



State of Colorado
Colorado Department of Natural Resources

DNR Discrimination, Harassment, Sexual Harassment, and Retaliation Policy

Original Issue: 2/3/2010 Replaces DNR 10-01 Sexual Harassment Policy	Last Reviewed/Revised: 3/2024
---	-------------------------------

I. BACKGROUND AND PURPOSE

The Department of Natural Resources (DNR) strives to prevent, correct, and take swift and appropriate action against any behavior that violates the intent or specifics of this policy as pertains to discrimination, harassment or retaliation. To further that goal and to comply with guidelines set forth by the Equal Employment Opportunity Commission (EEOC), the Protecting Opportunities and Workers' Rights (POWR) Act, and other applicable laws, DNR enacts this policy.

This policy identifies prohibited behaviors and guidelines for employees to understand their rights and duties regarding discrimination, harassment, and retaliation in the workplace. This policy also identifies the procedures and responsibilities for intervening, receiving, processing, and effectively investigating discrimination, harassment, and retaliation complaints within the workplace.

II. AUTHORITY

- A. Title VII of the Civil Rights Act of 1964
- B. Civil Rights Act of 1991
- C. Age Discrimination in Employment Act of 1967
- D. Vocational Rehabilitation Act of 1973
- E. Vietnam Era Veteran's Readjustment Assistance Act of 1974
- F. Americans with Disabilities Act as Amended of 2008 (ADAAA)
- G. Uniformed Services Employment and Reemployment Rights Act of 1994
- H. Colorado Anti-Discrimination Act (CADA), C.R.S. § 24-34-301 et seq
- I. Colorado Protecting Opportunities and Workers' Rights Act (POWR Act) of 2023, C.R.S. § 24-34-402 et seq

- J. Colorado State Employee Protection Act (Whistleblower Act), C.R.S. § 24-50.5-101 et seq
- K. Colorado Open Records Act (CORA), C.R.S. § 24-72-201 et seq
- L. Colorado Revised Statutes (C.R.S.) § 24-34-402; C.R.S. § 24-34-306; C.R.S. § 24-50-104.5; C.R.S. § 24-50.125.3
- M. State Personnel Board Rules and Personnel Director's Administrative Procedures [4 CCR 801-1](#)
- N. Department of Personnel & Administration [Universal Policies](#)
- O. Department of Personnel & Administration Required Training for State Employees

III. RESPONSIBILITY

DNR Appointing Authorities (DNR Executive Director and Director of each Division), Human Resources Director or delegate, supervisors, and all employees are accountable.

IV. SCOPE

This policy applies to all DNR employees and anyone conducting business or otherwise having occasion to enter a state facility or participating in a state-sponsored event.

V. DEFINITIONS

- A. **Equal Employment Opportunity (EEO) Officer:** The DNR HR Director is the designated EEO Officer for the Department.
- B. **Discrimination:** The unfair or unequal treatment of a person or group of individuals based solely on disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, religion, age, national origin, ancestry, pregnancy, childbirth or related conditions.
- C. **Discriminatory or Unfair Employment Practices:** The refusal by an employer 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 individual otherwise qualified because of disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, religion, age, national origin, ancestry, pregnancy, childbirth or related conditions.
- D. **Harassment:** Engaging in any unwelcome physical or verbal conduct or any written, pictorial, or visual communication directed at an individual or group of individuals because of that individual's or group's membership in, or perceived membership in, a protected class, which conduct or communication is subjectively offensive to the individual alleging harassment and is objectively offensive to a reasonable individual who is a member of the same protected class. The conduct or communication need not be severe or pervasive to constitute a discriminatory or an unfair employment practice, such as submission to the harassing conduct or communication as a condition

of employment or as a basis for employment decisions or for the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Examples of harassment may include, but are not limited to: use of epithets, slurs, or conduct or communication that is humiliating or degrading; conduct or communication that reflects stereotypes about an individual or group of individuals in a protected class; or touching, intimidation, threats, and physical assaults.

- E. **Hostile Work Environment:** Harassment or unequal treatment based on disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, religion, age, national origin, ancestry, pregnancy, childbirth or related conditions for the purpose or effect of creating an intimidating, hostile or offensive work environment.
- F. **Quid Pro Quo (This for That):** A type of sexual harassment that requires submission to sexual favor or harassment in exchange for employment benefits. Quid Pro Quo sexual harassment may include a demand for sexual favors accompanied by implied or overt promises of preferential treatment, threats concerning an individual's employment or status, the loss of an employment opportunity or benefit to a qualified individual because of a refusal to submit to sexual advances, or the granting of the same to an unqualified individual because of submission to sexual advances.
- G. **Retaliation:** An adverse effect in the terms and benefits of employment in direct relation to filing a complaint of discrimination or harassment or participating in a complaint or investigation of discrimination or harassment. Retaliatory actions may include but are not limited to the threat of or actual loss of employment, benefits, demotion, and discipline.
- H. **Sexual Harassment:** Behavior that is offensive to a reasonable person involving sexual overtures or conduct, either physical or verbal, when such behavior is unwelcome, personally offensive, lowers morale, and/or disrupts the working environment. Such harassment includes persons other than the person to whom the sexual conduct is directed. Examples of sexual harassment include, but are not limited to:
 - 1. Sexual advances or requests for sexual favors by supervisors or other employees when submission to such conduct is made either explicitly or implicitly a condition of employment or when submission or rejection of such conduct is used as a basis for employment decisions affecting the individual;
 - 2. Verbal or physical conduct of a sexual nature that has the effect of unreasonably interfering with an individual's work performance or that creates an intimidating, hostile or offensive work environment;
 - 3. Subtle pressure for sexual activities and verbal abuse of a sexual nature;
 - 4. Inappropriate or unnecessary touching of an individual;
 - 5. Sexually degrading words used to describe an individual, sexually suggestive pictures, objects or jokes, or degrading comments pertaining to an individual's sex, sexual orientation, gender identity, gender expression, or marital status; or
 - 6. Turning work discussions into sexual topics or asking about sexual fantasies,

preferences or history.

VI. POLICY

- A. DNR will not tolerate any discrimination or harassment based on a person's protected status or any retaliation against a person for reporting incidents of discrimination and/or harassment in the workplace.
- B. All DNR employees must report any workplace discrimination and/or harassment, including allegations of unfair employment practices and retaliation related to discrimination to the Human Resources Director (HRD) so that the allegations can be promptly, fairly, and impartially investigated and/or otherwise addressed, as appropriate.
- C. DNR will not tolerate any adverse or retaliatory treatment of employees because they report workplace discrimination and/or harassment, including unfair employment practices, or because they provide information related to such complaints.
 - a. Complainants and witnesses shall report any concerns of retaliation during the investigation process to the Human Resources Director.
- D. DNR will not tolerate any attempts to interfere with employees' ability to report or communicate about alleged discriminatory or harassing conduct, including unfair employment practices.
- E. Discrimination, harassment, creating a hostile work environment, or retaliation in the workplace constitute discriminatory employment practices that may result in mental, physical, and economic harm to the Department and its employees. These behaviors violate Colorado law, federal law, and this policy. Founded allegations may result in Departmental, civil, or legal action, including, but not limited to, corrective action, discipline up to and including termination, Colorado State Employee Assistance Program counseling, and/or criminal charges.
- F. Nothing in this policy precludes an employee from filing a Charge of Discrimination with the Colorado Civil Rights Division and/or the EEOC related to their allegation(s) of discrimination. An employee must file such a Charge within 300 days of the alleged discriminatory action.

VII. PROCEDURE

- A. Complaint Procedures
 - 1. Any employee who feels that they have been subject to or witnessed harassment, discrimination, a hostile work environment, or retaliation, as described in this policy, should immediately report such activity to the Human Resources Director by using this link for a [Human Resources Complaint Form](#) also available on the DNR Intranet.
 - 2. Complaints of harassment, discrimination, hostile work environment, or retaliation will be timely investigated and/or otherwise addressed by the Human Resources Director, their designee, or a third party outside of DNR as appropriate.
 - a. If an investigation is warranted, investigators shall gather and consider the

relevant facts objectively, interview all available material witnesses, including the alleged perpetrator, determine facts, evaluate whether this policy was violated, and offer any relevant recommendations. All evidence gathered during the investigation will be considered before any final decision is made.

3. Upon a determination that this policy has been violated, the alleged perpetrator's appointing authority has the explicit responsibility and duty to take prompt, reasonable action(s) within the scope of their authority to prevent any continued alleged discrimination or harassment of or by Department employees.
- B. All DNR supervisors are responsible for maintaining a workplace that is free from harassment, discrimination, retaliation, and/or the existence of a hostile work environment.
1. Supervisors are responsible for ensuring that employees under their authority understand their right to file a complaint of discrimination, harassment, retaliation or a hostile work environment, or for any conduct believed to be in violation of this policy.
 2. Supervisors must immediately notify the Human Resources Director of any complaints they receive that allege a violation of this policy.
- C. Confidentiality
1. The Human Resources Director will maintain a central repository for all discrimination, harassment, and retaliation claims. All documents related to such claims will be retained separately from personnel files, except corrective or disciplinary actions, and will be considered personnel records as defined in C.R.S. § 24-72-202(4.5).
 - a. Records of these claims will be retained for at least five (5) years after the later of:
 - i. The date the Department made or received the record; or
 - ii. The date of the personnel action about which the record pertains or of the final disposition of a charge of discrimination or related action, as applicable.
 2. If any employee receives a CORA request related to these claims, they should promptly notify the Executive Director's Office (EDO) CORA Manager. EDO will manage all correspondence and processing of CORA requests for these claims.
 3. Any records of a sexual harassment complaint or investigation shall not be made available for inspection pursuant to CORA except as specified in C.R.S. § 24-72-204(3)(a)(X).
- D. Training
1. DNR employees must complete annual training on preventing discrimination and harassment, including sexual harassment, in the workplace in compliance with this policy and DPA required training for State employees.