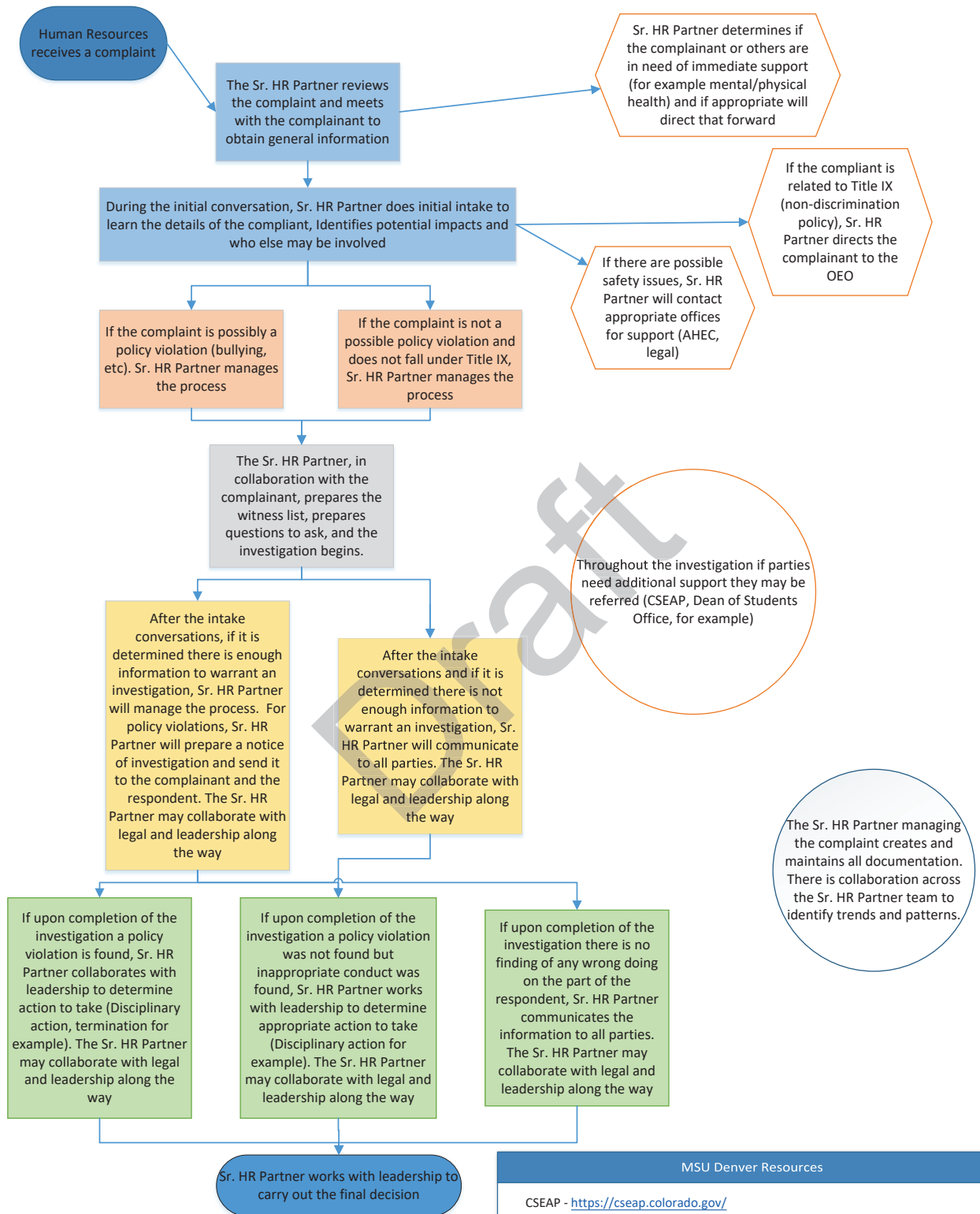
Janine Davidson, Ph.D.  
President, Metropolitan State University of Denver

N/A  
Chair, Board of Trustees, Metropolitan State University of Denver

# MSU Denver Human Resources Complaint Investigation Process

May 2023

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## MSU Denver Resources

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Ombuds - <https://www.msudenver.edu/ombuds/>

AHEC - <https://www.ahec.edu/services-departments/police>

Policy library - <https://www.msudenver.edu/policy/policy-library/>

Faculty Handbook - <https://www.msudenver.edu/wp-content/uploads/2023/06/AY2324-Faculty-Employment-Handbook-Effective-June-30-2023.pdf>