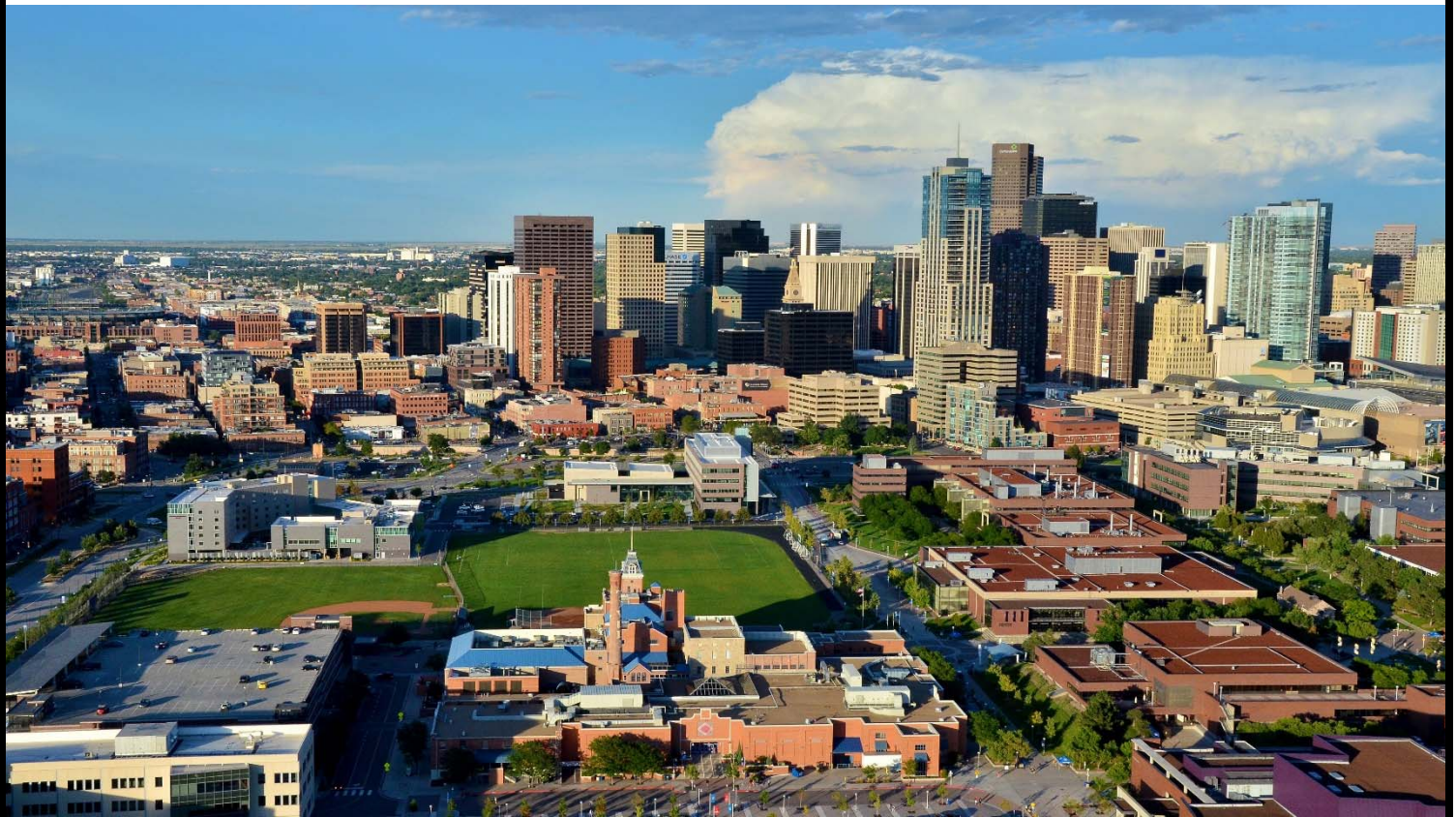




University of Colorado  
Denver



# 2015 Annual Security & Fire Safety Report

*In compliance with the Jeanne Clery Disclosure  
of Campus Security Policy and Campus Crime Statistic Act*

*\*This report contains information for **calendar year 2014***

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University of Colorado  
Denver



# Campus Resources at a Glance



## AURARIA POLICE DEPARTMENT

1201 5<sup>th</sup> Street, Suite 110

Denver, CO 80217

### Emergency

Cellphone on Campus .....303.556.5000  
Campus Phone ..... 9-1-1

### Non-Emergency

Cellphone on Campus .....303.556.5000  
Campus Phone .....6.5000  
Text-a-Tip .....720.593.TIPS  
Campus Information Hotline .....303.556.2401

## TITLE IX

Title IX Coordinator.....303.315.0126  
Deputy Coordinator.....303.315.0121  
E-mail.....[TitleIX@ucdenver.edu](mailto:TitleIX@ucdenver.edu)  
Office for Civil Rights (Colorado) .....303.894.2997

## CAMPUS RESOURCES

CU Denver Academic Success and Advising Center .....303.352.3520  
CU Denver Diversity and Inclusion.....303.556.2065  
CU Denver Counseling Center .....303.556.4372  
    After Hours \* .....303.352.4455  
CU Denver Ombuds Office .....303.315.0046  
The Phoenix Center at Auraria ..... 303.556.CALL  
CU Denver Student Conduct and Community Standards ....303.556.2444  
CU Denver Dean of Students .....303.556.3519

## EMPLOYEE RESOURCES

Colorado State Employees Assistance Program.....303.866.4314  
CU Denver ADA Coordinator.....303.315.2700  
Faculty and Staff Threat Assessment and Response Team 303.315.0182  
Sexual Harassment and other Discriminatory Complaints ...303.724.9694  
CU Denver Ombuds Office .....303.315.0046

# Community Resources

- The Phoenix Center at Auraria (24/7)..... 303.556.2255**  
*PCA is an advocacy and survivor resource.*
- The Blue Bench (24/7) ..... 303.322.7273**  
*The Blue Bench (formerly RAAP) is metropolitan Denver’s only comprehensive sexual assault prevention and support center.*
- SafeHouse Denver (24/7) ..... 303.318.9989**  
*SafeHouse is the only shelter in the City and County of Denver that exclusively serves victims of domestic violence.*
- Survivors Organizing for Liberations (SOL) Programs (24/7) ..... 888.557.4441**  
*Since 1986, Survivors Organizing for Liberations has been dedicated to eliminating violence within and against the lesbian, gay, bisexual, transgender, queer, intersex and asexual communities in Colorado.*
- National Domestic Violence Hotline (24/7)..... 800.799.7233**  
*Confidential and free of cost, the National Domestic Violence Hotline provides lifesaving tools and immediate support to enable victims to find safety and live lives free of abuse.*
- Denver Center for Crime Victims (English)..... 303.894.8000**  
**(Spanish)..... 303.718.8289**  
**(Deaf or Hard of Hearing)..... 7.1.1**  
*The Denver Center for Crime Victims provides culturally and linguistically responsive programs, health promotion and crime prevention education. Their services are broad, supporting survivors of simple theft, domestic and sexual violence, to suicide/homicide survivors. They provide crisis intervention, case management, financial assistance, client relocation, integrated physical and mental health programs and more, all without financial cost to their clients.*
- Denver Crime Victims Services..... 720.913.6035**  
*The Victims Services Unit provides quality, timely and effective crisis intervention and referrals to identified victims of crime and traumatic events in the city of Denver.*
- Rape, Abuse & Incest National Network..... 800.656-HOPE**  
*The nation’s largest anti-sexual violence organization.  
 RAINN operates a National Sexual Assault Hotline.*
- Substance Abuse and Mental Health Services Administration**  
**Suicide Prevention Lifeline ..... 800.273.8255**  
**Disaster Distress Helpline..... 800.985.5990**  
**Treatment Referral Routing Service..... 800.662.4357**  
**Veteran’s Crisis Line ..... 800.273.8255**  
*The Substance Abuse and Mental Health Services Administration (SAMHSA) is the agency within the U.S. Department of Health and Human Services that leads public health efforts to advance the behavioral health of the nation. SAMHSA’s mission is to reduce the impact of substance abuse and mental illness on America’s communities.*
- The National Dating Abuse Helpline (24/7) ..... 866.331.9474**  
*A national resource specifically designed for teens and young adults. Real-time, one-on-one support from peer advocates.*
- Colorado Crisis Services ..... 844.493.8255**  
*If you are in crisis or need help in dealing with a crisis contact Colorado Crisis Services. Common calls include: parenting concerns, family crisis, anxiety, disability, domestic violence, substance abuse, depression, bullying, stress, PTSD, drugs and alcohol, relationship problems, homelessness, self-harm, etc.*





**Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)** requires colleges and universities, both public and private, participating in federal student aid programs to disclose campus safety information, and imposes certain basic requirements for handling incidents of sexual violence and emergency situations. Disclosures about crime statistics and summaries of security policies are made once a year in an Annual Security Report (ASR), and information about specific crimes and emergencies are made publicly available on an ongoing basis throughout the year.

The Clery Act is named in memory of Jeanne Clery who was raped and murdered in her residence hall room by a fellow student she did not know on April 5, 1986. Her parents advocated for laws requiring the disclosure of campus crime information, and the federal law that now bears their daughter's name was first enacted in 1990. It has been amended regularly over the last two decades to keep up with changes in campus safety with the most recent update in 2013 to expand the law's requirements concerning the handling of sexual violence.

## Compliance

To comply with the Clery Act, CU Denver must meet certain obligations required by federal law. They include:

- Collecting, classifying and counting crime reports and crime statistics;
- Issuing campus alerts;
- Issuing emergency notifications;
- Publishing an Annual Security Report;
- Submitting crime statistics to the US Department of Education via a web-based data collection to disclose crime statistics by type, location and year; and
- Maintaining a daily crime log.

## Crime Statistics

The Clery Act requires institutions to disclose three general categories of crime statistics:

### 1. Criminal Offenses

Criminal homicide  
Sex offenses  
Domestic violence  
Dating Violence  
Stalking  
Robbery  
Aggravated assault  
Burglary  
Motor vehicle theft  
Arson

### 2. Hate Crime Biases

Race  
Religion  
Ethnicity  
National origin  
Gender  
Sexual orientation  
Disability  
Gender Identity

### 3. Arrests and Referrals for Disciplinary Action

Weapons  
Drugs  
Liquor laws

**Institutions must disclose reported offenses, not the finding of a court, coroner or jury or the decision of a prosecutor.**

On an annual basis, the Communication/Clery Manager or their designee will contact appropriate law enforcement agencies having jurisdiction over non-campus properties owned or controlled by the University for crime statistics for inclusion in the Annual Security Report.

# Auraria Police Department



## Overview

The Auraria Campus Police Department serves the CU Denver campus. Department staff include: a Chief of Police, two Commanders, Sergeants, Corporals, two Detectives, Police Officers, Neighborhood Community Officers (nonsworn), Dispatchers, and office support staff. Service is provided on an ongoing basis to the community. Auraria Campus Police also provide police services to retailers and their customers in the Tivoli Student Union.

Some services provided to the Auraria Campus by the Department include:

- Respond to police, fire, medical and environmental emergencies
- Investigate criminal reports, traffic accidents, and suspicious activities
- Assist victims of crime by taking reports, doing follow up investigations and referring them to appropriate resources
- Monitor alarms for intrusion, robbery and environmental hazards
- Comply with federal, state and local laws regarding release of information
- Assist with sick/injured and other non-criminal activity
- Provide police and security services at special events such as concert and sporting activities
- Provide police and security consultations to students and office personnel
- Assist motorists with vehicle unlocks
- Assure that AHEC is in compliance with city, state and federal environmental regulations
- Ensure the safety of the campus by monitoring environmental and safety hazards
- Hold, inventory and return found property
- Present crime prevention and awareness programs

When a student, employee or volunteer becomes aware of an immediate or imminent danger or threat on the part of employees, students, visitors, contractors, or others, affecting or involving the campus community, she/he must report the incident to the University.

## Enforcement Authority

The police officers in the Auraria Campus Police Department receive their police authority via the provisions of CRS 24-7-101. The Auraria Board, through its Executive Vice President of Administration, has delegated authority to the Auraria Campus Police Department to enforce campus rules and regulations as well as Municipal, State Laws and Federal Statutes. Auraria Campus Police Department officers have full police authority and are certified police officers as defined under CRS 16-2.5-102

## Arrest Authority

In accordance with CRS 16-2.5-102, peace officers, to include police officers employed by a state institution of higher education shall meet all of the standards imposed by law on a peace officer and shall be certified by the peace officers standards and training board (P.O.S.T).

Pursuant to CRS 16-3-102, the arrest authority within the jurisdiction of the Auraria Campus includes:

- In compliance with an arrest warrant;
- When any crime is being, or has been, committed in a Peace Officer's presence; and
- When there is probable cause to believe that an offense was committed by the person to be arrested.

The Auraria Police Department employs Security Guards. The Security Guards are non-sworn with no arrest authority.

# Police Jurisdiction

The Auraria Police Department is charged with the primary responsibility to provide police and security services to the Auraria property which houses CU Denver, Metropolitan State University of Denver and Community College of Denver. Auraria Campus is defined as those properties, private streets, retail operations, and facilities owned by the State of Colorado and used by students, staff, faculty and visitors, which are roughly bounded by Auraria Parkway, Speer Boulevard, Colfax Avenue, and Fourth Street.

Security Guards provide limited services and assistance within the primary patrol boundaries listed above.

# Intergovernmental Agreements

The City and County of Denver entered into an Intergovernmental Agreement establishing the working relationship between the Auraria Campus Police Department and the Denver Police Department, and granting to the Auraria Campus Police Department Police Officers a Denver Special Police Officer Commission, issued by the City's Manager of Safety, to enforce clearly defined ordinances of the City of Denver. These ordinances include criminal and traffic related offenses.

It is the desire of both the Auraria Campus Police Department and the Denver Police Department to provide the best possible atmosphere of public safety on and around the campus. The Intergovernmental Agreement is designed to establish the current working relationship between the Auraria Campus Police Department and the Denver Police Department, consistent with and in compliance with the requirements of the Denver City Charter and State statutes, and all terms and conditions of the Intergovernmental Agreement are to be interpreted in light of the goal of increased public safety. The current scope of this authority for the Auraria Campus Police Department Police Officers is limited to the Auraria Campus area. CU Denver does not have owned or controlled non-campus student organization facilities.



# Reporting Crimes, Emergencies & Safety Concerns

## Duty to Report Criminal Behavior

Under Colorado Law, "It is the duty of every person who has reasonable grounds to believe that a crime has been committed to report promptly the suspected crime to law enforcement authorities." (CRS 18-8-115)

CU Denver and the Auraria Police Department encourage accurate and prompt reporting of all crimes and take all such reports seriously (20 USC § 1092 (f)(1)(C)(iii). Reports will be accepted in any manner, including in person or in writing, and at the Auraria Police Department located on the Auraria Campus. Reports will be accepted anonymously, by phone or via e-mail.

Criminal offenses reported to the sources below will assist AHEC in keeping accurate records regarding the number of reported incidents on campus, and on property owned or controlled by the University, determine where there is a pattern of crime and evaluate if an alert to the Campus Community is warranted. Reports filed in this manner are counted and disclosed in the University's annual crime statistics; however, no identifying information is reported by these sources.

**Criminal actions or other emergencies occurring on campus should be reported to the Auraria Police Department 24-hours a day, 365 days a year. For immediate, direct access call 9-1-1 from any campus phone for emergencies or call ext. 6.5000 for other police assistance. To reach the Auraria Police Department by cellphone, dial 303.556.5000.**

## Crimes and Emergencies on Campus

*The Auraria Police Department Emergency Communications Center is available 24-hours a day, seven days a week.*

**Campus Telephone..... 9-1-1**

**Cellphone on/off Campus..... 303.556.5000**

### Report Suspicious Activity

#### *Examples*

- Specific threats to inflict harm (e.g., a threat to shoot a named individual)
- Use of any object to attack or intimidate another
- You witness someone committing a crime
- You need to report an old crime
- You see fire or smell smoke
- You think you observe a drunken driver
- You have knowledge of a chemical spill
- Someone is injured or ill
- You see anyone or anything suspicious





# Red Emergency Poles

There are Red Emergency Pole call stations located in or near parking areas and on pedestrian pathways. These emergency call stations may be used to report crimes in progress, suspicious persons, medical emergencies, or to request personal safety assistance. Pressing the call button on the emergency call station initiates a direct call to the Auraria Police Emergency Communications Center.

Activation of the phone line also activates the light strobe to help police locate you more quickly. These phones may be used in emergencies or to request other assistance. Students, Faculty and Staff are asked to take a moment when navigating the campus, to note the location of red emergency pole call stations.

When contacting Auraria Police by telephone, campus phone, cellphone or red emergency pole, you will be connected to the Emergency Communication Center (“dispatch”). The Emergency Communication Center will obtain as much information as available by caller and will typically send a police response, as appropriate, to the location of the incident being reported. Officers may request additional assistance when it is reasonably believed that there is an imminent threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen.

## Reporting Non-Life Threatening Incidents & Safety Issues

**Auraria Police**-University police services are available 24-hours a day, seven days a week.

**Auraria Police Department (Non-Emergencies)**..... 303.556.3271

**Campus Phone**..... 6.3271

**Auraria Campus Police Online Crime Report**

<http://www.ahec.edu/about-auraria-campus/police-department-about-auraria/submit-a-crime-report-about-auraria/>

**CU Ethics Link** ..... [https://secure.ethicspoint.com/domain/en/default\\_reporter.asp](https://secure.ethicspoint.com/domain/en/default_reporter.asp)

*This site does not require your name or other identifying information. It does not track the identity of the Computer you use. Use “CU” as the organization name. You may also call 800.677.5590. For more information regarding*

**CU Ethics Line, please visit:** <http://www.cu.edu/internalaudit%20frequently-asked-questions>

University personnel are not involved in handling phone calls initiated through the toll-free number or in initially processing the on-line reports. When you phone CU EthicsLine, your message is handled by an independent company (EthicsPoint). They have trained professionals who will assist you through the process. On-line reports are interactive and maintained by EthicsPoint.

The University’s Internal Audit Department or other designated contact receives notifications of reports filed via the toll-free number or the Web-based system within one business day. The contact accesses the information and has the knowledge to investigate your concern, or may assign the report to someone qualified to investigate the concern.



# CARE Team

The Campus Assessment, Response & Evaluation (CARE) Team was created at CU Denver to address the health and safety needs of students as well as the Campus Community. The purpose of the team is to assess whether individuals pose a risk to themselves or others and to intervene when necessary, and more generally, to identify and provide assistance to those in need. The team takes a preventative approach to risk assessment by offering resources, referrals, and support to both the concerning individual and those impacted by their behavior.

**Telephone** ..... 303.352.3579  
**E-mail** ..... [shareaconcern@ucdenver.edu](mailto:shareaconcern@ucdenver.edu)

Once a CARE team report is submitted, reviewed and assigned, and appropriate information has been gathered, the CARE Team will determine what steps need to be followed. Next steps may include, but are not limited to: speaking with the student; gathering additional evidence or information by interviewing members of the Campus Community; discussing the matter with student advising or student affairs staff; compiling additional documentation; referral to the appropriate conduct/professional code office or committee for adjudication under relevant code of conduct; referral for a formal psychological evaluation or threat assessment via law enforcement or other qualified entity; or other steps as deemed necessary. Not all concerns require review by the Director of Case Management.



# FaST

The University of Colorado Denver Faculty and Staff Threat Assessment and Response Team (FaST) was established to make initial determinations that workplace behavior presents a potential danger to the employee or others, the extent of the threat, immediate steps to be executed and by whom.

**Telephone** ..... 303.315.0182  
**E-mail** ..... [FacultyStaff.Assessment@UCDenver.edu](mailto:FacultyStaff.Assessment@UCDenver.edu)

As appropriate, the team will identify applicable resources to manage the situation going forward and conduct on-going review and follow-up on cases until concerns are resolved.

# Reporting of Crimes Occurring at Non-Campus Properties

Crimes that occur at satellite locations or at non - campus properties should be reported to the local law enforcement for that jurisdiction.

## Denver Police Department

Emergency ..... 9-1-1  
Non-Emergency ..... 720.913.2000

## Denver County Sheriff

Emergency ..... 9-1-1  
Non-Emergency ..... 720.913.2000

## Adams County Sheriff

Emergency ..... 9-1-1  
Non-Emergency ..... 303.288.1535

## Douglas County Sheriff

Emergency ..... 9-1-1  
Non-Emergency ..... 303.660.7505

# Campus Security Authorities

It is important for the Campus Community to report criminal incidents directly to Auraria Police. However, some victims of crimes may be more inclined to report a crime to someone other than the Auraria Police. Under Clery, a crime is “reported” when it is brought to the attention of a Campus Security Authority (CSA). If a CSA receives the crime information and believes it was provided in good faith, he/she should document it as a crime report and report it to University of Police for the purpose of making timely warning reports and for inclusion in the annual statistical disclosure.

Campus Security Authorities encompass four groups of individuals and organizations associated with an institution, as follows:

- Police department;
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property);
- Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses;
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to student housing, student discipline and campus judicial proceedings.

## Examples of Campus Security Authorities:

- Law enforcement officers
- Security guards
- Emergency communication staff
- Deans of Students
- Faculty advisor to a student group
- Program directors
- International studies staff

- Disability Resources and Services staff
- Department chairs
- Financial aid advisors
- Multicultural/Diversity staff
- Office of Inclusion and Outreach staff
- Title IX Coordinators
- Student Life staff

Advocates can help you figure out what steps to take and what choices you may need to make. Victim advocates include paid and unpaid service providers working in a variety of settings to respond to crime victims' mental, *n* physical, financial, social, emotional, and spiritual needs. Advocates can offer advice on how to stay safe and give you information on medical, mental health, and victim services in your community.



# Confidential Reporting

The Auraria Police Department offers several ways to report crimes while preserving privacy. Crimes reported confidentially will be included in the annual disclosure of crime statistics, however, no personally identifying information will be included. Victims who do not wish to pursue campus disciplinary or criminal action, but who wish to document the details of an incident with the University, may file a report with the Auraria Police Department anonymously at:

## **Auraria Campus Police Online Crime Report**

<http://www.ahec.edu/about-auraria-campus/police-department-about-auraria/submit-a-crime-report-about-auraria/>

**CU Ethics Link** ..... [https://secure.ethicspoint.com/domain/en/default\\_reporter.asp](https://secure.ethicspoint.com/domain/en/default_reporter.asp)  
*This site does not require your name or other identifying information. It does not track the identity of the Computer you use. Use "CU" as the organization name. You may also call 800.677.5590. For more information regarding CU Ethics Line, please visit: <http://www.cu.edu/internalaudit%20frequently-asked-questions>*

University personnel are not involved in handling phone calls initiated through the 800 number or in initially processing the on-line reports. When you phone CU EthicsLine, your message is handled by an independent company (EthicsPoint). They have trained professionals who will assist you through the process. On-line reports are interactive and maintained by EthicsPoint.

The University's Internal Audit Department or other designated contact receives notifications of reports filed via the toll-free number or the Web-based system within one business day. The contact accesses the information and has the knowledge to investigate your concern, or may assign the report to someone qualified to investigate the concern.

# Title IX Confidentiality

Where the Complainant has requested confidentiality, that no investigation occur, and/or that no disciplinary action be taken, the University will seek to honor this request. Although the University's ability to meaningfully investigate and respond to a report may be limited if the Complainant requests that their name not be disclosed to the Respondent or declines to participate in an investigation, the Title IX Coordinator may pursue the report if it is possible to do so without the Complainant's participation in the investigation or resolution (e.g., where there is other relevant evidence of the Prohibited Conduct, such as recordings from security cameras, corroborating reports from other witnesses, or physical evidence). In the absence of such other evidence, however, the University will only be able to respond to the report in limited and general ways, such as providing targeted training or prevention programs and/or offering appropriate remedial measures to the Complainant. In such cases, the report and threat assessment will be documented and retained by the University, in accordance with applicable law. Consistent with its obligation to ensure the health and safety of the University community, where the University determines that it must move forward with an Investigation despite a Complainant's request for confidentiality, the University will notify the Complainant and will make reasonable efforts to protect the privacy of the Complainant to the extent possible. However, certain actions that may be required as part of the University's response, including an investigation and disciplinary resolution, will involve speaking with the Respondent and others who may have relevant information, in which case the Complainant's identity may have to be disclosed. In such cases, the University will notify the Complainant that it intends to move forward with an investigation, but in no event will the Complainant be required to participate in any such actions undertaken by the University.

The Title IX Coordinator will inform the Complainant of the chosen course of action and of any additional actions taken by the University to address a health or safety risk. A Complainant who has requested confidentiality, that no investigation occur, and/or that no disciplinary action be taken, may, at any time, request that the report be re-opened and pursued under these Procedures. The Title IX Coordinator may also request that a report be re-opened and pursued under these Procedures if any new or additional information becomes available.

# Counselors with Confidential Reporting Procedures

Campus “Professional Counselors” who work at the Counseling Center or the Student Mental Health Center when acting as such, are not considered Campus Security Authorities and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics. A professional counselor is an employee of the University of Colorado whose official responsibilities include providing psychological counseling to members of the community and who is functioning within the scope of his or her license or certification.



# Emergency Response

The Emergency Communication Center shall ensure acknowledgment and response of assisting units when an officer requests emergency assistance or when the available information reasonably indicates that the public is threatened with serious injury or death and an immediate law enforcement response is needed.

Officers may request emergency assistance when they reasonably believe that there is an imminent threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen.

## Emergency Management Plan

The Auraria Higher Education Center (AHEC) has developed an Emergency Operations Plan that provides a comprehensive set of guidelines for directing resources before, during and after campus emergencies and disasters. The Auraria Police Department is very proactive in training all police officers and the community for emergency preparedness, response and recovery. The plan includes a set of guidelines for emergency procedures which are posted with evacuation diagrams in all the campus buildings. In addition, these guidelines can be found at: [http://www.ahec.edu/files/general/Emergency\\_Procedures.pdf](http://www.ahec.edu/files/general/Emergency_Procedures.pdf).

A Campus Safety Video is also available outlining emergency guidelines for the campus. The video is played continuously on the cable channel for the campus, at new student/faculty/staff orientations, and in classrooms during the first two weeks. To view the video, please visit:

<https://www.youtube.com/watch?v=rz5Ks0cKHDA&feature=youtu.be>



# Sexual Violence

CU Denver **prohibits** the crimes of sexual assault, domestic violence, dating violence or stalking and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the Campus Community. Toward that end, the University issues this statement of policy to inform the Campus Community of our programs to address sexual assault, domestic violence, dating violence or stalking as well as the procedures for institutional disciplinary action in cases of alleged sexual assault, domestic violence, dating violence and stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a University official.

CU Denver will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20))

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

A. **FORCED:**

1. **Rape:** The 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 person's consent.
2. **Fondling:** The touching of the private 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 his/her age or because of his/her temporary or permanent mental incapacity.

B. **NON-FORCED:**

1. **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
2. **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

**Domestic Violence:** A felony or misdemeanor crime of violence committed:

- A. By a current or former spouse or intimate partner of the victim;
- B. By a person with whom the victim shares a child in common;
- C. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- D. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- E. 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 in which the crime of violence occurred.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- A. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, the type of interaction between the persons involved in the relationship.
- B. For the purpose of this definition-
  1. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  2. Dating violence does not include acts covered under the definition of domestic violence.



## **Stalking:**

- A. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  1. Fear for the person's safety or the safety of others; or
  2. Suffer substantial emotional distress.

## **For the purposes of this definition-**

- A. Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by an action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- B. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- C. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

# State of Colorado Definitions of Related Criminal Behavior

See below for related Colorado State Statutes. These definitions can be found in the Colorado Revised Statutes (CRS). To view the most up to date information you can view the Colorado Revised Statutes by following URL below.

<http://www.lexisnexis.com/hottopics/colorado?source=COLO;CODE&tocpath=1G8HF3QKZC9YJ08IV,2IKCPJHQ,MOM5AHP0K,3JG1IKVXA6O0OU7DJ&shorthead=no>

## **CRS 18-3-401, Definitions.**

(1.5) "Consent" means cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A current or previous relationship shall not be sufficient to constitute consent under the provisions of this part 4. Submission under the influence of fear shall not constitute consent.

The University defines affirmative consent: Means the unambiguous and voluntary agreement to engage in a specific sexual activity. Consent is clear, knowing and voluntary words or actions which create mutually understandable clear permission regarding willingness to engage in, and the conditions of, sexual activity. Consent must be active; silence by itself cannot be interpreted as consent.

## **CRS 18-3-402, Sexual assault.**

- (1) Any actor who knowingly inflicts sexual intrusion or sexual penetration on a victim commits sexual assault if:
  - (a) The actor causes submission of the victim by means of sufficient consequence reasonably calculated to cause submission against the victim's will; or
  - (b) The actor knows that the victim is incapable of appraising the nature of the victim's conduct; or
  - (c) The actor knows that the victim submits erroneously, believing the actor to be the victim's spouse; or
  - (d) At the time of the commission of the act, the victim is less than fifteen years of age and the actor is at least four years older than the victim and is not the spouse of the victim; or
  - (e) At the time of the commission of the act, the victim is at least fifteen years of age but less than seventeen years of age and the actor is at least ten years older than the victim and is not the spouse of the victim; or
  - (f) The victim is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the victim and uses this position of authority to coerce the victim to submit, unless the act is incident to a lawful search; or



- (g) The actor, while purporting to offer a medical service, engages in treatment or examination of a victim for other than a bona fide medical purpose or in a manner substantially inconsistent with reasonable medical practices; or
- (h) The victim is physically helpless and the actor knows the victim is physically helpless and the victim has not consented.

**CRS 18-6-800.3, Domestic Violence.**

- (1) "Domestic violence" means an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. "Domestic violence" also includes any other crime against a person, or against property, including an animal, or any municipal ordinance violation against a person, or against property, including an animal, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship.
- (2) "Intimate relationship" means a relationship between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time.

**CRS 18-3-602, Stalking - penalty - definitions - Vonnie's law.**

- (1) A person commits stalking if directly, or indirectly through another person, the person knowingly:
  - (a) Makes a credible threat to another person and, in connection with the threat, repeatedly follows, approaches, contacts, or places under surveillance that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship; or
  - (b) Makes a credible threat to another person and, in connection with the threat, repeatedly makes any form of communication with that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship, regardless of whether a conversation ensues; or
  - (c) Repeatedly follows, approaches, contacts, places under surveillance, or makes any form of communication with another person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship in a manner that would cause a reasonable person to suffer serious emotional distress and does cause that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship to suffer serious emotional distress. For purposes of this paragraph (c), a victim need not show that he or she received professional treatment or counseling to show that he or she suffered serious emotional distress.
- (2) For the purposes of this section:
  - (a) Conduct "in connection with" a credible threat means acts that further, advance, promote, or have a continuity of purpose, and may occur before, during, or after the credible threat.
  - (b) "Credible threat" means a threat, physical action, or repeated conduct that would cause a reasonable person to be in fear for the person's safety or the safety of his or her immediate family or of someone with whom the person has or has had a continuing relationship. The threat need not be directly expressed if the totality of the conduct would cause a reasonable person such fear.
  - (c) "Immediate family" includes the person's spouse and the person's Parent, grandparent, sibling, or child.
  - (d) "Repeated" or "repeatedly" means on more than one occasion."



## Annotations:

Evidence of a sexual relationship is not necessary to establish the existence of an intimate relationship. *People v. Disher*, 224 P.3d 254 (Colo. 2010).

A sexual relationship may be an indicator, but never a necessary condition, of an intimate relationship for purposes of the Colorado domestic violence statute. The relationship must be more than that of a roommate, friend, or acquaintance, and there must be a romantic attachment or shared parental status between the parties. *People v. Disher*, 224 P.3d 254 (Colo. 2010).

When determining whether a relationship is an "intimate relationship", a court may take into account the following three factors: (1) The length of time the relationship has existed or did exist; (2) the nature or type of the relationship; and (3) the frequency of interaction between the parties. *People v. Disher*, 224 P.3d 254 (Colo. 2010).

The existence of a dating relationship indicates the kind of romantic attachment required by the statute. Whether that dating relationship was sexual in nature should not have been the determining factor. *People v. Disher*, 224 P.3d 254 (Colo. 2010).

## Bystander Intervention

Bystanders play a critical role in the prevention of sexual and relationship violence. They are "individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it."

We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 9-1-1. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

- A. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are okay.
- B. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- C. Speak up when someone discusses plans to take sexual advantage of another person.
- D. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- E. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

**Stand...  
Speak...  
ACT!!**

**4 Steps You Can  
Take**

1. Distract
2. Group intervention
3. Notify authorities
4. Make a plan

# Risk Reduction for Sexual Assault and Sexual Harassment

Risk reduction means options designed to decrease perpetration and bystander interaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

With no intent to victim blame, and recognizing that only abusers are responsible for their abuse, the following are some strategies to deduce one's risk of sexual assault or harassment (from the following website ([www.rainn.org](http://www.rainn.org)):

- A. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- B. Try to avoid isolated areas. It is more difficult to get help if no one is around.
- C. Walk with purpose. Even if you don't know where you are going, act like you do.
- D. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- E. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- F. Make sure your cell phone is with you and charged and that you have cash money.
- G. Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- H. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- I. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- J. Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 9-1-1 in most areas of the U.S.).
- K. Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- L. Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- M. Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- N. If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 9-1-1 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- O. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - 1. Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - 2. Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - 3. Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - 4. Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- P. Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- Q. If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

Persons with protection orders against another party are strongly encouraged to notify the Auraria Police Department of the threat and to provide APD a copy of the protection order so that Auraria Officers may enforce it. If the subject is protected from the Auraria Campus, please have the court list your school and the Auraria Higher Education Center separately on the order.

# RESPECT

EXPECTED.

TITLE IX  
KNOW YOUR RIGHTS

## Title IX

CU Denver's **prohibition** against any act of sexual misconduct or related retaliation applies to all students, faculty, staff, contractors, patients, volunteers, affiliated entities, and other third parties and applies to conduct that occurs on campus and off-campus conduct, including on-line or electronic conduct as noted in the University Policy. Violations may be subject to disciplinary action. The University will consider what appropriate potential actions should be taken.

The University employs trained staff members who have responsibility for Title IX compliance. The Title IX Coordinator oversees the development, implementation, and evaluation of Title IX policies, procedures, and training efforts and will refer all complaints to a trained Title IX Investigator. **You may visit their website for more information at: [TitleIX.ucdenver.edu](http://TitleIX.ucdenver.edu)**

Toll-Free Telephone .....	844.CU.TITLE
Coordinator Telephone .....	303.315.0126
Deputy Coordinator Telephone .....	303.315.0120
E-mail .....	<a href="mailto:TitleIX@ucdenver.edu">TitleIX@ucdenver.edu</a>
Office of Civil Rights .....	303.884.5695



# UNIVERSITY OF COLORADO DENVER CAMPUS SEXUAL MISCONDUCT PROCEDURES

## **I. INTRODUCTION**

The University of Colorado Denver (the “University”) is committed to providing a safe and non-discriminatory environment for all members of the University community. The University prohibits Sexual Assault, Sexual Exploitation, Intimate Partner Abuse, Gender-Based Stalking, Sexual Harassment, and Retaliation (together, “Prohibited Conduct”). These forms of Prohibited Conduct are defined in the University of Colorado’s Sexual Misconduct Administrative Policy Statement (the “Policy”). This document identifies the procedures (the “Procedures”) the University follows when it receives a report alleging Prohibited Conduct. The University uses these Procedures to investigate and resolve any such allegations and to impose disciplinary sanctions against individuals found responsible for violating the Policy.<sup>1</sup>

## **II. REPORTING**

All Responsible Employees who witness or receive information regarding any Prohibited Conduct that occurs on campus, on any property owned or controlled by the University, or off campus (including on on-line or electronic conduct occurring in the context of an employment or education program or activity of the University or has continuing adverse effect on campus) are required to promptly report all known details about the Prohibited Conduct to the University Title IX Coordinator or Deputy Title IX Coordinator by telephone, email, in person, or through the University’s online Title IX Incident Report Form. Reports are required to include, to the extent known: i) Name of the alleged victim, ii) Name of the alleged perpetrator, iii) Name of any alleged witnesses, and iv) Any other relevant facts, including the date, time, and specific location of the alleged incident.

All other individuals who become aware of an incident of Prohibited Conduct are highly encouraged to report all known details about the Prohibited Conduct to the University Title IX Coordinator or Deputy Title IX Coordinator by telephone, email, in person, or through the University’s online Title IX Incident Report Form.

### **Nelia Viveiros, Title IX Coordinator**

*Lawrence Street Center,  
1380 Lawrence Street, Suite 1441  
Denver, CO 80204  
Phone: 1-844-CU-TITLE (288-4853)  
Email: [TitleIx.ucdenver.edu](mailto:TitleIx.ucdenver.edu)*

A Complainant may choose to make a report to the University to pursue resolution under these procedures and may also choose to make a report to law enforcement. A Complainant may pursue either or both options at the same time. A Complainant who wishes to pursue criminal action in addition to, or instead of, making a report under these Procedures should contact law enforcement directly.

- 911 (for emergencies)
- Auraria Police (for non-emergencies) 303-556-5000
- Anschutz Medical Campus Police (for non-emergencies) 303-724-4444
- Denver Police (for non-emergencies) 720-913-2000
- Aurora Police (for non-emergencies) 303-627-3100

The Title IX Coordinator or Responsible Employee will assist in notifying law enforcement authorities, if the victim so chooses.

The University offers access to confidential resources for individuals who are unsure about whether to report Prohibited Conduct or are seeking counseling or other emotional support in addition to (or without) making a report

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<sup>1</sup> These procedures should be read in conjunction with the Policy. Capitalized terms used and not otherwise defined in these Procedures are defined in the Policy. For purposes of these Procedures, the “Title IX Coordinator” means the Title IX Coordinator, and Deputy Title IX Coordinator, and/or any trained designees.

to the University. Appendix A identifies confidential and other resources, both at the University and in the Denver area.

- Appendix A – Student Resources
- Appendix B – Employee Resources

### **III. Remedial Measures**

Parties involved in allegations of Prohibited Conduct are entitled to receive written information, assistance and a broad range of support and remedial measures regardless of whether they choose to pursue a resolution of Prohibited Conduct. Remedial measures may include a change in academic or living situations, transportation, working situations, prohibiting contact with the Respondent, or medical and/or mental health services, including counseling. Remedial measures may be requested by contacting the University Title IX Coordinator. The University will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

### **IV. Expectations and Responsibilities**

Through these Procedures, Complainants and Respondents can expect:

- A. Written notice of an investigation, including the potential Policy violation and nature of the alleged Prohibited Conduct;
- B. The opportunity to offer information, present evidence, and/or identify witnesses relevant to the determination of a Policy violation and any sanction(s) imposed;
- C. Timely notice of any meeting or proceeding contemplated by these Procedures where the party's presence may be requested;
- D. The opportunity to have an advisor of choice, including the right to have that advisor attend any meetings or proceedings contemplated by these Procedures where the party's presence may be requested;
- E. Timely and equal access to any information that will be used during Alternative or Formal Resolution proceedings and related meetings;
- F. A reasonable length of time to prepare any response contemplated by these Procedures;
- G. Prompt and equitable resolution under these Procedures;
- H. Written notice of any extension of time frames for good cause;
- I. Privacy in accordance with the Policy and any legal requirements;
- J. The opportunity to articulate concerns or issues about the process and to challenge the investigator for actual bias or conflict of interest;
- K. The opportunity to be heard, orally and/or in writing, as to the investigative finding, determination and any sanction(s) imposed;
- L. Written notice of the outcome, imposition of any sanction(s), and the basis for each;
- M. Reasonably available interim remedial measures;

- N. Freedom from retaliation, harassment or intimidation;
- O. The responsibility to refrain from retaliation, harassment or intimidation; and,
- P. The responsibility to provide truthful information.

## **V. INITIAL ASSESSMENT**

Upon receipt of a report of Prohibited Conduct, the Title IX Coordinator, or his or her designee, will make an initial assessment of the reported information and respond to any immediate health or safety concerns raised by the report. As part of this initial assessment, the Title IX Coordinator will:

- A. Assess the Complainant's safety and well-being and offer the University's immediate support and assistance;
- B. Inform the Complainant of the right to seek medical treatment, information on how to access a medical forensic examination, how to access a Sexual Assault Nurse Examiner, and the importance of obtaining and preserving forensic and other evidence;
- C. Inform the Complainant of the right to contact law enforcement, decline to contact law enforcement, and/or seek a protective order;
- D. Inform the Complainant about University and community resources, the right to seek appropriate and available remedial and protective measures, and how to request those resources and measures;
- E. Inform the Complainant of the right to seek resolution under these Procedures, and determine whether the Complainant wishes (i) to seek such resolution, or (ii) to request confidentiality (i.e., that their name or other identifying information not be shared with the Respondent, that no investigation be pursued, and/or that no disciplinary action be taken);
- F. Explain the University's prohibition against Retaliation;
- G. Assess the nature and circumstances of the information reported, including whether it provides any identifiable information;
- H. Ascertain the ages of the Complainant and the Respondent and, where either of the parties is a minor (under 18), contact the appropriate child protective service agency; and
- I. Determine whether the report triggers any Clery Act obligations, including entry of the report in the daily crime log and/or issuance of a timely warning, and take steps to meet those obligations. To the greatest extent possible, the University will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim.

The Title IX Coordinator will ensure Complainants receive a written explanation of all their resources and options and are offered the opportunity to meet with the Title IX Coordinator to discuss those resources and options. When a decision is reached to impose interim protective measures, to initiate an investigation or to take any action that involves notifying a Respondent, the Title IX Coordinator will also ensure that the Respondent receives a written explanation of all their resources and options and are offered the opportunity to meet with the Title IX Coordinator to discuss those resources and options.

## **VI. THREAT ASSESSMENT**

In addition to the steps taken during the initial assessment, the Title IX Coordinator will conduct a threat assessment and evaluate whether based on the information provided by the Complainant there is a rational basis for concluding that there is a risk of serious harm to the Complainant or other members of the University community. The Title IX Coordinator will make this assessment based upon the following factors (the "Risk Factors"), as available:

- Whether the Respondent has prior arrests, reports and/or complaints related to any form of Prohibited Conduct or any history of violent behavior;
- Whether the Respondent has a history of failing to comply with any University No Contact Directive, other University protective measures, and/or any judicial protective order;
- Whether the Respondent has threatened to commit violence or any form of Prohibited Conduct in the future;
- Whether the Prohibited Conduct involved multiple Respondents;
- Whether the Prohibited Conduct involved a weapon or physical violence. “Physical violence” means exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking and brandishing or using any weapon;
- Whether the report reveals a pattern of Prohibited Conduct (e.g., by the Respondent, by a particular group or organization, around a particular recurring event or activity, or at a particular location);
- Whether the Prohibited Conduct was facilitated through the use of “date-rape” or similar drugs or intoxicants;
- Whether the Prohibited Conduct occurred while the Complainant was unconscious, physically helpless or unaware that the Prohibited Conduct was occurring;
- Whether the Complainant is (or was at the time of the Prohibited Conduct) a minor (under 18); and/or
- Whether any other aggravating circumstances or signs of predatory behavior are present.

Upon completion of the threat assessment, the Title IX Coordinator will determine the appropriate course of action under these Procedures, which may include: (1) no further action; (2) Alternative Resolution; or, (3) Formal Resolution. In making this determination, the Title IX Coordinator will consider the Complainant’s preference for pursuing University resolution and the manner in which any subsequent action(s) might impact the Complainant. The Title IX Coordinator will also consider any evidence showing that the Respondent made statements of admission or otherwise accepted responsibility for the Prohibited Conduct, the existence of any independent information or evidence regarding the Prohibited Conduct, and any other available and relevant information.

Where the Title IX Coordinator determines that the report raises a health or safety risk to the Complainant and/or to the University community, the Title IX Coordinator will take any appropriate University actions, which may include (1) initiation of a No-Contact Directive, administrative leave, or an Interim Disciplinary Suspension against the Respondent; (2) causing the University Registrar to place a “hold” on the Respondent’s University transcript; (3) initiating an investigation and Formal Resolution under these Procedures; (4) arranging, imposing or extending any other appropriate remedial and/or protective measures; and/or (5) reporting information to any external agency as required or permitted by law.

Where the Complainant has requested confidentiality, that no investigation occur, and/or that no disciplinary action be taken, the University will seek to honor this request. Although the University’s ability to meaningfully investigate and respond to a report may be limited if the Complainant requests that their name not be disclosed to the Respondent or declines to participate in an investigation, the Title IX Coordinator may pursue the report if it is possible to do so without the Complainant’s participation in the investigation or resolution (e.g., where there is other relevant evidence of the Prohibited Conduct, such as recordings from security cameras, corroborating reports from other witnesses, or physical evidence). In the absence of such other evidence, however, the University will only be able to respond to the report in limited and general ways, such as providing targeted training or prevention programs and/or offering appropriate remedial measures to the Complainant. In such cases, the report and threat assessment will be documented and retained by the University, in accordance with applicable law. Consistent with its obligation to ensure the health and safety of the University community, where the University determines that it must move forward with an Investigation despite a Complainant’s request for confidentiality, the University will notify the Complainant and will make reasonable efforts to protect the privacy of the Complainant to the extent possible. However, certain actions that may be required as part of the University’s response, including an investigation and disciplinary resolution, will involve speaking with the Respondent and others who may have relevant information, in which case the Complainant’s identity may have to be disclosed. In such cases, the University will notify the Complainant that it intends to move forward with an investigation, but in no event will the Complainant be required to participate in any such actions undertaken by the University.



The Title IX Coordinator will inform the Complainant of the chosen course of action and of any additional actions taken by the University to address a health or safety risk. A Complainant who has requested confidentiality, that no investigation occur, and/or that no disciplinary action be taken, may, at any time, request that the report be re-opened and pursued under these Procedures. The Title IX Coordinator may also request that a report be re-opened and pursued under these Procedures if any new or additional information becomes available.

## **VII. UNIVERSITY RESOLUTION**

These Procedures offer two forms of resolution for reports made under the Policy: (1) Formal Resolution, which involves an investigation, review by the Review Panel Committee, and if appropriate, implementation of a sanction, and (2) Alternative Resolution, which includes a variety of informal options for resolving reports.

### **A. FORMAL RESOLUTION**

Formal Resolution is commenced when:

- A Complainant reports that an individual has engaged in one or more instances of Prohibited Conduct, the Complainant requests Formal Resolution, and at the conclusion of the Title IX Coordinator's threat assessment process, the Title IX Coordinator has determined that the presence of one or more risk factors requires an investigation of the reported conduct, notwithstanding the Complainant's request that no investigation be pursued or that no disciplinary action be taken.
- In the absence of a Complainant, a report of Prohibited Conduct is made, and the Title IX Coordinator determines that an investigation is required.
- Alternative Resolution does not resolve a reported incident of Prohibited Conduct and, in the Title IX Coordinator's discretion, an investigation of the report of Prohibited Conduct is required.

#### **1. Investigation**

Under any of the above three circumstances, the Title IX Coordinator will designate one or more University Investigators to conduct a prompt, thorough, fair, and impartial investigation. Any Investigator used by the University will receive annual training on the issues related to sexual and gender based harassment, sexual assault, dating violence, domestic violence, and stalking and on how to conduct an investigation that is fair and impartial, provides parties with notice and a meaningful opportunity to be heard, and protects the safety of victims while promoting accountability.

(a) Notice of Investigation. The Investigator will notify the Complainant and the Respondent, in writing, of the commencement of an investigation. Such notice will (1) identify the Complainant and the Respondent; (2) specify the date, time (if known), location, and nature of the alleged Prohibited Conduct; (3) identify the reported Policy violation(s); (4) identify the Investigator; (5) include information about the parties' respective rights and responsibilities under the Policy and these Procedures; (6) explain the prohibition against Retaliation; (7) instruct the parties to preserve any potentially relevant evidence in any format; (8) inform the parties how to challenge participation by the Investigator on the basis of a conflict of interest; and (9) provide a copy of the Policy and these Procedures.

(b) Other Forms of Discriminatory and/or Harassing Conduct. If a report of Prohibited Conduct also implicates other forms of discriminatory and/or harassing conduct prohibited by the University policy or the applicable Student Code of Conduct, the Title IX Coordinator will evaluate all reported allegations to determine whether the alleged Prohibited Conduct and the alleged policy or conduct violation may be appropriately investigated together without unduly delaying the resolution of the report of Prohibited Conduct. Where the Title IX Coordinator determines that a single investigation is appropriate, the determination of whether the Respondent engaged in Prohibited Conduct or other discriminatory or harassing conduct will be evaluated under the appropriate policy, but the investigation and resolution will be conducted in accordance with these Procedures.

(c) Presumption of Non-Responsibility and Participation by the Parties. The investigation is a neutral fact-gathering process. The Respondent is presumed to be not responsible; this presumption may be overcome only where the Investigator concludes, by a preponderance of the evidence, that there is sufficient evidence to determine that the Respondent violated the Policy. Neither a Complainant nor a Respondent is required to participate in the investigation or any form of Resolution under the Policy. Recognizing that a Respondent may face parallel criminal charges, the Investigator will not draw any adverse inference from a decision by the Respondent not to participate in the investigation. The investigation and resolution, however, may proceed, and a finding of responsibility and imposition of any sanction(s) may occur without the participation of the Respondent.

(d) Timeframe for Completion of Investigation. Typically, the period from commencement of an investigation through resolution (finding and sanction, if any) will not exceed sixty (60) calendar days. This timeframe may be extended for good cause, which may exist if additional time is necessary to ensure the integrity and completeness of the investigation, to comply with a request by external law enforcement for temporary delay to gather evidence for a criminal investigation, to accommodate the availability of witnesses, to account for University breaks or vacations, to account for complexities of a case, including the number of witnesses and volume of information provided by the parties, or for other legitimate reasons. The Investigator will notify the Complainant and the Respondent in writing of any extension of this timeframe and the reason for such extension.

(e) Overview of Investigation. During the investigation, the parties will have an equal opportunity to be heard, to submit information and supporting evidence, to identify witnesses who may have relevant information, and to submit questions that they believe should be directed by the Investigator to each other or to any witness. The Investigator will notify and seek to meet separately with the Complainant, the Respondent, and third-party witnesses. The Investigator will gather other relevant and available evidence and information, including electronic or other records of communications between the parties or witnesses (e.g. voice-mail, text message, email and social media sites), photographs (including those stored on computers and smartphones), and medical records (subject to the consent of the applicable party).

(f) Advisors. Throughout the investigation and resolution, each party has the right to consult with an advisor of their choosing. The advisor may be any person, including an attorney, who is not otherwise a party or witness involved in the investigation. The parties may be accompanied by their respective advisors at any meeting or proceeding related to the investigation and resolution of a report under these Procedures. While the advisors may provide support and advice to the parties at any meeting and/or proceeding, they may not speak on behalf of the parties or otherwise participate in, or in any manner disrupt, such meetings and/or proceedings.

(g) Prior or Subsequent Conduct. Prior or subsequent conduct of the Respondent may be considered in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of Prohibited Conduct by the Respondent, either before or after the incident in question, regardless of whether there has been a prior finding of a Policy violation, may be deemed relevant to the determination of responsibility for the Prohibited Conduct under investigation. The determination of relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar Prohibited Conduct. The Investigator will determine the relevance of this information and both parties will be informed if evidence of prior or subsequent conduct is deemed relevant.

(h) Prior Sexual History. The sexual history of a Complainant or Respondent will never be used to prove character or reputation. Moreover, evidence related to the prior sexual history of either of the parties is generally not relevant to the determination of a Policy violation and will be considered only in limited circumstances. For example, if the existence of Affirmative Consent is at issue, the sexual history between the parties may be relevant to help understand the manner and nature of communications between the parties and the context of the relationship, which may have bearing on whether Affirmative Consent was sought and given during the incident in question. However, even in the context of a relationship, Affirmative Consent to one sexual act does not, by itself, constitute Affirmative Consent to another sexual act, and Affirmative Consent on one occasion does not, by itself, constitute Affirmative Consent on a subsequent occasion. In addition, prior sexual history may be relevant to explain the presence of a

physical injury or to help resolve another question raised by the report. The Investigator will determine the relevance of this information and both parties will be informed if evidence of prior sexual history is deemed relevant.

(i) Relevance. The Investigator has the discretion to determine the relevance of any proffered evidence and to include or exclude certain types of evidence. In general, the Investigator will not consider statements of personal opinion, rather than direct observations or reasonable inferences from the facts, or statements as to any party's general reputation for any character trait.

(j) Site Visit(s). The Investigator may visit relevant sites or locations and record observations through written, photographic, or other means.

(k) Expert Consultation(s). The Investigator may consult medical, forensic, technological or other experts when expertise on a topic is needed in order to achieve a fuller understanding of the issues under investigation.

(l) Coordination with Law Enforcement. The Investigator will contact any law enforcement agency that is conducting its own investigation to inform that agency that a University investigation is also in progress; to ascertain the status of the criminal investigation; and to determine the extent to which any evidence collected by law enforcement may be available to the University in its investigation. At the request of law enforcement, the Investigator may delay the University investigation temporarily while an external law enforcement agency is gathering evidence. The Investigator will promptly resume the University investigation when notified that law enforcement has completed the evidence-gathering stage of its criminal investigation.

(m) Draft Investigation Report. At the conclusion of the investigation, the Investigator will prepare a Draft Investigation Report summarizing the information gathered and outlining the contested and uncontested information. The Draft Investigation Report will not include any findings. The Complainant and the Respondent will each have the opportunity to review the Draft Investigation Report; meet with the Investigator; submit additional comments and information to the Investigator; identify any additional witnesses or evidence for the Investigator to pursue; and submit any further questions that they believe should be directed by the Investigator to the other party or to any witness. The Investigator will designate a reasonable time for this review and response by the parties, not to exceed five (5) calendar days. In the absence of good cause, information that is not provided at this juncture to the Investigator at this juncture will not be considered in the determination of responsibility for a violation of the Policy.

(n) Final Investigation Report. Unless there are significant additional investigative steps requested by the parties or identified by the Investigator, within five (5) calendar days after receipt and consideration of additional comments, questions and/or information from the parties, the Investigator will prepare a Final Investigation Report, which will include a recommendation as to whether there is sufficient information, by a preponderance of the evidence, to support a finding of responsibility for a violation of the Policy. In reaching this recommended finding, the Investigator may consult with the University's Office of the General Counsel. The Investigator will deliver the Final Investigation Report to the Title IX Coordinator. The Title IX Coordinator will notify both parties, simultaneously, that the Final Investigation Report is complete and available for review.

(o) Recommended Finding(s) of Responsibility. When the Investigator determines that there is sufficient information, by a preponderance of the evidence, to support a finding of responsibility on one or more of the allegations, the Respondent may accept or contest such recommended finding(s) by notifying (in writing) the Title IX Coordinator. If the Respondent accepts the recommended finding(s) of responsibility, the Title IX Coordinator will refer the case to the Review Panel to determine the appropriate sanction<sup>1</sup>. If the Respondent contests one or more of the recommended finding(s), the Respondent may submit to the Title IX Coordinator a written statement explaining why the Respondent contests such finding(s). The Title IX Coordinator will ensure that the Complainant has an opportunity to review and respond in writing to any such statement. The Title IX Coordinator will provide the final investigative report, together with any statements by the parties, to the Review Panel for further proceedings as outlined below.

(p) Recommended Finding(s) of No Responsibility. When the Investigator determines that there is insufficient information, by a Preponderance of the Evidence, to support a finding of responsibility on one or more of the

allegations, the Complainant may accept or contest the recommended finding(s) by notifying (in writing) the Title IX Coordinator. If the Complainant accepts the recommended finding(s) of no responsibility, the investigation will be closed and documented in accordance with applicable University policies. If the Complainant contests one or more of the recommended finding(s), the Complainant may submit to the Title IX Coordinator a written statement explaining why the Complainant contests such finding(s). The Title IX Coordinator will ensure that the Respondent has an opportunity to review and respond in writing to any such statement. The Title IX Coordinator will provide the final investigative report, together with any statements by the parties, to the Review Panel for further proceedings as outlined below.

(q) **Impact and Mitigation Statements.** Where there is a finding of responsibility on one or more of the allegations, both parties may submit a statement to the Title IX Coordinator, within three (3) working days of receiving notice of the finding of responsibility, for the purposes of determining an appropriate sanction<sup>2</sup> by the Review Panel. The Complainant may submit a written statement describing the impact of the Prohibited Conduct on the Complainant and expressing a preference about the sanction(s) to be imposed. The Respondent may submit a written statement explaining any factors that the Respondent believes should mitigate or otherwise be considered in determining the sanctions(s) imposed. The Title IX Coordinator will ensure that each of the parties has an opportunity to review any statement submitted by the other party. The Title IX Coordinator will provide any statement(s) with the Final Investigation Report and the parties' other written submissions to the Review Panel for further proceedings as outlined below.

2. **Acceptance of Responsibility.** The Respondent may, at any time, elect to resolve the Formal Resolution process by accepting responsibility for the Prohibited Conduct, in which case the Title IX Coordinator will refer the matter to the Review Panel to determine the appropriate sanction(s)<sup>3</sup>.

3. **Review Panel.** The Title IX Coordinator will appoint a standing pool of trained members of the University community and, at the discretion of the Title IX Coordinator, external professionals with experience adjudicating cases of Prohibited Conduct. The Title IX Coordinator will select (a) three members from this pool to serve on the Review Panel, and (b) an additional member from this pool to serve as the non-voting Hearing Chair. The Review Panel will review the Investigator's recommended finding(s) and, to the extent permissible by University policy and law, determine the appropriate sanction(s) under these Procedures<sup>4</sup>. If the Review Board does not have the authority to determine the appropriate sanction, the Review Board will make a recommendation regarding the appropriate sanction to the applicable disciplinary authority. All persons serving on any Review Panel (or as the Hearing Chair) must be impartial and free from actual bias and conflict of interest.

a. **Review Standard.** If either of the parties contests the Investigator's recommended finding(s) of responsibility (or no responsibility) for an alleged violation of the Policy, the Review Panel will hold a hearing to determine whether the Preponderance of the Evidence standard was appropriately applied by the Investigator. In determining whether the standard was appropriately applied, the Review Panel will consider (1) whether the concerns stated by the contesting party raise substantial doubt about the thoroughness, fairness and/or impartiality of the investigation; and, if not, (2) whether there is sufficient evidence to support the Investigator's recommended findings(s) by a Preponderance of the Evidence.

b. **Notice and Timing of Hearing.** Typically, a hearing will be held within fifty-five (55) calendar days from the date of the Notice of Investigation, subject to extension for good cause, as described below. The Hearing Chair will notify the parties in writing of the date, time, and location of the hearing; the names of the person on the Review Panel and the Hearing Chair; and how to challenge participation by any member of the Review Panel and the Hearing Chair. The Hearing will typically be scheduled within five (5) calendar days from the date of the Notice of Hearing, subject to extension for good cause at the discretion of the Title IX Coordinator. Good cause may include the availability of the parties, the timing of semester breaks or University holidays, or other extenuating circumstances. Any extension, and the reason for the extension, will be shared with the parties in writing.

c. Postponement of Hearing. Permission to postpone a hearing may be granted provided that the request to do so is based on a compelling emergency and communicated to the Hearing Chair prior to the time of the Hearing.

d. Hearing Format. The hearing is an opportunity for the parties to address the Review Panel, in person, about whether the Preponderance of the Evidence standard was appropriately applied by the Investigator, whether the investigation was thorough, fair and impartial, and whether there is sufficient evidence to support the Investigator's recommended finding(s) by a Preponderance of the Evidence. The parties may address any information in the Final Investigative Report or impact and mitigation statements. Each party has the opportunity to be heard, to identify witnesses for the Review Panel's consideration, and to respond to any questions of the Review Panel. The parties may not directly question one another or any witness, although they may proffer questions for the Review Panel, who may choose, in their discretion, to pose appropriate and relevant questions of the Investigator, the parties, or any witnesses. A typical hearing may include brief opening remarks by the Complainant and/or Respondent, with follow-up questions posed by the Review Panel; information presented by the Investigator or witnesses deemed relevant by the Review Panel, with follow-up questions by the Review Panel of the Investigator or witnesses; and brief concluding remarks by the Complainant and/or Respondent. The Chair of the Review Panel has the discretion to determine the specific hearing format.

e. Participation in Hearing.

i. Parties. Both the Complainant and the Respondent have a right to be present at the hearing. Either party may request alternative methods for participating in the hearing that do not require physical proximity to the other party, including participating through electronic means. This request should be submitted to the Hearing Chair at least two (2) calendar days prior to the Hearing.

If despite being notified of the date, time, and location of the Hearing either party is not in attendance, the Hearing may proceed and applicable sanctions may be imposed. Neither party is required to participate in the Hearing in order for the Hearing to proceed.

ii. Investigator or other witnesses. The Review Panel may request the presence of the Investigator or any other witness they deem necessary to their determination. The parties may also request the presence of any witness they deem relevant to the determination. The Review Panel has absolute discretion to determine which witnesses are relevant to their determination and may decline to hear from witnesses where they determine the information is not necessary for their review.

iii. Advisors. Both the Complainant and the Respondent have the right to be accompanied at the Hearing by an advisor of their choosing. The advisor may be anyone, including an attorney, who is not otherwise a party or witness. While the advisor may provide support and advice to a party at the Hearing, the advisor may not speak on behalf of the party or otherwise participate in, or in any manner disrupt the Hearing. The University reserves the right to remove any individual whose actions are disruptive to the proceedings.

f. Determination by the Review Panel. Where either of the parties has contested the recommended finding(s) of responsibility, the members of the Review Panel will, at the conclusion of the Hearing, determine, by a majority vote, whether the Preponderance of the Evidence standard was appropriately applied by the Investigator by making a finding (1) whether the concern(s) stated by the contesting party raise substantial doubt about the thoroughness, fairness, and/or impartiality of the investigation; and, if not, (2) whether there is sufficient evidence to support the Investigator's recommended finding(s) by a Preponderance of the Evidence.

If the Review Panel finds that concerns stated by the contesting party raise substantial doubt about the thoroughness, fairness, and/or impartiality of the investigation, it will remand the matter to the Title IX Coordinator with instructions for further investigation or other action. The instructions may include guidance regarding the scope of information to be further investigated and any appropriate stipulations, including the appointment of a new Investigator.

If the Review Panel finds no cause for substantial doubt about the thoroughness, fairness, and/or impartiality of the investigation, but determines there is insufficient evidence to support the Investigator's recommended finding, it may remand the matter to the Title IX Coordinator with instructions for further investigation or other action. The instructions may include guidance regarding the scope of information to be further investigated and any appropriate stipulations, including the appointment of a new Investigator.

If the Review Panel finds no cause for substantial doubt about the thoroughness, fairness, and/or impartiality of the investigation and affirms that there is sufficient evidence to support the recommended finding of responsibility by a Preponderance of the Evidence, it will then determine, by majority vote, the appropriate sanctions(s), or recommended sanction(s) for the Prohibited Conduct<sup>5</sup>.

If the Review Panel finds no cause for substantial doubt about the thoroughness, fairness, and/or impartiality of the investigation and affirms a recommended finding of no responsibility, the matter will be considered resolved and the investigation will be closed. Appropriate remedial measures may, however, remain in effect on a temporary or permanent basis.

g. Sanctions. Where there is a finding of responsibility, the Review Panel may impose one or more sanctions<sup>6</sup>. Sanctions may include any of the sanctions that are available for violations of the University policy or Standards of Conduct, including:

- i. Expulsion/Termination: Termination of student status for an indefinite period or permanent separation of employment.
- ii. Suspension: Exclusion from classes, the workplace, and other privileges or activities or from the University for a definite period of time.
- iii. Suspension held in abeyance: Exclusion from classes, the workplace, and other privileges or activities or from the University for a definite period of time to be enforced should another violation occur.
- iv. Restitution: Reimbursement for damages, loss, or injury, or misappropriation of property.
- v. Disciplinary Probation: Exclusion from participation in privileged or extracurricular activities for a definite period of time.
- vi. Reprimand: A written censure for violation of the Policy and any specified Standards of Conduct placed in the individual's student or employment record, including the possibility of more severe disciplinary sanctions should another violation occur within a stated period of time.
- vii. Warning Notice: A notice, in writing, that continuation or repetition of conduct found wrongful, within a period of time stated in the warning, may be cause for more severe disciplinary action.
- viii. Admonition: An oral statement to an individual that he or she has violated the Policy and any specified Standards of Conduct.

The appropriateness of any particular sanction is reviewed on an individual basis based on the unique facts and circumstances as found by the Review Panel. In keeping with the University's commitment to foster an environment

that is safe, inclusive, and free from discrimination and harassment, the Policy provides the Review Panel with wide latitude in the imposition of sanctions tailored to the facts and circumstances of each report, the impact of the conduct on the Complainant and surrounding community, and accountability for the Respondent. The imposition of sanctions is designed to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects, while supporting the University's educational mission and federal obligations. Sanctions may include educational, restorative, rehabilitative, and punitive components. Some conduct, however, is so egregious in nature, harmful to the individuals involved or so deleterious to the educational process that it requires severe sanctions, including suspension or expulsion from the University. In determining the appropriate sanction(s), the Review Panel will be guided by a number of considerations, including:

- The severity, persistence or pervasiveness of the Prohibited Conduct;
- The nature or violence of the Prohibited Conduct;
- The impact of the Prohibited Conduct on the Complainant;
- The impact or implications of the Prohibited Conduct within the University community;
- Prior misconduct by the Respondent, including the Respondent's relevant prior discipline history, at the University or elsewhere, and any criminal convictions;
- Whether the Respondent has accepted responsibility for the Prohibited Conduct;
- The maintenance of a safe, nondiscriminatory and respectful environment conducive to learning; and
- Any other mitigating, aggravating, or compelling factors.

Sanctions are effective immediately, unless otherwise specified by the Review Panel.

In addition to other sanctions, the Review Panel may impose or extend a No Contact Directive and impose or extend academic, and/or University employment modifications, as may be appropriate; impose or extend increased monitoring, supervision, and/or security at locations or in connection with activities where the Prohibited Conduct occurred or is likely to reoccur; arrange for conducting targeted or broad-based educational programming or training for relevant persons or groups; impose one or more restorative remedies to encourage a Respondent to develop insight about the Prohibited Conduct, learn about the impact of that Prohibited Conduct on the Complainant and the University community, and identify how to prevent that Prohibited Conduct in the future (including community service and mandatory participation in training, education and/or prevention programs related to the Prohibited Conduct); and/or impose any other remedial or protective measures that are tailored to achieve the goals of the Policy.

h. Transcript Notations. If the Review Panel imposes a sanction of expulsion or suspension, the Title IX Coordinator will notify the University Registrar to place a permanent notation in the Respondent's file or transcript reading "Disciplinary Expulsion" or "Disciplinary Suspension," as applicable<sup>7</sup>.

i. Decision of the Review Panel is Final. The decision of the Review Panel is final, without further recourse or appeal by either party.

j. Final Outcome Letter. The Review Panel Chair will simultaneously issue a written decision (the "Final Outcome Letter") to both the Complainant and the Respondent, with a copy to the Title IX Coordinator, within five (5) calendar days following the Review Panel Hearing (or such longer time as the Chair may for good cause determine). The Final Outcome Letter will set forth the violation(s) of the Policy for which the Respondent was found responsible or not responsible, as supported by the rationale set forth in the Final Investigation Report and/or modified by the Review Panel; the sanction(s) (if applicable) imposed against the Respondent; and the rationale for any sanction(s) imposed. The Final Outcome Letter may also identify protective measures implemented with respect to the

Respondent or the broader University community. The Final Outcome Letter will not disclose any remedial measures provided to the Complainant.

k. Release of Documents. Pursuant to FERPA, the Final Investigation Report, statements of one party that are shared with the other party in the process, and any documents prepared by the University, including documents by or for the Review Panel in advance of the Hearing, constitute education records which may not be disclosed outside of the proceedings, except as may be required or authorized by law. The University does not, however, impose any restrictions on the parties regarding their disclosure of the incident, their participation in these Procedures, or the outcome.

## B. ALTERNATIVE RESOLUTION

The Complainant may seek Alternative Resolution in place of an investigation and Formal Resolution. The University, however, has the discretion to determine whether the nature of the reported conduct is appropriate for Alternative Resolution, to determine the type of Alternative Resolution that may be appropriate in a specific case, and to refer a report for Formal Resolution at any time. In addition, Alternative Resolution may not be available where the Title IX Coordinator has determined that one or more of the Risk Factors is present. Forms of Alternative Resolution that involve face-to-face meetings between the Complainant and the Respondent, such as mediation, are not available in cases involving Sexual Assault.

Participation in Alternative Resolution (including any specific form of Alternative Resolution) is voluntary. The University will not compel a Complainant or Respondent to engage in Alternative Resolution, will not compel a Complainant to directly confront the Respondent, and will allow a Complainant or Respondent to withdraw from Alternative Resolution at any time. The University may decline the request for Alternative Resolution in any particular case and may terminate an ongoing Alternative Resolution process at any time. Pursuing Alternative Resolution does not preclude later use of Formal Resolution if the Alternative Resolution fails to achieve a resolution acceptable to the parties and the University. Where the Complainant or the Respondent withdraws from Alternative Resolution or Alternative Resolution is otherwise terminated for any reason, any statements or disclosures made by the parties during the course of the Alternative Resolution may be considered in a subsequent investigation and Formal Resolution.

With any form of Alternative Resolution, each party has the right to consult with an advisor of their choosing. The advisor may be any person, including an attorney, who is not otherwise a party or witness to the reported incident(s). The parties may be accompanied by their respective advisors at any meeting or proceeding held as part of Alternative Resolution. While the advisors may provide support and advice to the parties at any meeting and/or proceeding, they may not speak on behalf of the parties or otherwise participate in, or in any manner disrupt, such meetings and/or proceedings.

Alternative Resolution may include:

- Resolution with the Assistance of a Third Party: A Complainant may seek assistance in informally resolving a report of Prohibited Conduct from the Title IX Coordinator, who can arrange to have a trained representative facilitate a meeting or meetings between the parties. The availability of this form of Alternative Resolution, and any resolution reached through such form of Alternative Resolution, is subject to the agreement of the Title IX Coordinator, the Complainant and the Respondent. This form of Alternative Resolution may not be used where the allegation involves Sexual Assault.

- Interventions and Remedies: Alternative Resolution agreements may involve a host of interventions and remedies, such as actions designed to maximize the Complainant's access to educational, extracurricular, and/or University employment activities; increased monitoring, supervision, and/or security at locations or activities where the Prohibited Conduct occurred or is likely to reoccur; targeted or broad-based educational programming or training for relevant individuals or groups; academic and/or University housing modifications for Student Complainants; workplace modifications for Employee Complainants; one or more of the restorative remedies or other sanctions



described in these Procedures; and/or any other remedial or protective measures that can be tailored to the involved individuals to achieve the goals of the Policy.

Any form of Alternative Resolution and any combination of interventions and remedies may be utilized. If an agreement acceptable to the University, Complainant, and the Respondent is reached through Alternative Resolution, and the terms of the agreement are implemented, the matter will be considered resolved and closed. If an agreement is not reached, and the Title IX Coordinator determines that further action is necessary, or if a Respondent fails to comply with the terms of the Alternative Resolution, the matter may be referred for an investigation and Formal Resolution under these Procedures.

The Alternative Resolution process will typically be completed within thirty (30) calendar days from the date the Alternative Resolution process is commenced.

The University will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceedings conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

In coordination with AHEC, CU Denver engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end sexual assault, domestic violence, dating violence or stalking that:

- A. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- B. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and that:

- A. A statement that the institution prohibits the crimes of sexual assault, domestic violence, dating violence or stalking (as defined by the Clery Act);
- B. The definitions of sexual assault, domestic violence, dating violence or stalking according to any applicable jurisdictional definitions of these terms;
- C. What behavior and actions constitute consent, in reference to sexual activity, in the State of Colorado;
- D. A description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of sexual assault, domestic violence, dating violence or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- E. Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- F. Information regarding:
  - 1. Procedures victims should follow if a crime of sexual assault, domestic violence, dating violence or stalking occurs (as described in "Procedures Victims Should Follow if a Crime of Sexual Assault, Domestic Violence, Dating Violence or Stalking Occurs" elsewhere in this document)
  - 2. How the institution will protect the confidentiality of victims and other necessary parties (as described in "Assistance for Victims: Rights and Options" elsewhere in this document);
  - 3. Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community (as described in "Assistance for Victims: Rights and Options" elsewhere in this document); and

4. Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
5. Procedures for institutional disciplinary action in cases of alleged sexual assault, domestic violence, dating violence or stalking (as described in “Adjudication of Violations” elsewhere in this document);

All newly hired staff attend an all-day orientation. The orientation includes primary prevention and awareness presentations. A healthy work and learning environment free from discrimination and harassment is a key value at CU Denver. To that end, it is required that employees be familiar with discrimination and harassment protections, the types of discrimination and harassment that occur in employment and education environments, understand reporting requirements, and CU Denver employees who address discrimination and harassment. This training is mandatory for all University Employees and must be completed within 90 days of hire.

All incoming students receive an orientation that includes primary prevention and awareness information.



# Ending Interpersonal Violence (IPV) through Prevention, Awareness and Support Services



The  
Phoenix Center  
at Auraria

The Phoenix Center at Auraria's mission is to implement campus response services, provide education, and facilitate dialogue related to IPV in the Auraria community.

24/7 Helpline: 303-556-CALL

## Sexual Assault Awareness Events/Activities in 2014

- Kimleigh Smith for Sexual Awareness-This one woman dramatic performance about recovering from a college sexual assault inspired dozens of students to do more to prevent sexual assault.
- The Clothesline Project Display- The Phoenix Center displayed over 300 shirts decorated by Auraria survivors of interpersonal violence and their loved ones in this powerful, national campaign. Shirts were displayed in the Tivoli Atrium during the month of April.
- (Em)Power Play- An entire day of Welcome Week was dedicated to teaching students about consent, healthy relationships and bystander intervention.
- The Red Flag Campaign-One flag for every student on our campus statically affected by relationship violence: 8,600 flags.
- Breaking Silence: Stories of Survival-138 Auraria community members walked through this interactive exhibit featuring firsthand accounts from survivors of interpersonal violence. This event raised awareness and allowed attendees to process, heal and get connected to resources.



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## Prevention Education

- Stop Assault: FAST-Self-defense workshops, empowering folks of all gender identities to establish boundaries, assert confidence and defense themselves using both verbal and physical techniques.
- Workshops: Healthy Relationships, Interpersonal Violence 101, Media Literacy, Gender Construction and Bystander Intervention.
- Professional Development: Phoenix Center services and Mandatory Reporting Requirements.

# Procedures Victims Should Follow if a Crime of Sexual Assault, Domestic Violence, Dating Violence, or Stalking Occurs

After an incident of sexual assault, the victim should consider seeking medical attention as soon as possible at Denver Health Medical Center (303.436.6000). In Colorado, evidence may be collected even if you chose not to make a report to law enforcement. The healthcare provider is legally mandated to report the suspected sexual assault to law enforcement, however, the patient is not obligated to participate in the criminal justice system and can choose one of three reporting options: law enforcement report, medical report or anonymous report. Mandatory reporting laws prevent minors under 18 and adults over 70 from anonymously reporting a sexual assault. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 72-120 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, dating violence or stalking violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University adjudicators/investigators or police.

## Reporting Victim

The law enforcement agency with jurisdiction over a sexual assault must pay for any direct cost associated with the collection of forensic evidence from a victim who reports the assault to the law enforcement agency [C.R.S 18-3-407.5(1)]

## Medical and Anonymous Reporting Victims

A victim of a sexual offense shall not bear the cost of a forensic medical examination that includes the collection of evidence that is used for the purpose of evidence collection even if the victim does not want to participate in the criminal justice system or otherwise cooperate with the law enforcement agency, prosecuting officer, or other government official. The division of criminal justice in the department of public safety shall pay the cost of the examination [C.R .S. § 18-3-407.5(3)(b)]

As time passes, evidence may dissipate, become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Public Safety or other law enforcement to preserve evidence in the event that the victim decides to report the incident to law enforcement or the University at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

Victims of domestic violence and/or dating violence should go to a safe place, seek medical attention and contact law enforcement. Tell someone. It is NOT your fault. No one deserves to be battered or abused. Seek the support of caring family or friends. Too often victims become accustomed to denying the danger they live with. It is hard to accept that their abuser will never change often focusing on what is good in the relationship. After time, “normal” is completely skewed in the mind of a victim of domestic violence or dating violence. Contact the National Domestic Violence Hotline at 800.799.HELP. You may wish to seek a protection order.

Victims of stalking often fear the unknown. Impact to victims may include anxiety, insomnia, social dysfunction and severe depression. A stalker could be someone you know well or not at all. Victims should contact law enforcement immediately if they are in danger. Trust your instincts and take threats seriously. Develop a safety plan, including things like changing your routine and having a friend with you when you go places. Do not communicate with the stalker. Keep all evidence. Write down date/time of calls, keep e-mails, texts and letters, and photograph any damage and/or injuries. Ask witnesses to document what they saw. It is NOT your fault. You deserve to be safe and free from fear. Visit [www.victimsofcrime.org](http://www.victimsofcrime.org) for tips and information. You may wish to seek a protection order.

**A protective order is only one part of a safety plan.** Having a protective order does not ensure safety. A protective order is only as good as the abuser's willingness to obey it. A protective order should not be used to give a victim a false sense of safety; it is not a bullet-proof shield.

To seek a protective order:

- Contact the county or district court in your area about procedures for obtaining protective orders (many jurisdictions have specific court rooms or times when protective order petitions are heard).
- Appear at the appropriate time without the person to be restrained (*ex-parte*) and explain to the judge why you want a protective order. You must show that there was a threatened, attempted or completed assault, or bodily harm against you, your employee(s), or your client(s)/customer(s). It is required that you tell the court, at least, about the most recent incident. You can also tell the court about other incidents. You must also state that you, your employees, and/or your clients/customers are fearful that future assaults or bodily harm will take place. If the judge finds that *imminent danger* exists to you, your employees, or your clients/customers, the judge will issue a *temporary protective order*. You will receive a copy for yourself and one to have *served* on the restrained person.
- Once a temporary protective order is issued, you must have it *personally served* on the restrained party. The Sheriff's office will serve the protective order (usually for a fee). (Once the restrained party is served, she/he must follow the protective order and stay away from your business and follow any other condition the judge ordered.)
- The temporary protective order will be effective until the *permanent protective order hearing*. The hearing must be set to take place within 14 days. If after hearing evidence (mostly presented by witnesses) from both parties, the judge believes that the restrained party threatened, attempted or completed assault, or bodily harm, and if not restrained will continue to do so, the judge will issue a *permanent protective order*. (In Colorado the protective order is effective forever unless the court vacates -- cancels -- the protective order.)
- If the restrained person does not appear for the permanent protective order hearing, the judge will issue a permanent protective order if you wish her/him to do so. If you fail to appear for a permanent protective order hearing, the temporary protective order will be dismissed and you will have to start over. (The judge can grant continuances of the hearing if you show up and explain why you need a continuance, e.g., a witness is sick or the restrained party could not be served.)
- If the restrained person ever wants to vacate or modify the conditions of the protective order, she/he must notify you (if they can find you) and come back to court for another hearing. She/he would claim that the protective order is no longer needed. It would be up to you to say otherwise.

### **Involvement of Law Enforcement and Campus Authorities**

Although the University strongly encourages all members of its community to report violations of this policy to law enforcement (including on campus law enforcement and/or local police), it is the victim's choice whether or not to make such a report. Furthermore, victims have the right to decline to notify law enforcement. However, the University Title IX Coordinator will assist any victim with notifying law enforcement if the victim so desires. Denver Police Department may also be reached directly by calling 720.913.0400 in person at 11311 West 46<sup>th</sup> Avenue in Denver. Additional information about the Denver Police department may be found online at: <http://www.denvergov.org/police/PoliceDepartment/PoliceStations/District1StationNW/tabid/441406/Default.aspx>

### **Reporting Incidents of Sexual Assault, Domestic Violence, Dating Violence, and Stalking**

If you have been the victim of sexual assault, domestic violence, dating violence or stalking, you should promptly contact Auraria Police at 303.556.5000 or report in person at 1201 5<sup>th</sup> Street, Suite 110. Reports of all sexual assault, domestic violence, dating violence or stalking made to Auraria Police will automatically be referred to the Title IX Coordinator for investigation regardless of if the complainant chooses to pursue criminal charges. You may also elect to report the incident directly to the Title IX Coordinator by calling 844.CU.TITLE, e-mail [TitleIX@ucdenver.edu](mailto:TitleIX@ucdenver.edu) or you may file an online complaint using the University Title IX Incident Report located at [ucdenver.edu/policy/TitleIX](http://ucdenver.edu/policy/TitleIX). You should also contact Auraria Police at 303.556.5000 or report in person at 1201 5<sup>th</sup> Street, Suite 110. Reports of all sexual assault, domestic violence, dating violence or stalking made to Auraria Police will automatically be referred to the Title IX Coordinator for investigation regardless of if the complainant chooses to pursue criminal charges.

# Victim Rights and Options

The University has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, financial aid, and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The University will make such accommodations, if the victim requests them and if they are reasonable available, regardless of whether the victim chooses to report the crime to the Auraria Police or local law enforcement. Students and employees should contact the Title IX Coordinator/designee or the Police Department's Community Resource Officer.

The Title IX Coordinator/designee and/or a University Police Department staff member will liaison for victims in obtaining reasonable accommodations within the University and community.

Suspects/Respondents who wish to seek reasonable accommodations should contact the Title IX Coordinator/designee.



# Emergency Communication Plan

AHEC will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain and respond to, or otherwise mitigate the emergency.

When there is an immediate threat to the health or safety of the students, faculty, and/or staff occurring on campus, the University will immediately notify the Campus Community upon confirmation.

Disasters, emergencies and crises disrupt the normal activities of the campus and may require activation of the AHEC Emergency Operations Plan. This Crisis Communications Plan describes the role of Communications and Campus Relations in communicating vital information to members of the Auraria community and the public.

This plan is to be flexibly used with emergency decision-making procedures of the campus.

Elements should be tested annually in conjunction with campus-wide emergency drills. Appendices should be checked for accuracy and completeness at least annually, and as often as necessary. Documentation for each test, including the date, time, whether it was announced or unannounced, and a description of the exercise will be maintained by the AHEC Emergency Manager.

## Objectives

1. Determining whether the situation requires invoking this plan.
2. Assembling the Crisis Communications Team to recommend responses.
3. Implementing immediate actions to:
  - (a) Identify key constituencies who need to be informed.
  - (b) Communicate facts about the situation and minimize rumors.
  - (c) Restore a sense of confidence and order.

**Assessment-**The AHEC Assistant Vice President of Campus Relations (AVPCR) or their designee will be made aware of a potential crisis or emergency by the Chief of the Auraria Campus Police Department or their designee. The Chief of Police and AVPCR or their designees then determines whether it is appropriate to invoke this plan and activate all or part of the Crisis Communications Plan. Once activated, the AVPCR will notify each of the institutional Communications Directors/Public Information Officers or their backups as soon as practical.

These advisories may also be made using one or a combination of the following methods:

- Press releases
- Crime advisories
- Making reports available to the campus community and media through campus websites and newspapers, and radio and television news stations
- Advertising in campus publications

The campus Emergency Preparedness Manager maintains records of all tests, drills, and exercises that include a description of the exercise, the date, time and whether it was announced or unannounced.

# Timely Warning

A Timely Warning is required to alert the Campus Community to potentially dangerous criminal situations on campus so that the Campus Community has the time and information necessary to take appropriate precautions and to enable people to protect themselves. Timely Warnings are issued as soon as possible after pertinent information is available to aid in the prevention of similar occurrences.

Auraria will consider all of the facts surrounding **Clery Act crimes** that occur on Auraria's **Clery Geography** to determine whether to issue a Timely Warning. The determination to issue a Timely Warning is evaluated on a case-by-case basis in light of all the facts surrounding a crime, including:

- The nature of the crime;
- The continuing danger to the Campus Community, and;
- The possible risk of compromising law enforcement efforts.



The Chief of the Auraria Campus Police Department or their designee shall make the decision as to whether an incident poses an ongoing threat and if a "Timely Warning" advisory is required. In the event that an advisory is required, the Chief of Police or their designee shall provide the AHEC AVPCR or their designee with the specifics of the case for the purpose of drafting the "Timely Warning" advisory. **In all cases, Timely Warning advisories are then sent by AHEC staff via electronic mail directly to all staff, faculty, and students on the Auraria Campus using their institution-provided email accounts.**

## Clery Act Crimes:

Murder/Non-Negligent Manslaughter  
Negligent Manslaughter  
Rape  
Fondling  
Incest  
Statutory Rape  
Domestic Violence  
Dating Violence  
Stalking  
Robbery  
Aggravated Assault  
Burglary  
Motor Vehicle Theft  
Arson

### Hate Crimes

Larceny-theft  
Intimidation  
Simple Assault  
Destruction/damage/vandalism of Property

## Clery Geography

**On Campus:** Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and (2) any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of the definition, that is owned by an institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**Public Property:** Property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes.

**Non-Campus:** (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**On-Campus Student Housing:** Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.



# Emergency Notifications

Emergency Notifications are triggered by an event that is currently occurring on or immediately threatening the campus. The following are examples of significant emergencies and dangerous situations that may occur on campus:

- Armed/hostile intruder
  - Bomb/explosives (threat)
  - Communicable disease outbreak
  - Severe weather
  - Terrorist incident
- Civil unrest
  - National disaster
  - Hazardous materials incident
  - Structure fire

Prior to emergency notifications, the significant emergency must be confirmed. Confirmation may come from a number of sources, depending on the type of emergency. To evaluate the significance of the threat, AHEC may consult with subject matter experts, for example: Denver Police Department, Denver Fire Department, Federal Bureau of Investigations, World Health Organization, Colorado Department of Public Health and Environment, University Health and Safety, National Weather Service, etc. Due to the urgency of emergency notifications, confirmation may be made by any University Staff member.

In the event that there is a confirmed significant emergency or dangerous situation involving an immediate threat to the campus community (per the judgment of the Chief of the Auraria Campus Police Department or their designee), AHEC will, without undue delay, and taking into account safety of the community, determine the content of the notification and initiate the immediate notification system. However, if in the professional judgment of responsible authorities the notification may compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency, the notification may be delayed. As with the above section related to “Timely Warnings”, the Chief of Police or their designee shall provide the AHEC AVPCR or their designee with the specifics of the case for the purpose of drafting the content of the immediate notification. AHEC also maintains pre-scripted short message scripts for a variety of hazards to assist in the timely issuance of immediate notifications. **In all cases, Immediate Notifications will be sent by AHEC staff via the electronic Emergency Notification System (i.e. text messaging system) directly to all staff, faculty, students, and visitors on the Auraria Campus that have subscribed to the free system.** A variety of other communications tools may be used, including campus-wide email messages, broadcast voice mail messages, updates to the Auraria Campus Emergency Hotline (1.877.556.EMER) and Information Line (303.556.2401), and notices posted on electronic message boards and [www.ahec.edu](http://www.ahec.edu).

Follow up information, as received, to include the end of the threat, will be disseminated to the Campus Community as appropriate.



# Evacuation Plan

## **Evacuation Routes and Floor Plans**

Defined exits are located by following green illuminated EXIT signs that have directional arrows pointing to the nearest exit. Exit doors will have illuminated green EXIT signs posted over them without directional arrows. Floor plans, which will include evacuation paths, locations of fire extinguishers, and fire alarm pulls, are posted in each campus building's classrooms, office suites and work spaces.

## **General Building Evacuation**

General Evacuation is used to get Students, Faculty and Staff out of the building through the nearest exit. An evacuation means that ALL Students, Faculty and Staff MUST evacuate the building.

Example: A fire alarm activated or other non-specific emergency that would require building evacuation.

## **Student & Personal Responsibilities**

- Gather personal belongings such as coats and car keys.
- Form small groups of three, and initiate the buddy system for evacuation.
- Evacuate quickly and calmly to the nearest, safe exit.
- Close the door behind you. ACCOUNT for all students and remain on the same side of the building to which you were evacuated, or the area you were directed to.
- Stay out of the building until you are given the "ALL CLEAR"

## **Faculty and Staff Responsibilities**

- As a group, leave the building immediately, in a calm orderly manner using the nearest exit available.
- Count the students as they leave the room and then recount them once you reach the safe zone or designated evacuation point.
- For safety of individuals with disabilities, consider that they may need assistance evacuating and/or direction to a safe area. Provide direction to others in need.
- Move (and remain) at least 500 feet away from the building.
- Stay with students, keeping them in a group. Immediately report any missing students to the Auraria Campus Police Department or the emergency responder on scene.
- ACCOUNT for all students and remain together, if possible.
- IMMEDIATELY report any missing students to an Auraria Campus Police Officer or an Emergency Responder on scene.
- WAIT to be contacted. Do not return to the building or move to another side of the building unless told to do so by emergency personnel or a delegate.

## **Directed Building Evacuation (Non-Fire Emergency)**

Directed Evacuation is used to get Students, Faculty and Staff out of the building by a route designed to avoid contact with a potential threat. This type of evacuation will be coordinated by first responders or Facilities Management personnel.

Example: A suspicious package, a bomb threat, or an active shooter.

## **Personal Responsibilities**

- Gather personal belongings such as coats and car keys
  - Evacuate quickly and calmly to the nearest, safe exit
  - Listen closely, and follow instructions given to you by responders.
- Stay out of the building until you are given the "ALL CLEAR"

## Faculty and Staff Responsibilities

- As a group, leave the building immediately in a calm orderly manner, using only the exits and directions given by the first responders.
- For safety of individuals with disabilities, consider that they may need assistance evacuating. Provide direction to others in need.
- Move (and remain) at least 500 feet away from the building.
- Stay with students, keeping them in a group.
- ACCOUNT for all students and remain on the same side of the building to which you were evacuated, or the area you were directed to.
- IMMEDIATELY report any missing students to an Auraria Campus Police Officer or emergency responder on scene.
- WAIT to be contacted. Do not return to the building or move to another side of the building unless told to do so by emergency personnel or delegate.
- Refer all media who want to speak with you or students to on-site media spokesperson.

## Campus Evacuation

A Campus evacuation is used to get Students, Faculty and Staff off the Auraria Campus due to a severe emergency in the area.

Example: A severe incident has occurred in downtown Denver, such as a major hazardous materials incident, or other catastrophic activity.

## Students, Faculty and Staff Responsibilities

### By Vehicle:

- If the road is usable, leave by a main exit, following directives of emergency personnel (where applicable).
- Drive with caution and courtesy and follow directions.
- Do not block the way for other vehicles.
- Some vehicles may be selected for emergency transportation; please cooperate if yours is chosen.
- If the road is not usable, leave your vehicle and evacuate on foot.

### On Foot:

- The best choice, if usable, is to leave by a main exit.
- Proceed to a safe location, as directed.



# Annual Disclosure of Crime Statistics

## Preparation and Disclosure of Campus Crime Statistics and Security Report

The University Police Department, in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. 1092(f)), compiles, publishes and distributes, to all current students and employees, and to any applicant for enrollment or employment, information on how to obtain the report. The report provides information regarding campus crime statistics and campus security policies for the Auraria Higher Education Center (AHEC) in Denver, Colorado.

This report is prepared in cooperation with the local law enforcement agencies surrounding our main campus and non-campus sites. CRS 18-8-115, "Duty to Report a Crime", requires all persons who believe a crime has been committed to promptly report the suspected crime to law enforcement authorities.

Campus crime, arrest and referral statistics include those reported to Auraria Police, designated campus officials (including but not limited to directors, deans, department heads, designated staff, judicial affairs, and advisors to students/student organizations), and local law enforcement agencies. A procedure is in place to anonymously capture crime statistics disclosed at CU Ethics Line phone and web based anonymous reporting systems 800.677.5590 or [www.ethicspoint.com](http://www.ethicspoint.com)

Each year, an e-mail notification is made to all enrolled Students, Faculty and Staff, which provides the web site to access this report. Copies of the report may also be obtained at the University Police Department headquarters located at 12454 E. 19<sup>th</sup> Place, Aurora, CO 80045 on the CU Anschutz Campus or by calling 303.724.0737. All prospective employees may obtain a copy from Human Resources by calling 303.315.2700, and the web site address will be attached to University of Colorado Denver | Anschutz Medical Campus employment applications.

This report is prepared by the University Police Department's Communication/Clery Manager whose responsibility it is to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with the institution's procedures.

More information about the "Clery Act" can be located at [The Clery Center for Security on Campus](#).

## Reports

CU Denver believes that a well-informed community remains a safety conscious one. Numerous efforts are made to keep you and other members of the Campus Community informed about campus crime and crime-related problems. Written reports are made of all crimes reported to Auraria Police Department. Copies of reports may be obtained through the Auraria Police Department, Monday through Friday, 8:00 a.m. to 5:00 p.m.

Police reports are maintained by the Auraria Police Department and are used to compile year-end statistics for the FBI's Uniform Crime Report. In addition, the department prepares annual and daily reports of campus crime related information. Copies of these reports are available by contacting the Auraria Police Department at 303.556.2219.

Crime statistics are available, in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. See our "[Crime Statistics](#)" web page.



# CU Denver Crime Statistics

CRIMINAL OFFENSES	ON-CAMPUS			On-Campus Residential			Public Property			Non-CAMPUS			UNFOUNDED		
	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014
Murder and Non Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	N/A	N/A	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	N/A	N/A	0
Rape	0	2	1	0	2	1	0	0	0	0	0	0	N/A	N/A	0
Fondling	2	0	2	0	0	0	3	0	2	1	0	0	N/A	N/A	1*
Incest	0	0	0	0	0	0	0	0	0	0	0	0	N/A	N/A	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	N/A	N/A	0
Robbery	3	3	0	1	0	0	10	3	5	3	0	0	N/A	N/A	0
Aggravated Assault	3	3	1	0	1	0	6	2	3	0	2	0	N/A	N/A	1*
Burglary	22	23	18	0	0	0	0	0	0	5	1	0	N/A	N/A	0
Motor Vehicle Theft	15	8	6	0	0	0	2	1	2	2	0	0	N/A	N/A	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	N/A	N/A	0
Domestic Violence	N/A	3	5	N/A	0	0	N/A	2	1	N/A	0	0	N/A	N/A	0
Dating Violence	N/A	0	0	N/A	0	0	N/A	0	1	N/A	0	0	N/A	N/A	0
Stalking	N/A	6	8	N/A	0	0	N/A	0	0	N/A	0	0	N/A	N/A	0
<b>ARRESTS</b>															
Liquor Law Arrests	1	0	1	0	0	0	97	11	4	4	0	0	N/A	N/A	0
Drug Law Arrests	22	11	13	0	0	1	103	26	30	2	0	0	N/A	N/A	0
Illegal Weapons Possession	3	3	3	0	1	0	4	6	7	0	1	0	N/A	N/A	0
<b>REFERRALS</b>															
Liquor	210	106	222	210	106	222	0	0	0	12	0	0	N/A	N/A	0
Drug	113	56	146	113	56	145	0	0	0	0	0	0	N/A	N/A	0
Weapons	1	0	0	0	0	0	0	0	0	1	0	0	N/A	N/A	0

**2012 - There was one (1) On-Campus Hate Crime involving robbery, related to race.**

**UNFOUNDED:**

\*The investigation by the Auraria Police Department in Case No. 14-4132 revealed that elements of the reported crime were not found to have happened (Attempted Robbery, Assault & Forcible Fondling).

# On-Campus

Auraria property which houses CU Denver, Metropolitan State University of Denver and Community College of Denver. Auraria Campus is defined as those properties, private streets, retail operations, and facilities owned by the State of Colorado and used by students, staff, faculty and visitors, which are roughly bounded by Auraria Parkway, Speer Boulevard, Colfax Avenue, and Fourth Street.

CU Denver's Campus also extends to the property between Larimer Street, 15<sup>th</sup> Street, Arapahoe Street and includes Speer Boulevard between Arapahoe Street and Larimer Street.

# On-Campus Residential

Campus Village, located at 318 Walnut Street in Denver, provides residential housing for students attending CU Denver.

# Public Property

Property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes.

# Non-Campus

Denver- *\*The Denver Police Department is the law enforcement agency with jurisdiction*

1050 17<sup>th</sup> Street

1156 7<sup>th</sup> Street

1380 Lawrence Street

1250 14<sup>th</sup> Street

1475 Lawrence Street

1201 Larimer Street

Parker- *\*Douglas County Sheriff is the law enforcement agency with jurisdiction*

10035 South Peoria Street

# Unfounded

Reported crimes that are investigated by sworn or commissioned law enforcement personnel and found to be false or baseless.



# Hate Crimes

CU Denver recognizes that people are the most important resource in accomplishing its mission in the areas of teaching, research, community service, and patient care.

The University of Colorado does not discriminate on the basis of race, color, national origin, sex, age, disability, creed, religion, sexual orientation, gender identity, gender expression, veteran status, political affiliation, or political philosophy in admission and access to, and treatment and employment in, its educational programs and activities. The University takes action to increase ethnic, cultural, and gender diversity, to employ qualified disabled individuals, and to provide equal opportunity to all students and employees.

## 2014 Annual Fire Safety Report

### Life Safety and Fire Suppression Systems

#### **Fire Detection**

Campus Village has two fire detection systems in place. The first is a BRK Smoke Detector. These smoke detectors are AC powered (hardwired) with battery back-up. Smoke detectors are located in common spaces and in all bedrooms of each apartment. Batteries of the smoke detectors are inspected during quarterly inspections of the building completed by the Maintenance Staff. Residents may notify the Maintenance Staff when a battery needs to be replaced as well. In addition to the smoke detectors, enunciator panels are located in apartments and hallways throughout the building. The location of the enunciator panels is in accordance with the Denver City Fire Code. The enunciator panels are electrically powered and have both an audible sound and strobe light to alert residents. In the event of an evacuation, exit signs are located throughout all hallways and at all exit areas on in each floor. Placement of exit signs is in accordance with the Denver City Fire Code.

#### **Fire Suppression**

Campus Village has two fire suppression devices located throughout the building. The first fire suppression device is an ABC Fire Extinguisher. This extinguisher can be used to put out any type of fire. Fire extinguishers are located throughout the building. Please refer to the floor plan of the building for specific locations. The second fire suppression device is the sprinkler system. Sprinkler heads are located in common spaces and in all bedrooms of each apartment, as well as, in the hallways, community spaces throughout the building, and office spaces.

#### **Resident Assistant Fire Safety Training**

All Resident Assistants participate in fire safety training including how to use a fire extinguisher in a live burn. The training is completed in August during the Fall Semester RA Training. The session is hosted by Sentry Fire & Safety Inc. All Resident Assistants also receive training in Fire Drill and Building Evacuation procedures during the Fall Semester RA Training. This training includes reviewing the Allen and O'Hara and Campus Village Apartments Emergency Procedures Manual (see relevant sections attached) and identifying building/floor specific emergency exits and assembly points. Resident Assistants present and review fire safety policies, fire drill and evacuation

procedures with their residents at the “Mandatory Floor Meetings” during move-in. This information is also posted in the building and included in welcome/move-in materials.

### **Drills**

There shall be a minimum of one fire drill during the fall semester and spring semester.

### **Fire Log**

Campus Village Apartments maintains a Fire Log, this log tracks any fires that occurred in. The log contains information related to the date the fire was reported, the nature/cause of the fire, the date and time the fire occurred, and the general location of the fire in the building or facility. The log is actively maintained. Reported fires will be added to the log within two (2) business days of the report. The Fire Log contains any fires reported in the most recent 60 days and is located at the Information Desk in Campus Village, and is available for public review upon request during normal business hours. Upon request Campus Village will provide any portion of the report older than 60 days within 2 business days of request for public inspection.

### **Fire Alarms and Evacuations**

The fire alarms alert community members of potential hazards, and community members are required to heed their warning and evacuate buildings immediately upon hearing a fire alarm in a facility. Use the nearest stairwell and/or exit to leave the building immediately. Community members should familiarize themselves with the exits in each building. The back of each apartment door has a diagram with evacuation routes and assembly points. The Fire Department can levy fines and penalties to individuals who fail to evacuate a building promptly – but a more important reason for evacuating is safety! When a fire alarm is activated, the elevators in Campus Village will stop automatically. Occupants should use the stairs to evacuate the building. If you are caught in the elevator, push the emergency phone button. After a false alarm in Campus Village, an email message is distributed to building residents, typically the next business day, informing them of the cause of the activation and the reason for the evacuation. The purpose of providing follow-up information is to use those instances as a teaching moment to point out the reason for the alarm activation, the evacuation routes, and instructions and guidelines for evacuations. CU Denver publishes this fire safety report as part of its annual Clery Act Compliance document, which contains information with respect to the fire safety practices and standards for CU Denver and Campus Village. This report includes statistics concerning the number of fires, the cause of each fire, the number of injuries and deaths related to a fire, and the value of the property damage caused by a fire (see charts for more information). The compliance document is available for review 24 hours a day at the Campus Village front desk.

In case of an emergency, there are specific instructions that must be adhered to. First, dial 9-1-1, or the local authorities. Each staff member should then follow the chain of command in reporting the incident to the Home Office. Possible situations are outlined in this section and the Loss Prevention Manual. Routinely review the Loss Prevention Manual for any updates.

Management and staff members should be familiar with all aspects of the fire prevention system. They should be familiar with all prevention systems in the resident rooms, (i.e. sprinklers, smoke alarms, intercom speakers, etc.) and in the public areas (i.e. smoke alarms, fire extinguishers, pull stations, strobe lighting, exit signs, etc.) Community Managers and staff should also be familiar with all fire alarm monitoring systems on the property. This includes panels at the front desks that may indicate smoke alarm or pull station activations. Fire extinguishers, hoses, sprinklers, etc. should be provided if local code requires them. Residents should be informed of the severe penalties associated with tampering and/or vandalizing fire equipment. RA's should also be familiar with how to operate a fire extinguisher, respond to the fire panel alarms/instructions and sprinkler activation and all evacuation policies and procedures.

### **Campus Village Emergency Procedures**

All staff members are required to be thoroughly familiar with all evacuations policies and procedures in the event of fire or emergencies. It is vitally important that all RA's are accounted for in the event of an evacuation; therefore, all RA's should make a conscious effort to use the IN/OUT locator board behind each desk, if applicable. The proper use of this locator board will assist the staff in determining what RA's are not available and what responsibilities may have to be covered by other staff members.



When the fire alarm sounds instruct the RA's to respond as follows:

1. Immediately look outside of your room/apartment to determine if you see any signs of smoke or fire. If it is determined that there is smoke or fire outside your building, call the fire department and evacuate the floor/building by banging on doors on your way out. Keep anyone from entering the building until the fire department arrives and says it is ok to re-enter the building.
2. Instruct residents to LOCK THEIR DOORS and quickly evacuate their rooms/apartments by use of the stairwells. Residents should be instructed to NEVER USE THE ELEVATORS in the event of a fire alarm. When residents exit the building, they should be instructed to proceed and gather away from the building in their assigned designated areas.
3. RA's should report to the Community Manager and proper authorities any resident(s) that fail(s) to follow evacuation instructions.
4. Once off of their floor/out of their apartment, RA's should report to their assigned evacuation duty area (stairwells, exit doors, main entrance areas) to assist in the evacuation process.
5. In the event of an emergency, RA's should obtain a list of residents present and report missing residents to the Community Manager and emergency response personnel.
6. Fire extinguishers should be inspected monthly and serviced annually. Fire drills should be conducted quarterly or annually. Consult with the Fire Marshall in your area to clarify the number of tests required.

### **Evacuation Assembly Areas**

RA's should instruct all residents to exit the building and proceed to the designated areas. Residents that fail to follow evacuation instructions will be referred to the Community Manager for discipline. The Community Manager may elect to notify the Fire Department for assistance in prosecuting residents that fail to follow CA instructions concerning evacuation of the building during a fire.

### **Fire Extinguisher Operation Procedures**

All staff members should be familiar with the location of fire extinguishers on their floors/buildings and in the apartment complex and the clubhouse. In addition, they should be instructed in the proper operation of fire extinguishers. To use an extinguisher:

1. Remove pin from handle.
2. Stand back approximately eight feet.
3. Aim at the base of the fire and squeeze handle.
4. Move nozzle side to side and spray to cover the source of the flames.

### **Fire Sprinkler System Operation Procedures**

If the property is equipped with a sprinkler system it is important that all staff members are familiar with all operations of the system. This includes the monitoring of the alarm system panel, and all emergency pumps. In addition, all RA's and other staff members should know the location and how to turn off all shut off valves. This is especially important in the event of a water discharge due to accident, vandalism, or some other non-fire related activity. It should be noted that the longer it takes to turn off the water flow, the more extensive the water damage will be in the actual area of discharge as well as all floors below.

### **Staff Response to Fire Alarm**

All onsite staff members must respond

1. Highest ranking staff member is point of contact for emergency personnel
  - a. Only the point staff member is authorized to communicate with emergency personnel.
  - b. If no pro-staff member is onsite during the alarm, one of the on-call RA's is point until a pro-staff member arrives on-site.
2. All staff on-site must assist with evacuating residents from building to approved locations.
  - a. Approved locations are 100 feet away from building:
    - Zone 1: Low W Parking Lot
    - Zone 2: Viaduct Parking on North Side of building across Walnut
    - Zone 3: Overflow Parking Lot
    - Zone 4: Far corner of South West parking lot (behind basketball court)

- b. There must be at least one RA or pro-staff member escorting residents to these locations. No information may be relayed to residents other than we are waiting to hear from emergency response crews when it is safe.
  - c. **DO NOT MAKE STATEMENTS ASSUMING WHAT HAPPENED. THIS OPENS LIABILITY TO YOURSELF AND COULD PUT YOUR JOB IN JEOPARDY.**
  - d. The point staff member will stay in communication with all zones and advise the staff when the building is safe to enter, or any necessary updates.
3. See attached site plan for approved Zone locations.

### **Fire Safety Sections from Resident Handbook and Lease Agreement**

- The smoke detectors in your apartment/suite are very sensitive.
- When taking a shower, close the bathroom door to ensure the steam does not affect the detector.
- When cooking, be sure to use the fan above the stove. This could help prevent a grease fire.
- If your detector makes a beeping sound, it means the battery is low. Complete a work order as soon as possible to have the battery replaced. Any time a smoke detector sounds an alarm, you should respond to it as an emergency and proceed in a safe manner. Never disconnect the smoke detectors. Sometimes you may experience a "false alarm." The smoke detectors can be set off by dust, an insect or just may need routine cleaning. Open all windows to allow fresh air into the apartment/suite.
- Under no circumstances should ANY smoke detector or life safety equipment be tampered with!
- If any smoke detector is found in any other condition that it was installed, each resident may be fined a \$500 fine per person for the first offense.
- The second offense may result in a \$1,000 fine and possible eviction from the property. In addition, any false alarms on the property as a direct result of smoking, burning candles, incense or hookahs or any other lease violation will result in a \$500 fine for the first offense, a \$1,000 fine and possible eviction for the second offense.
- No modifications to, or changes in, electrical wiring are permitted. No "splices," "octopuses" or modification devices of any kind may be used to add plugs in your room, suite or apartment. UL approved, grounded power strips with circuit breakers may be used only for computer and computer related hardware. A maximum of two power strips may be used per room. Extension cords are not permitted.
- The burning of any material, including incense, is prohibited, except when a written request is made and prior approval is granted by Management for the purpose of religious or spiritual observance only.
- Residents shall not possess any explosive, fireworks, ammunition, gasoline, or other highly flammable material. Violation of this policy may result in criminal prosecution. See also Weapons Policy.

### **Information Provided to Residents**

Smoking is strictly prohibited in all apartment/suites, hallways, meeting rooms, and the clubhouse/community building. Smoking is permitted in designated areas only. These designated areas are marked by ashtrays. If you have questions, please contact a staff member. Smoking is also prohibited in outdoor areas within 20 feet of doorways, windows and ground level air intake structures. The resident accepts responsibility for informing visitors or guests of the property's no-smoking policy.

#### *Lease Agreement*

Fire warning devices and safety equipment are to be used only in case of an emergency. The sounding of a fire alarm should be taken seriously and you must proceed according to the instructions posted in and about the Community. **The intentional sounding of an alarm, tampering with any other safety equipment, outside of an emergency situation will be considered a criminal offense and the person or persons responsible will be treated accordingly.**

Multiple electric outlet plugs are not permitted. Surge protected power strips with circuit breakers are permitted. All extension cords must be of the grounded, three-prong type and be UL approved.

Live decorations such as trees/wreaths are prohibited. Hot plates, candles, halogen lamps, space heaters, cooking grills, lighter fluid, or anything with an open heating element or flame are not allowed within the Apartment. Grilling and the usage or storage of outdoor grills are not allowed on balconies or breezeways, either with charcoal or gas grilles and are permitted in designated areas only. Smoking is permitted in designated areas outside of the community gates only. All cigarette butts must be disposed of properly. If you are found in violation of this term, a \$150 fine will be assessed for the first (1st) violation, doubling every time thereafter. Any violation is considered in default of your lease agreement and subject to eviction.

# Fire Safety and Equipment Logs

## *Fire Statistics Overview*

*January 1, 2014- December 31, 2014*

<b>Fires Reported</b>					
<b>Month</b>	<b>Reported Fire</b>	<b>Nature/Cause of Fire</b>	<b>Number of Injuries</b>	<b>Number of Deaths</b>	<b>Property Damage (\$)</b>
Jan-14	0	0	0	0	0
Feb-14	0	0	0	0	0
Mar-14	0	0	0	0	0
Apr-14	0	0	0	0	0
May-14	0	0	0	0	0
Jun-14	0	0	0	0	0
Jul-14	0	0	0	0	0
Aug-14	0	0	0	0	0
Sept-14	0	0	0	0	0
Oct-14	0	0	0	0	0
Nov-14	0	0	0	0	0
Dec-14	0	0	0	0	0

<b>Fire Drills/Alarms</b>	<b>Drill Date</b>	<b>Alarms/Pulled</b>
Drill	1/27/2014	
Drill	10/02/2014	

<b>Equipment Inspections</b>		
<b>Equipment/System</b>	<b>Frequency of Inspection</b>	<b>Last Completed Inspection</b>
Fire Extinguishers	Annual	October 2014
Fire Panel	Annual	October 2014
Sprinkler System	Annual	October 2014
Kitchen Hood cleaning	Annual	October 2014
Ansul System	Annual	October 2014

# Missing Student Notification

## Introduction

This policy sets forth the procedure that shall be followed in the event that a CU Denver student residing in the Campus Village Apartment complex is missing.

## Policy

The University of Colorado Denver (“CU Denver”) has developed this missing student notification policy for students who reside in the Campus Village Apartment complex per the requirements of CU Denver (“residential students”). Each residential student shall be informed of this policy and procedure at the time he or she signs the lease at the Campus Village Apartments and anytime the residential student updates his or her personal contact information. This policy will also be published semi-annually in the Campus Village newsletter and available on the Campus Village and CU Denver websites.

1. In addition to registering emergency contact information, residential students shall have the opportunity to identify a confidential contact and provide his or her confidential contact information to be used in the event the residential student is determined missing at any time (“confidential contact”). This contact information will be accessed only by authorized campus officials.
2. A residential student will be deemed missing:
  - a. If under the age of eighteen (18) years of age, and not considered a runaway: when the residential student’s whereabouts cannot be determined by the student’s associates including friends, family, or residential staff; or b. If eighteen (18) years of age or older: when the residential student’s whereabouts cannot be determined, and the absence is both a deviation from normal behavior patterns and cannot be explained.
3. CU Denver shall notify the appropriate law enforcement agency not later than 24 hours after the time that the residential student is determined missing.
4. CU Denver shall notify a custodial parent or guardian for any student under 18 years of age who is not an emancipated individual no later than 24 hours after the time the residential student is determined to be missing.
5. CU Denver shall make contact with residential student’s confidential contact if the residential student has been deemed missing by the campus security or law enforcement agency for more than 24 hours and that residential student has not been located.

## Procedure

1. Reporting and Notification
  - a. A residential student may be reported by any acquaintance of the student. The report can be made to:
    - i. Campus Village professional staff,
    - ii. CU Denver Dean of Students,
    - iii. Auraria Higher Education Center Police Department (“AHEC PD”), or
    - iv. CU Denver Office of Community Standards and Wellness (“OCSW”).
  - b. The recipient of the report shall immediately notify Campus Village professional staff who will subsequently notify the OCSW.
  - c. The report can be made at any time the reporting party feels that the residential student is missing but shall be made if the residential student has been missing for more than 24 hours.

- d. The appropriate campus officials will immediately make attempts to contact or locate the student who is the subject of the report. Those attempts will include, but may not be limited to, the following:
    - i. A visual check of the residential student's apartment shall be conducted. A member of the Campus Village Apartments shall enter the student's room to perform this check.
    - ii. Attempts shall be made to contact the residential student through any and all forms of communication including, but not limited to, telephone number(s), email, text messaging, social networking sites, and contacting all known associates. The goal of the contact is to have the residential student communicate with those reporting or investigating the allegation.
    - iii. Attempt to determine the residential student's whereabouts using resources such as key logs, area desk sign-out sheets, meal plan access, computer or email access, class records, and security cameras.
    - iv. Other techniques, as necessary, given the circumstances of the individual case.
  - e. If initial attempts to contact the student fail then the campus officials will notify the AHEC police or other appropriate law enforcement officials so that an investigation on the report can commence.
2. Investigation
    - a. An investigation into the missing student report shall commence immediately and shall be conducted by the AHEC PD or other appropriate law enforcement officials in cooperation with CU Denver and Campus Village staff.
    - b. If, on investigation of the official report, the AHEC PD or other law enforcement officials determine that the missing student has been missing for more than 24 hours then:
      - i. If the student is under 18 and not an emancipated individual the confidential contact or parent/guardian shall be notified; or
      - ii. If the student is over 18, not an emancipated individual and has not provided a confidential contact then the appropriate law enforcement agency shall be notified.
  3. Follow up to the case
    - a. Information regarding the case will be communicated to the campus community, as necessary or permitted, during or post investigation as warranted by the circumstances.
    - b. Parties affected by the incident may be referred to campus or community resources if necessary during or post incident.



# Self-Security & Crime Prevention

## Lighting, Vines, Trees, and Shrubs

Each fall and spring semester, a Campus Safe Night event is held, which tours the campus after dark and provides suggestions for security enhancements.

Work orders noting security issues with campus facilities can be filed online at [www.ahec.edu/workorder](http://www.ahec.edu/workorder) or called in at 303.556.3260.

## Security and Access to Campus Facilities

Exterior door locks on the Auraria Campus are fully electronic, programmed by the Access Control Department in Facilities Services. The system also has the ability to be placed in “lockdown” directly by Campus Police. The Auraria Campus Police Department has the primary responsibility for ensuring the lock hardware is function properly. Established facility hours are coordinated and maintained by the Auraria Academic Services. Auraria Police also works closely with the Facilities Services Department to maintain building security and key control. Access to facilities after normal building hours is limited and coordinated with Facilities Services Access Control and Auraria Police.

Safety is everyone's responsibility. Follow these 10 tips to keep yourself and the Auraria Campus community safe:

- 1. Program your phone:** Program the Auraria Campus Police Department number in your cell phone so you have it at your fingertips in the event of an emergency on campus: 303.556.5000. (Use 9-1-1 from any campus phone to be connected with the ACPD Dispatch).
- 2. Trust your instincts:** If you suspect something is wrong, or a situation seems dangerous, you're probably right. If you see something; say something. Don't dismiss suspicious situations; report them to the ACPD immediately.
- 3. Use the buddy system:** Take advantage of the Auraria Campus Nightrider Service. Call 303.556.2000 to schedule a ride, or if it's after 10 p.m., contact the Police Department at 303.556.5000 for a ride.
- 4. Protect your property:** Unattended items like backpacks, laptops, and cell phones are easy targets. Make it a habit to take all valuables with you; don't leave your property unattended.
- 5. Report solicitors:** Magazine subscriptions and donation requests are common types of solicitations that criminals use to lure community members into giving illegitimate donations. Avoid solicitors' scams by politely saying no and immediately notifying the ACPD.
- 6. Stay alert on transit:** Stay awake and keep your personal belongings close to you. Avoid isolated bus or light rail stops. Don't tell strangers where you are going.

7. **Lock it:** Parking lots and garages are common targets. Never leave valuables in your car in plain view. Make sure your windows are up, the doors are locked, and if you have a security system, ensure it is set.
8. **Keep personal information private.** Avoid becoming a victim of identity theft by carrying only the necessary items in your wallet or purse. Don't give personal information to solicitors.
9. **Locate Emergency Phones:** The Auraria Campus is equipped with emergency telephone call stations. Each emergency phone is equipped with a call button that immediately connects to Auraria Campus Police Dispatch. Outdoor phones are located in parking lots and pedestrian areas—they are red and stand approximately 9 feet high. Indoor emergency phones are located throughout the main buildings in common areas.
10. **Protect your bike:** Lock your bike with a U-lock and record your serial number. Always park your bike at a rack, locking your frame and wheel to the rack.



# Security Awareness

A community and its police must do more than simply react to crime. It is important to look for opportunities to deter and/or prevent crime. The Auraria Campus Police Department provides the following services and programs to improve safety on campus and to make the community aware of campus crime and efforts to reduce criminal activity, as well as to minimize their chances of becoming a victim.

## Crime Prevention Programs

Programs provided by the Auraria Campus Police Department include:

<p>EACH SEMESTER  <b>New Student Orientation</b>            This presentation on crime, personal safety, and security is given to new students.</p>	<p>ON GOING/SET HOURS  <b>Fingerprinting</b>            Fingerprinting is available to members of the campus community.</p>
<p>ON REQUEST  <b>Drug Information Seminars</b>            These talks cover recognition of controlled substances, their effects on people, and what to do if one suspects that someone is using or selling drugs.</p>	<p>ON GOING  <b>Crime Analysis</b>            Auraria Police staff will review reported crimes and determine if focused patrol activity may be required for repeated offenses in any given area.</p>
<p>EACH SEMESTER/ON REQUEST  <b>Personal Safety on Campus</b>            This program, usually given to small groups, covers ways to avoid being the victim of physical or sexual assault.</p>	<p>ON REQUEST  <b>Robbery Prevention</b>            This seminar, given to cashiers, gives tips on how to survive an armed robbery and be a good witness.</p>
<p>ON GOING  <b>Escort</b>            A Nightrider and Escort service is available through the Parking and Transportation Services Office. After hours, Auraria Police will provide a limited escort service for people walking on campus. Students, staff and faculty are always encouraged to walk with others when possible and to choose paths that are well illuminated.</p>	<p>ON GOING  <b>Electronic Alarm Systems</b>            Auraria Police monitors intrusion, fire, environmental and general emergency alarms with the help of a sophisticated computerized monitoring system. The terminal for the alarm readouts is at the Auraria Facilities Services building.</p>
<p>ON REQUEST  <b>Security Surveys</b>            Upon request, officers will evaluate a facility's physical security and makes recommendations for improvements.</p>	<p>ON GOING/EACH SEMESTER or ON REQUEST  <b>Date/Acquaintance Rape Education</b>            The purpose of this educational program is to increase awareness of date/acquaintance rape at Auraria. R.A.D (Rape Aggression Defense) classes available.</p>
<p>ON REQUEST  <b>Theft and Fraud Seminars</b>            These presentations are usually given to people working in areas where check and credit card fraud occurs (such as the Bookstore, Bursar's Office, Recreation Center, etc.). The talk covers commonly used scams, how to recognize them, and what to do when they occur.</p>	<p>ON REQUEST  <b>Crisis Follow-ups</b>            Offered through Counseling Services of each institution, crisis follow-up sessions are provided for mental health concerns and to individuals who have been victims of violence. Information is presented regarding personal safety and coping with traumatic events.</p>
<p>ON GOING  <b>Bike Theft Prevention</b>            Community Services hosts Bicycle Clinics each semester providing helpful tips on preventing bike thefts and the bike theft problem on campus.</p>	<p>ON GOING  <b>Architectural Design</b>            Auraria Police has significant input into the design of all new and renovated campus facilities with regard to physical and electronic security systems.</p>



# Drug and Alcohol

## Contributing to a Safe Workplace Standards of Conduct

CU Denver complies with the federal Drug Free Schools and Communities Act. CU Denver prohibits the unlawful manufacture, dispensation, possession, use, or distribution of a controlled substance (illicit drugs and alcohol) of any kind or of any amount. These prohibitions cover any individual's actions which are part of University activities, including those occurring while on AHEC property or in the conduct of University business away from the campus.

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## Drug and Alcohol Information

The illegal use and possession of controlled substances on University premises compromises the safety of the University community. The University of Colorado prohibits the unlawful manufacture, distribution, possession, or use of controlled substances and the unlawful possession of weapons in or on any premises or property owned or controlled by the University of Colorado to include the Auraria campus.

Possessing, using, providing, manufacturing, distributing, or selling alcoholic beverages is a violation of law and University policies.

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## Health Risks Associated With the Use of Drugs and the Abuse of Alcohol

### Drugs

For a description of the uses and effects of various drugs go to the Drug Enforcement Administration Web Site at: <http://www.dea.gov/druginfo/factsheets.shtml> .

### Alcohol

Alcohol consumption causes a number of marked changes in behavior. Even a low amount can significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate amounts of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high amounts of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high amounts cause respiratory repression and death. If combined with other depressants of the central nervous system, much lower amounts of alcohol will produce the effects described here.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly combined with poor nutrition, can also lead to permanent damage to vital organs, such as the brain and the liver.

Alcohol consumed during pregnancy increases the risk of alcohol related birth defects, including growth deficiencies, facial abnormalities, central nervous system impairment, behavioral disorders, and impaired intellectual development.

# Assistance in Recognizing and Dealing With the Abuse of Alcohol and Illegal Drugs

Information from the Department of Health, Alcohol and Drug Division, Licensed Treatment Programs is available at the Colorado Department of Human Services

Drug and Alcohol Counseling, Treatment or Rehabilitation or re-entry programs

University employees may contact Human Resources at 303.315.2700 for more information regarding available resources, programs and services.

CU Denver Campus employees and students may contact the Counseling Center at 303.556.2525 or the Counseling and Family Therapy Center at 303.556.4372/North Classroom 4036, for confidential information and/or referrals.

Information may also be obtained by calling the National Institute on Alcoholism and Drug Dependence, Inc. at 800.662.HELP or the Substance Abuse and Mental Health Services Administration at 877.SAMHSA.7.

## Legal Sanctions

Federal- see: Drug Enforcement Administration for a description of "Federal Trafficking Penalties."

In addition to these possible consequences, students may not be eligible to receive federal financial aid upon conviction of certain drug offenses.

## State - Drug Laws:

State criminal statutes, (which may be generally found under Titles 12 and 18 of the Colorado Revised Statutes) cover the same scope of conduct as the federal laws, and although the sentences and fines are generally less severe than federal law provides, life sentences are possible for repeat offenders. The maximum penalty for the most serious single offense, (manufacture, sale, or distribution) is 16 years in prison and a \$750,000.00 fine. The state laws concerning driving under the influence of alcohol (see below) apply equally to driving under the influence of drugs.

Finally, local ordinances such as the Denver and Aurora municipal codes impose a variety of penalties.

Secondary civil consequences may also flow from criminal drug violations. Property associated with the criminal acts, including homes and vehicles, can be confiscated by the state or federal governments. Those who are convicted of felony violations may be barred from governmental employment and from licensed professions such as law, medicine and teaching.

## State - Alcohol Laws:

State laws regulating the production, dispensation, possession, and use of alcohol may be found in Title 12 of the Colorado Revised Statutes. Perhaps the most significant aspect for Auraria is the prohibition of the distribution of alcoholic beverages to any person under the age of 21, to a visibly intoxicated person, or to a known alcoholic. State laws also prohibit any form of assistance to these categories of people in obtaining alcoholic beverages. Violation of these laws is a misdemeanor punishable by fines of \$1,000.00 and jail sentences of a year. However, such conduct may, in some circumstances, constitute contributing to the delinquency of a minor, and it could then be determined to be a felony offense punishable by an eight year prison sentence and a \$500,000.00 fine. Secondary civil consequences for liquor law violations may include ineligibility for liquor and driver's licenses.

Criminal sanctions may also apply to those who operate motor vehicles while under the influence of alcohol and/or drugs. Under Section 42-4-1301 (1) (a) , a person who drives a motor vehicle or vehicle under the influence of alcohol or one or more drugs, or a combination of both alcohol and one or more drugs, commits driving under the influence. Driving under the influence is a misdemeanor, but it is a class 4 felony if the violation occurred after three or more prior convictions, arising out of separate and distinct criminal episodes, for DUI, DUI per se, or DWAI.

If a person is injured as a result of someone operating a motor vehicle while under the influence of alcohol and/or drugs, the act is a felony punishable by four years in prison and a \$100,000.00 fine. If a person is killed, the sentence can be eight years in prison with a \$500,000.00 fine. All such convictions also result in the revocation of driving privileges.

State law requires drivers who are stopped by the police for suspected violation of this law to submit to scientific tests which determine the amount of alcohol in their blood, and those who refuse to be tested automatically lose their driver's license. Remember, one need not be "out of control" to be "under the influence." A substantial effect on physical capability is all that is required. Chemical test results combined with the testimony of an expert toxicologist can result in a conviction even when some people may feel minimally intoxicated.

In addition, individuals may face a variety of penalties imposed by municipal ordinances.

Note: This description is intended only to give those who read it a basic, general understanding of the range of serious legal sanctions which can arise from the unlawful possession, distribution and/or use of illicit drugs and alcohol. Individuals who are concerned about specific circumstances should seek the advice of their personal attorney.

## Review

The University will conduct a biennial review of the program to determine its effectiveness and to ensure that the disciplinary sanctions described above are consistently enforced. Changes to this program will be implemented as needed.

## Disciplinary Sanctions for CU Employees who Violate Drug and Alcohol Laws in Violation of this Policy

It is a violation of University policy for any member of the faculty, staff, or student body to jeopardize the operation or interests of the University of Colorado through the use of alcohol or drugs. Sanctions that will be imposed by the University of Colorado for employees who are found to be in violation of this policy may include expulsion and/or termination of employment. Compliance with this policy is a condition of employment for all employees.

## Implementation

A copy of the policy statement shall be annually distributed to all current employees and students.



# Review

The University will conduct a biennial review of the program to determine its effectiveness and to ensure that the disciplinary sanctions described above are consistently enforced. Changes to this program will be implemented as needed.

The University of Colorado's alcohol policies apply to University-sponsored activities including on and off campus locations. Administrators, alumni, faculty, guests, staff, and students must adhere to all applicable state and local laws and University regulations related to the sale and use of alcoholic beverages. The most common laws related to alcohol use and sales are:

- The sale of alcoholic beverage is prohibited except in areas, at times, and on dates licensed by the Colorado State Department of Revenue.
- Persons under 21 years of age cannot legally possess or consume alcoholic beverages of any kind. The furnishing of alcoholic beverages to underage persons is prohibited.
- Alcohol cannot be consumed or carried in open containers on any street, sidewalk, and alley, in any automobile or in any public area.

# Serving Alcohol

Those persons or organizations that control the serving of alcoholic beverages are responsible for compliance with applicable laws and University policies. Alcohol may not be served unless non-alcoholic beverages (in addition to water) and food are also served. When events last two hours or more, serving of alcoholic beverages must stop one hour before the close of the event. The burden of proof for showing legal age is on the alcohol consumer. No alcohol will be served unless clear evidence of legal age is presented. It is the responsibility of those in charge of the event to assure that no one who is underage is served any alcoholic beverages. Federal and state laws regarding underage drinking will be enforced.

**Additional information is available at:**

[Procurement Service Center Procedural Statement for Alcohol](#)

<https://www.cu.edu/ope/aps-4018-alcoholic-beverages-purchased-University-events>

# Illegal Drugs

In a University, most approaches to problems are, and should be, positive and educational. However, the University takes action when its policies on the use, possession, distribution, manufacture, and sale of illegal drugs have been violated. The University also cooperates with local, state, and federal authorities in the detection and prosecution of drug offenses.

# Student Wellness Programs

- Online – e-CHUG is an interactive web survey that allows college and University students to enter information about their drinking patterns and receive feedback about their use of alcohol. The assessment is self-guided.
- Online – e-TOKE is a marijuana-specific brief assessment and feedback tool designed to reduce marijuana use among college students. The assessment is self-guided.

- Beer Goggles and Bartending School – Play with intoxi-goggles and pitchers. Learn about standards drinks and how to calculate your blood alcohol concentration. The Good Samaritan policy is also discussed.
- Welcome to HIGH Country. Interactive drug education Peer Assistance Services and CPHP.

## Weapons Policy

### AHEC WEAPONS POLICY

Legislative Declaration: The Auraria Board owns and manages the Auraria campus for the use and benefit of its constituent institutions of higher education – the Community College of Denver (CCD), Metropolitan State University of Denver (MSU Denver), and the University of Colorado Denver (CU Denver) – and to facilitate and further their respective educational missions. Section 23-70-106, C.R.S., authorizes the Auraria Board to promulgate rules and regulations for the safety of students, employees and property on the Auraria campus. The Auraria Board finds and determines that the free and unregulated possession of weapons on the Auraria campus would:

1. Create an unreasonable risk to the health, welfare and safety of students and employees and the preservation of property on the Auraria campus by careless or malicious use;
2. Create a climate of fear and intimidation that would distract and interfere with the reasoned discourse and cooperation required for productive learning and working environments on the Auraria campus; and
3. Be inconsistent with the academic missions of the constituent institutions.

Therefore, the Auraria Board adopts the following policy:

Statement of Policy: Except as expressly provided below, the possession of firearms, explosive or incendiary devices, or other weapons on the Auraria campus is prohibited. This prohibition shall extend to all grounds and buildings on the Auraria campus, including the institutional neighborhoods and buildings owned by the constituent institutions therein. It shall not extend to facilities off of the Auraria campus, such as, for example, CU Denver's Lawrence Street Center, MSU Denver's North or South Campuses, or CCD's Lowry Campus.

This policy shall apply to all employees and invitees of the Auraria Board, all students, employees and invitees of the constituent institutions, and all other visitors to the Auraria campus.

“Weapons” include, but are not limited to, the following:

1. Firearms of any size or type of construction and ammunition;
2. Gas or air guns, including BB, pellet and paint ball guns;
3. Bows and arrows, and cross-bows;
4. Blackjacks, bludgeons, batons, nunchaku, throwing stars, and metallic knuckles;
5. Swords, pikes, lances and spears;
6. Any knife with a blade over 3.5 inches in length, including hunting and fishing knives;
7. Ballistic, gravity and switchblade knives, regardless of the length of the blade;
8. Fireworks; and
9. Any harmless object designed to look convincingly like a firearm, explosive or incendiary device, or other weapon.

Exceptions. This policy shall not apply to:

1. A peace officer, as described in § 16-2.5-101, C.R.S., when carrying a weapon in conformance with the policy of his/her employing agency as provided in § 16-2.5-101(2).
2. A member of the armed forces of the United States or Colorado National Guard while acting in his/her official capacity and in conformance with general or specific military orders.
3. A law enforcement officer, agent or employee of the United States, when lawfully carrying a weapon in conformance with the policy of his/her employing agency.
4. A person carrying a concealed handgun who holds a valid written permit issued pursuant to §18-12-201, et seq., C.R.S.
5. A weapon that remains inside a locked motor vehicle while on the Auraria campus, provided that the weapon is unloaded. This exception shall not apply to explosive or incendiary devices.
6. A student, employee or invitee of a constituent institution or an employee or invitee of the Auraria Board who has a legitimate educational or employment related purpose for the possession of a weapon on the Auraria campus and has obtained written permission from the appropriate office and from the Chief of the Auraria Police Department or his/her designee.

Violations: All violations of this policy shall be reported to the Auraria Police Department and the appropriate institutional office. Violators may be disciplined, banned from the Auraria campus and criminally prosecuted in appropriate cases.

Procedures and guidelines: The Executive Vice President for Administration is authorized to promulgate such procedures and guidelines as may be reasonable and necessary to implement and carry out the intent of this policy.

## CU Policy 14I: Weapons Control

WHEREAS the unauthorized possession of firearms, explosives, and other dangerous or illegal weapons on or within any University of Colorado campus, leased building, areas under the jurisdiction of the local campus police department or areas where such possession interferes with the learning and working environment is inconsistent with the academic mission of the university and, in fact, seriously undermines it;

WHEREAS the unauthorized possession of such weapons threatens the tranquility of the educational environment in an intimidating way and it contributes in an offensive manner to an unacceptable climate of violence;

WHEREAS the university educational mission should attempt to teach and model those values which are held to be important to the nation as a whole;

WHEREAS in passing the Colorado Concealed Carry Act, Colorado Revised Statute 18-12-201 et seq., Colorado's General Assembly authorized qualified citizens to obtain a permit to carry concealed weapons and the Colorado Supreme Court has held that the Act applies to university property;

WHEREAS the Board of Regents and the University of Colorado are committed to upholding the law, recognizing the right of citizens to protect themselves and others in accordance with the Colorado Concealed Carry Act, and preserving the University of Colorado campuses as safe and tranquil learning environments;

NOW THEREFORE BE IT RESOLVED that the unauthorized possession of the firearms, explosives, or other dangerous or illegal weapons on or within any University of Colorado campus, leased building, other area under the jurisdiction of the local campus police department is prohibited. Notwithstanding the foregoing, the University of Colorado shall not, by rule or regulation, restrict the ability of any person who has been lawfully issued a permit to carry a concealed handgun under the provisions of Colorado law to exercise the right to concealed carry in any public places or publicly accessible buildings on the University of Colorado campuses. It shall not be a violation of this policy for such person to carry a concealed handgun consistently with the requirements of Colorado law. When

acting pursuant to such a permit and acting in conformity with Colorado law possession of a concealed handgun on university property shall not be deemed to be unauthorized.

In those situations where the University of Colorado grants access to buildings or facilities pursuant to a contractual relationship, such as a landlord-tenant relationship for access to student housing facilities or a licensor-licensee relationship for access to events that are not generally open to the public, the chancellor of each campus shall have the authority to enter contracts with students, employees, and guests of the University of Colorado governing the terms of that relationship, including contractually limiting the ability of persons to exercise the ability to possess a concealed firearm in those buildings or facilities. In the event that a person violates the terms of such a contract, the person may be excluded from the building or facility to which he had been granted access pursuant to the contractual relationship.

A "dangerous or illegal weapon" may be an instrument of offensive or defensive combat; anything used, or designed to be used, in destroying, defeating, or injuring a person; an instrumentality designed or likely to produce bodily harm; or an instrument by the use of which a fatal wound may probably or possibly be given. A "dangerous or illegal weapon" may include, but not be limited to, the following: any firearm, slingshot, cross-knuckles, knuckles of lead, brass or other metal, any bowie knife, dirk, dagger or similar knife, or any knife having the appearance of a pocket knife, the blade of which can be opened by a flick of a button, pressure on the handle or other mechanical contrivance. A harmless instrumentality designed to look like a firearm, explosive, or dangerous weapon which is used by or is in the possession of a person with the intent to cause fear in or assault to another person is expressly included within the meaning of a firearm, explosive, or dangerous weapon.

Possession of firearms, explosives, or other dangerous weapons is permitted for peace officers or for others who have written permission from the chief of police for those campuses which have such an officer or from the chancellor after consultation with the chief of police. Firearm storage may be provided by campus police as a service to students or employees residing in campus housing.

FURTHER RESOLVED that the individual found guilty via a due process procedure of the unauthorized possession of firearms, explosives, or other dangerous or illegal weapons, and who is found to have intentionally or recklessly used or possessed such weapons in a way that would intimidate, harass, injure or otherwise interfere with the learning and working environment of the university, shall be banned from the university campus, leased building, or other area under the control of University Campus Police. In the case of the University of Colorado Denver, officials shall make every effort to work with the Auraria Higher Education Center officials to obtain such ban. This section is not intended to limit the discretion of the university to institute summary suspension proceedings.

In the case of a student who is found guilty via a due process procedure to have intentionally or recklessly used or possessed an unauthorized weapon in a way that would intimidate, harass, injure or otherwise interfere with the learning and working environment of the university, the minimum disciplinary sanction shall be expulsion.

In the case of an employee who is found guilty via a due process procedure to have intentionally or recklessly used or possessed an unauthorized weapons in a way that would intimidate, harass, injure or otherwise interfere with the learning and working environment of the university, the minimum disciplinary sanction shall be termination of employment, subject to such other rules governing the employment relationship.

FURTHER RESOLVED that this resolution is intended to clearly state expected standards of personal conduct for employees, students, and visitors;

FURTHER RESOLVED that to the extent that institutional policies need to be amended to reflect the intent of this resolution, the administration is directed to proceed to make such changes.

History: Adopted March 17, 1994; revised September 12, 2012

# Sex Offender Registry

## Campus Sex Crimes Prevention Act

Registered sex offenders who are students, employees, or volunteers for the Community College of Denver, Metropolitan State University of Denver, the University of Colorado Denver or the Auraria Higher Education Center are required to advise their local law enforcement agency of their affiliation with any of the listed institutions. This information is forwarded to the Colorado Bureau of Investigation (CBI), and is available at the Auraria Campus Police Department during normal business hours. The individual making the request will be provided with the list of registered sex offenders. State and federal law require the release of information supplied by the Colorado Crime Information Center (CCIC) on registered sex offenders. The release of such information does not violate the Family Educational Rights to Privacy Act (FERPA). In the event the Auraria Campus Police Records staff is unavailable to provide the requested information immediately, the name and phone number of the individual making the request will be taken and he/she will be notified when the report is available. All requests will be processed and made available for review within 72 hours of the request.

In compliance with section 121 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921) and Colorado Revised Statutes 16-22-102 through 16-22-115, and 23-5-125, registered sex offender information may be obtained at:

Colorado Bureau of Investigation <https://www.colorado.gov/apps/cdps/sor/search-agreement.isf>

Denver Police Department

<http://www.denvergov.org/police/PoliceDepartment/CrimeInformation/SexOffenders/tabid/441410/Default.aspx>





# DEFINITIONS OF CLERY ACT CRIMES AS REPORTED IN THE ANNUAL CLERY STATISTICS

The following are definitions of the crimes that the Clery Act requires institutions to report:

**Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Criminal Homicide-Manslaughter by Negligence:** The killing of another person through gross negligence.

**Criminal Homicide-Murder and Non-negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.

**Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned including joyriding.)

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

A. **FORCED:**

1. **Rape:** The penetration, not 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 person's consent.
2. **Fondling:** The touching of the private 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 his/her age or because of his/her temporary or permanent mental incapacity.

B. **NON-FORCED:**

1. **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
2. **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

**Domestic Violence:** A felony or misdemeanor crime of violence committed:

- A. By a current or former spouse or intimate partner of the victim;
- B. By a person with whom the victim shares a child in common;
- C. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- D. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or

- E. 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 in which the crime of violence occurred.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- A. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, the type of interaction between the persons involved in the relationship.
- B. For the purpose of this definition-
  - 1. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - 2. Dating violence does not include acts covered under the definition of domestic violence.

**Stalking:**

- A. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  - 1. Fear for the person's safety or the safety of others; or
  - 2. Suffer substantial emotional distress.

For the purposes of this definition-

- A. Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by an action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- B. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- C. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**Weapon Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

**Drug Abuse Violations:** Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Liquor Law Violations:** The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

**Hate Crimes:** All of the crimes described above, and any other crime involving bodily injury to any person in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity or disability of the victim that are reported to Campus Security Authorities or local police agency, the data shall be collected and reported according to category of prejudice.

