



Part 5 – Personnel: General

1-1-501 General.

The specific obligations of University employees may vary by position. All employees, however, are expected to perform the duties and responsibilities of their positions and programs in compliance with the laws of the land, in a professionally competent and skillful manner, in accordance with the highest ethical standards, and the Policies, regulations and procedures of the BOT and of the University.

1-1-502 Conflict of Interest.

1-1-502(1) Purpose. In the course and scope of their employment, University employees must exercise independent judgment in the best interests of the University. The purpose of this policy is to guide employees to identify and avoid acting in situations in which their ability to exercise such independent judgment is, or may be, compromised.

1-1-502(2) Definitions.

- (a) Amorous Relationship: A consensual relationship between individuals that is romantic or sexual in nature. See 1-1-503 Amorous Relationships.
- (b) Conflict of Interest: An interest of, or relationship maintained by, an employee, that prohibits or inhibits, or has the potential to prohibit or inhibit the employee from exercising independent judgement in the best interests of the University. Conflicts of interest can occur as a result of an interest of, or relationship maintained by, an employee irrespective of the employee's title, position, or duties and responsibilities with the University. Conflicts of interest may arise as a result of an interest of, or relationship maintained by, an employee with relatives, dependents, spouse, any other person who is as member of the employee's household, a person with whom the employee has an amorous relationship, or a person or organization with whom the employee has a business or financial interest.
- (c) Dependent: A "dependent" of an employee is defined as in the Internal

Revenue Code, as such definition may be amended.

- (d) Personnel Decision: An action relating to employment or compensation that includes, but is not limited to, hiring, evaluation, promotion, demotion, tenure, discipline, grievance, termination, sabbatical leave, matters regarding grants or sponsored programs, professional development, and/or travel. Personnel decisions do not extend to day-to-day operational issues such as scheduling and room assignments.
- (e) Relative: A person within five degrees of consanguinity of an employee of the University.

1-1-502(3) Types of Conflict of Interest.

- (a) Non-Personnel Decisions: A University employee shall disclose to their immediate supervisor all facts and circumstances related to any University transactions, activities, contracts or other dealings in which they are involved or may become involved on behalf of the University that might cause a conflict of interest to arise. Such disclosure shall be made in writing as soon as is reasonable after the employee becomes aware of the circumstances causing the conflict of interest. A conflict of interest shall exist whenever an employee is a director, president, general manager, or similar executive officer or owns or controls directly or indirectly a substantial interest in any non-governmental entity participating in a transaction with the University. The immediate supervisor to whom a report of a conflict of interest is submitted shall forward the report to the supervisor's jurisdictional vice president who shall determine any steps they deem necessary to protect the interests of the University. The determination of the vice president is subject to review by the President, who may modify the determination of the vice president as deemed necessary to protect the interests of the University.
- (b) Personnel Decisions: An employee shall not participate in a personnel decision where a conflict of interest would arise.

1-1-503 Amorous Relationships.

Members of the University Community, whether faculty members, students, supervisors, or supervisees put academic and professional trust and ethics at risk when they engage in an amorous romantic/sexual relationship with persons whom they have a direct evaluative relationship. Because these relationships may give rise to

the perception on the part of others that there is favoritism or bias in academic or employment decisions, the university discourages such relationships. The atmosphere created by such appearances of bias or favoritism has the potential to undermine the spirit of trust and mutual respect essential to a healthy work and academic environment. Even when the parties have initially consented to such relationships, they can render the parties and the institution vulnerable to possible later allegations of sexual harassment in light of the power differential that may exist. All members of the University Community are expected to be aware of their professional responsibilities and avoid apparent or actual conflict of interest, favoritism, or bias. When an amorous romantic/sexual relationship exists, effective steps should be taken to ensure unbiased evaluation or supervision of the student or employee. Failure to take such steps shall constitute a violation of BOT Policy 1-1-502, Conflict of Interest.

1-1-504 Nepotism. See 1-1-502 Conflict of Interest.

1-1-505 Outside Activities.

Employees are required to conduct their activities on behalf of the University with the utmost good faith and loyalty. Employees may not compete with the University or convert business opportunities of the University to their personal gain or advantage or the gain or advantage of another. Employees may not convert confidential information or trade secrets of the University to their personal gain or advantage or the gain or advantage of others. [See also University Regulations 3-3-401, et seq.]

1-1-506 Copyright Law Compliance.

All employees of the University shall conduct their activities on behalf of the University, including but not limited to any research or writing activities, in such a fashion so as to meet and comply with all requirements of the United States copyright laws and regulations (17 U.S.C; 37 C.F.R.). As a condition of employment, each employee agrees to accept responsibility for reading and understanding the requirements of the copyright law and the policy statement and guidelines of the University and for complying with those requirements and guidelines. In the event that a copyright infringement occurs as a result of the acts of an employee, if the employee is able to demonstrate compliance with the policy and guidelines of the University, as determined by the University, such actions shall be considered “good faith compliance” by the University and the employee shall not be required to indemnify the University for any damages, judgments, or costs which may be obtained against the University for the acts of the employee. If, however, an employee willfully,

intentionally, negligently, or without good faith violates the copyright provisions, the employee shall be solely liable for all losses, damages, judgments, and costs of whatsoever kind or nature that may be incurred. Should the University be named in any legal or equitable action arising from such wrongful infringement, the employee agrees to save, hold harmless, and indemnify the University against all losses, damages, fees (including attorney's fees), or other penalties, monetary or otherwise, that may be incurred as a result of such conduct.

1-1-507 Hazardous Materials.

Employees who handle toxic or hazardous substances on behalf of the University are required to maintain, use and dispose of such substances in accordance with applicable UNC Hazardous Material Management Plan procedures, state, federal and local laws/regulations as a condition of their employment. The employee should obtain assistance in ascertaining their obligations under these laws and regulations from the Director of Environmental Safety or their designee. Any employee who violates any such laws or instructions given by the University Environmental Safety Office shall be deemed to have acted outside the scope of their authority.

1-1-508 Equal Opportunity.

The President is charged with the implementation of the University's Equal Opportunity Policy.

1-1-508(1) Purpose. It is the purpose of this Equal Opportunity Policy, and the Discrimination Complaint Procedures contained in the University Regulations, to eliminate discrimination and sexual harassment through education, information and discussion, and to provide procedures to investigate complaints of those subjected to alleged acts of discrimination, sexual harassment and/or retaliation prohibited under applicable Federal and State laws and under this Equal Opportunity Policy. A University employee, official or student who violates any provision of the Equal Opportunity policy will be subject to discipline including but not limited to termination of employment or expulsion. The President is charged with the implementation of the University's Equal Opportunity Policy.

1-1-508(2) Non-Discrimination Policy. The University will not engage in unlawful discrimination against any person with respect to employment or the provision of educational services because of race, ethnicity, color, religion, sex,

age, national origin, disability, sexual orientation (heterosexuality, homosexuality, bisexuality, transgender status, or another individual's perception thereof), gender identity, gender expression, or veteran status, as prohibited under the applicable provisions of the Title VI of the Civil Rights Act of 1964. Title VII of the Civil Rights Act of 1964, Executive Order 11246, Title IX of the Education Amendments of 1972, the Rehabilitation Act of 1973, the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, the Family Medical Leave Act of 1993, the Uniformed Services Employment and Reemployment Rights Act, the Vietnam Veterans' Readjustment Assistance Act of 1974 and the Colorado Anti-Discrimination Act. It is the University's policy to prohibit discrimination in employment or the provision of educational services on the basis of political affiliation. The University will take affirmative action to ensure that applicants for employment, its employees, applicants for student admission, and its students are treated by the University without regard to race, ethnicity, color, religion, sex, age, national origin, disability, sexual orientation, gender identity, gender expression, veteran status, or political affiliation. Affirmative action will include training programs, outreach efforts, recruiting activity and other positive steps in accordance with the laws of the United States and the State of Colorado. The University will post in conspicuous places notices setting forth the provisions of this University's Equal Opportunity Policy.

1-1-508(3) Sexual Harassment Policy. It is the policy of the BOT of the University to maintain the University as a place of work, study, and residence, free of sexual harassment and exploitation of its students, faculty, staff, and administrators. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that is so frequent or severe that it creates a hostile or offensive employment or educational environment. Notwithstanding the foregoing, the definitions of discrimination and sexual harassment shall not include conduct, discourse, materials or methodologies which serve legitimate education purposes and are protected by the accepted tenets of academic freedom, the First Amendment, or are otherwise constitutionally protected. Violation of this policy is absolutely prohibited on the campus or in relationship to any University programs wherever located. The University is committed to take appropriate action against those who violate the University's policy prohibiting sexual harassment, including corrective and disciplinary action. In addition, the University will take all reasonable steps to prevent or eliminate sexual harassment by non-employees including customers, clients, and suppliers who

are likely to have contact with University students, faculty or employees.

1-1-508(4) Non-Retaliation Policy. The University will not tolerate retaliation of any kind against an individual who in good faith: complains of discrimination, sexual harassment and/or retaliation under applicable law or this Equal Opportunity Policy; provides information with respect to any complaint regarding prohibited discrimination, sexual harassment or retaliation; or participates in an investigation of such complaint.

1-1-509 Safety.

Employees are required to perform their duties and responsibilities in accordance with generally accepted safety standards as well as any specific safety standards applicable to their positions. It is the obligation of each employee to notify their supervisor of any unsafe condition on University premises, or practices of the University or any of its employees which they observe or become aware of that may affect their safety or the safety of any other person.

1-1-510 Other Duties.

Each employee is required to perform such other duties as may be assigned by their supervisor from time to time. Employees are subject to reassignment of duties by the President on a temporary or permanent basis as the President determines to be in the best interest of the University.

1-1-511 Ordinary Governance Process.

Ordinary governance process as used herein does not refer to any particular set of regulations or procedures, but simply embodies the expectation that interested members of the University community, through their appropriate representatives, have had a meaningful opportunity to participate in the process and advise and comment upon matters which affect them.

Policy History

1-1-502 CONFLICT OF INTEREST.

Section 1-1-502(1) Purpose amended (Jan 2019)

Section 1-1-502(2)(a)(b)(c)(d)(e) Definitions amended (Jan 2019)
Section 1-1-502(3)(a)(b) Types of Conflict of Interest amended (Jan 2019)

1-1-504 NEPOTISM.

Section 1-1-504 Nepotism amended (Jan 2019)

1-1-507 HAZARDOUS MATERIALS.

Section 1-1-507 amended (Jan 2013)

1-1-508 EQUAL OPPORTUNITY.

Section 1-1-508(2) Non-Discrimination Policy amended (February 10, 2023)

Section 1-1-508(1) Equal Opportunity Purpose amended (Apr 2015)

Section 1-1-508(2) Non-Discrimination Policy amended (Apr 2015)

Section 1-1-508(3) Sexual Harassment Policy amended (Apr 2015)

Section 1-1-508(4) Non-Retaliation Policy amended (Apr 2015)

Section 1-1-508(1) Non-discrimination Policy amended (Nov 2014)