



Auraria Higher Education Center

**Annual Security Report
through 2019**

Prepared by the
Auraria Campus Police Department

Providing full police services to:



**METROPOLITAN
STATE UNIVERSITY™
OF DENVER**



CAMPUS SECURITY AND SAFETY

This report was prepared by the Auraria Higher Education Center (AHEC) Police Department, with support from the AHEC Executive Office (for campus-wide policies) and Metropolitan State University of Denver (for institution-specific policies) in order to comply with the Clery Act (formerly known as the Federal Student Right-to-Know and Campus Security Act of 1990). The report describes security practices and procedures at the Auraria Higher Education Center and property controlled by Metropolitan State University of Denver and lists crime statistics for the most recent calendar year and the two preceding calendar years. The Auraria Higher Education Center serves three institutions: Community College of Denver, Metropolitan State University of Denver, and University of Colorado Denver. Since 1992, these institutions have been required to report each year on the status of campus security to all current students and employees. The report is shared with all prospective students and their family members via a link on the Admissions Viewbook. The ASR is shared with all prospective employees through a link on the Careers page of the MSU Denver website. Additionally, a copy of the ASR will be provided to any applicant for enrollment or employment on request.

This publication is intended to provide a general description of campus security arrangements, and not to serve as a contractual agreement between AHEC and the recipient. Security procedures are subject to change without notice.

DEFINITION OF CAMPUS

For the purpose of this Annual Security Report, the term "campus" means:

- a) Any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
- b) Any building or property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).

The 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.

Although no longer operated, MSU Denver had a South Campus during 2019. The MSU Denver South Campus was defined as properties and facilities owned by SB/Steelwave Triad, LLC and used by students staff, faculty, and visitors, which are roughly bounded by Greenwood Plaza Blvd in Greenwood Village, Colorado.

CND America Inc. did business as the Detroit Institute of Music Education (DIME) incorporated and registered in Delaware. From fall 2016 through Spring 2020, DIME and MSU Denver engaged in an educational partnership that gave MSU students the opportunity to pursue a music education through DIME in Detroit. DIME was located at 1265 Griswold Street, occupying three of six floors in a building managed by Bedrock Real Estate Services. Students had access to a parking lot that is located approximately .2 miles away at 220 Bagley Street, and also bordered by Middle Street, Clifford Street, and Grand River Avenue.

During the same period of time, DIME operated a program in Denver. Initially housed on the MSU Denver campus, in Fall 2017, DIME Denver moved from the Auraria Campus to a building located at 800 Kalamath Street. This facility housed DIME Denver only and is owned by NIMBL. This facility is bordered by Kalamath Street, West 8th Avenue, an alley, and a private residence that was separated from DIME Denver by a high fence.

Note: Metropolitan State University of Denver does not have any residential facilities.

DEFINITION OF NON-CAMPUS

The term "non-campus building or property" means:

- Any building or property owned or controlled by a student organization recognized by the institution; and
- Any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.

Note: Metropolitan State University of Denver does not have any off-campus student organizations.

DEFINITION OF PUBLIC PROPERTY

The term "public property" means all public 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.

STATUS OF CAMPUS SAFETY

Although located in an urban environment, the Auraria Campus has one of the lowest campus crime rates in the state. This is primarily due to the fact that it is a commuter campus and does not house student residence halls or apartments on campus premises. This report includes crime rates for the campus proper along with any building or property owned or controlled by an institution within the same contiguous geographic area of the institution. Crime statistics for non-campus property are requested by the Auraria Campus Police Department from the specific law enforcement agency that holds jurisdiction over the property.

For the MSU Denver South Campus:

Located south of the Denver Tech Center in Greenwood Village, the MSU Denver South Campus was located in a safe environment where very few crimes are reported to the security firm and police with jurisdiction. Like the Auraria campus, this is primarily due to the fact that it was a commuter campus and did not house student residence halls or apartments. Additionally, the classrooms were in a building comprised of different businesses not affiliated with MSU Denver. This report includes crime rates for the MSU Denver South Campus property along with contiguous geographic area of the building where MSU Denver classes were located.

DIME Denver was the sole tenant in an office/classroom building located at 800 Kalamath Street in Denver. Law enforcement for the neighborhood is provided by District 1 of the Denver Police Department.

DIME Detroit was located in the 1st Precinct of the Detroit Police Department.

REPORTING CRIMES AND EMERGENCIES

Crime reports can be made at any time. Auraria Police Department services are available 24 hours a day, seven days a week to respond to the Auraria Campus. Priority is given to reports of incidents that threaten the life or safety of people, the security of property and the peace of the community.

Colorado Revised Statutes, 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. **When on campus, these crimes must be reported to the Auraria Campus Police Department.** To report a crime, use one of the emergency telephones located in every classroom building for immediate, direct access; or call 911 from any campus phone for emergencies or call 303-556-5000 for other police assistance. Cell phones and off-campus calls dial 303-556-5000. Messages can also be sent via the Text-a-Tip line at 720-593-TIPS (8477).

Call the Auraria Campus Police Department if you are on the Auraria Campus and:

- You see someone committing a crime
- You need to report an old crime
- Someone is injured or ill
- You see fire or smell smoke
- You see anyone or anything suspicious
- You think you see a drunken driver
- You have knowledge of a chemical spill

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

The Auraria Campus Police Department also provides an [Anonymous Reporting Option](https://www.ahec.edu/services-departments/police/crime-report/crime-report-form) (<https://www.ahec.edu/services-departments/police/crime-report/crime-report-form>) for victims of crimes who do not wish to be identified. Additionally, the Dean of Students Office takes incident reports via an [Incident Report Form](https://www.msudenver.edu/deanofstudents/) (<https://www.msudenver.edu/deanofstudents/>) via phone at 303-615-0220 for any campus official who is designated as a Campus Security Authority (CSA) to complete as they become aware of a crime (even when the victim wishes to remain anonymous). Clery Act crimes can be reported to any designated CSA, however for timely reporting and collection it is preferred to report crimes to the Auraria Campus Police Department and the MSU Denver Dean of Students Office.

If a serious crime that may cause an ongoing threat to the campus is reported to a CSA, they are to directly report that incident to the Auraria Campus Police immediately. The University has a responsibility to notify the campus community about any crimes which pose an ongoing threat to the community, and as such, a CSA is obligated by law to report crimes immediately to the Auraria Campus Police Department.

The Auraria Campus Police Department encourages professional and pastoral counselors, although not required to report crimes, to tell victims about the [Anonymous Reporting Process](#).

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

The Auraria Higher Education Center has developed an [Emergency Operations Plan](https://www.ahec.edu/files/general/Emergency_Procedures_Guide.pdf) (https://www.ahec.edu/files/general/Emergency_Procedures_Guide.pdf) 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. Note: these guidelines are only applicable for the Auraria campus.

A [Campus Safety Video](#) is also available outlining emergency guidelines for the campus. The video is played at new student/faculty/staff orientations. This information is also available on the [AHEC website \(www.ahec.edu\)](#) and on AHEC's YouTube channel:-

CRISIS COMMUNICATIONS PLAN – TIMELY WARNINGS AND IMMEDIATE NOTIFICATIONS

I. Purpose

Disasters, emergencies, and crises disrupt normal activities on campus and may require activation of the AHEC Emergency Operations Plan as well as the Crisis Communications Plan. The Crisis Communications Plan provides specific guidance and outlines how the Auraria Higher Education Center (AHEC) will provide accurate, up to date information and communications to the campus community, the media and the public, in the event of an emergency or crisis.

This Crisis Communications Plan describes the roles and responsibilities of the AHEC Crisis Communications Team, and the tools they will utilize to communicate vital information to their key constituents and stakeholders.

The following communication plan outlined in this document seeks to achieve the following in the event of a crisis or emergency on campus:

1. Determine whether the situation requires invoking this plan
2. Assemble the Crisis Communications Team to recommend responses
3. Implement 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

II. Activation

The AHEC Public Information Officer, or their designated appointee, will be made aware of a potential crisis or emergency by the Chief of the Auraria Campus Police Department (ACPD) and/or the AHEC Chief Executive Officer. After gathering as much information regarding the situation as possible, the AHEC PIO or their designee will then determine whether it is appropriate to invoke the crisis communications plan and activate all or part of the Crisis Communications Team.

If activated, the AHEC PIO will notify previously identified emergency communicators from each of the institutions – the Community College of Denver, the Metropolitan State University of Denver and the University of Colorado Denver – as soon as possible.

III. Procedures

The following procedures will take place as soon as the AHEC PIO activates the Crisis Communications Plan.

A. Assemble Crisis Communications Team

Time is of the essence in communicating crucial information to the campus community and the media, and the team will be assembled as quickly as possible. Based on the timing, location,

and severity of the incident(s) or event(s), this may occur either in-person or virtually. The AHEC PIO will determine when a sufficient number of the team is operational. An organizational chart outlining the team can be found in Appendix C1 of this document.

Communication professionals from AHEC, as well as the three partner institutions – Community College of Denver, Metropolitan State University of Denver, and University of Colorado Denver will staff the Crisis Communications Team. The team will also include a representative from the following departments to support the team as needed:

- AHEC Office of Emergency Management
- Auraria Campus Police Department
- AHEC Telecommunications/Information Technology Department

The Crisis Communications Team will be comprised of the following positions:

1. Spokesperson – AHEC Staff / Institution Spokesperson

The spokesperson for the Auraria Campus will be responsible for briefing the media, conducting interviews with the media and delivering public statements on the crisis or emergency as it pertains to the entire campus. The spokesperson will be the initial responder to the public, media and campus community in order to deliver a unified response. They will be briefed by subject matter experts on the crisis and kept abreast of information as the situation develops by the AHEC Public Information Officer in order to ensure the previously mentioned publics are well-informed. In the event that the crisis or emergency is affecting one of the partner institutions, the affected institution's previously identified spokesperson will be responsible for briefing the media, conducting interviews with the media and delivering public statements concerning the crisis or emergency.

2. AHEC Public Information Officer – AHEC Communications Staff Member

AHEC's Public Information Officer (PIO) will be responsible for communicating with the AHEC Emergency Operations Center and other departments involved with the crisis or emergency to ensure efficient, streamlined communication and that the information being communicated to the public, media and campus community is accurate and up to date. The AHEC PIO will also be in charge of the Joint Information Center (JIC), should it be deemed necessary to activate it (*more information on the purpose of the JIC can be found in Section C: Crisis Communication Processes and Tools*). The AHEC PIO will determine the staff necessary to respond to the crisis or emergency based on the nature of the situation, as well as assign necessary communication tasks to members of the Crisis Communications Team.

3. Social Media Manager – AHEC Communications Staff Member

The Social Media Manager will be responsible for monitoring the conversation on social media surrounding the crisis or emergency and informing the AHEC PIO of relevant conversations or misinformation being communicated via social networking channels in order to manage and dispel rumors. They will also be responsible for posting updates on the crisis or emergency to the Auraria Campus Facebook and Twitter pages, and responding to comments and messages received through these platforms.

4. Communication Specialist – AHEC Communications Staff Member

At the direction of the AHEC PIO, the Communication Specialist will be responsible for drafting all written communication materials, including press releases, key

messaging documents including briefing cards, statements for the spokesperson or key leaders, and fact sheets or FAQs. They will also be responsible for updating the AHEC website and ensuring it reflects up to date information and that all information published to the website is clearly time stamped.

5. Media Relations Specialist – Optional (AHEC will require institutional to staff this position)

The Media Relations Specialist will be responsible for responding to queries from members of the media in a timely manner. They will also be responsible for filling out and keeping track of the Media Log (Appendix C3). The role of the Media Relations Specialist can also be filled by the Spokesperson depending on the volume of media interest and available staffing at the time of the crisis or emergency.

6. Visual Communication Specialist – Optional (AHEC will require institutional to staff this position)

The Visual Communication Specialist will be responsible for capturing the crisis or emergency through photo or video in order to communicate an accurate picture of the situation as it develops on campus. Their purpose is to assist in controlling the visual narrative of the crisis or emergency. This is an optional position, and the duties listed can also be performed by the Communication Specialist or the AHEC PIO.

Appendix C4 contains a list of key Crisis Communications Team members as well as representatives from essential departments, and their contact information. For each primary member, at least one alternate will be selected.

In addition, the Crisis Communications Team may need to engage the support of any of the following entities in order to efficiently and effectively disseminate important information to key constituents and stakeholders:

- AHEC Facilities Services
- AHEC Business Services, HR staff in Admin 370 (i.e. answering phones, etc.)
- CU Denver Anschutz Medical Campus Staff (Emergency Management, Police)
- CU Denver Residential Life Office
- Institutional Student Life Offices
- Auraria Executive Council
- The affected unit(s)

The above list is not meant to be exhaustive.

B. Identifying Key Constituents and Stakeholders

The Crisis Communications Team will determine the order in which key constituents and stakeholders need to be informed. The likely constituents and stakeholders that will need to be informed and kept abreast of the situation as it develops can be sorted into two groups – internal and external. The Crisis Communications Team will use a variety of different communication tools to reach both groups. The constituents and stakeholders who make up each group are listed below:

Internal

- AHEC Employees
- Students from each institution
- Faculty and staff from each institution

External

- Downtown Denver Community
- Local government officials
- State government officials
- Local media
- If necessary, national media

C. Crisis Communication Processes and Tools

It is important to keep in mind that people will seek—and believe—other sources of information (e.g., news reports, rumors, word of mouth) in the absence of official communication. Quick and effective communication will help quell rumors, maintain morale, and ensure public safety. The following outlines the communication tools available to the Crisis Communications Team, their possible applications in a crisis, and who can operate those tools. A table outlining these tools can also be found in Appendix C2.

Process for Initiating Communication with Internal Constituents and Stakeholders As soon as basic information surrounding the incident has been confirmed, the Crisis Communications Team will work with the ACPD to issue a timely warning as well as a RAVE Emergency Notification to all internal constituents and stakeholders.

Issuance of a “Timely Warning”

Per the requirements of the Clery Act, “timely warning” advisories are sent out to the campus community when a crime is reported to the ACPD or local police that may present an ongoing threat to the safety of students or employees. The Chief of the ACPD 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 all cases, timely warning advisories are disseminated by ACPD Dispatch or staff via email and text message to all staff, faculty, and students on the Auraria Campus using their institution-provided email accounts. Timely warnings will also be posted on the AHEC website [under the 2020 Timely Warnings section](#).

Issuance of a RAVE Emergency Notification

In the event that there is a confirmed significant emergency or dangerous situation posing an immediate threat to the campus community, per the judgment of on-duty ACPD personnel, ACPD Dispatch or the AHEC Office of Emergency Management will determine the content of the notification and initiate the RAVE emergency notification system. However, if in the professional judgment of the 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.

AHEC also maintains pre-scripted short message scripts for a variety of hazards to assist in the timely issuance of immediate notifications. In addition, a variety of other communications tools may be utilized, including campus-wide email messages, broadcast voice mail messages, updates to the Auraria Campus Emergency Hotline (1-877-556- EMER) and notices posted on electronic message boards and the AHEC website at www.ahec.edu.

Process for Initiating Communication with External Stakeholders

The AHEC PIO, in consultation with communicators from each institution, will decide the best way(s) of reaching the media. In cases where a crisis is likely to be prolonged and/or is especially complex, the AHEC PIO may choose to create a Joint Information Center (JIC) and/or a media briefing center to coordinate the information flow and assure that the right people are involved in collecting and disseminating information. The JIC will be located in the conference room of the Facilities Services building.

Activation of the Joint Information Center and Press Conference Guidance

Given the necessary considerations for appropriate media staging locations that can accommodate vehicles such as satellite trucks, the primary location for a press conference related to a campus crisis will be St. Cajetan's Church.

The Tivoli Student Union will serve as a secondary location. Communication with the media must occur frequently, as new information is known. Information from news briefings may be captured and posted to the AHEC and/or institutional web pages, along with updated FAQs. The Crisis Communications Team will monitor news coverage in key media and to correct significant inaccuracies, either in those media themselves or in material distributed by the campus.

In general, our campus policy towards members of the media is friendly, and allow them as much access as public safety permit. Our goal is to offer as much transparency as we are legally allowed. Public information officers will facilitate access to key knowledgeable individuals and respond quickly to as many requests as possible.

Activating the Call Center

When a disaster occurs, the volume of calls received by the ACPD dispatchers will likely increase, and it can slow down the efficiency of the center to critical levels. A call center will be established to handle high volume phone traffic and collect relevant information. The call center will coordinate and share important information with the AHEC PIO. The AHEC Call Center is located in the breakroom of the Facilities Services building.

Crisis Communication Tools

The following tools will be utilized and monitored by the Crisis Communications Team to ensure both the internal and external constituents and stakeholders are kept up to date as the crisis or emergency situation develops.

AHEC Website

Position Responsible

The Communication Specialist will be responsible for making updates to the website to ensure it reflects accurate, up to date information.

Approval Authority

The AHEC PIO will have final approval on website updates, as they will be based on communications previously approved for release and dissemination by the Auraria Executives Council (AEC).

Press Release

Position Responsible

The Communication Specialist, with direction and assistance from the AHEC PIO, will draft press releases as necessary to keep the media and public informed.

Approval Authority

The AEC will have final approval. The Spokesperson or Media Relations Specialist will be responsible for disseminating the approved press release to the media.

Auraria Campus Emergency Hotline

Position Responsible

The AHEC PIO will be responsible for updating the message on the Auraria Campus Emergency Hotline.

Approval Authority

The AHEC PIO, in conjunction with the ACPD representative to the Crisis Communications Team, will have final approval over the updated message on the Auraria Campus Emergency Hotline.

AHEC All-User Email

Position Responsible

The Communication Specialist will be responsible for drafting an AHEC All-User email, as often as necessary, and the AHEC PIO will assist in editing.

Approval Authority

The AHEC PIO will review and send to the AHEC CEO for final approval. Depending on the nature of the emergency situation, the all-user email may come from the AHEC CEO, the AHEC PIO or the Auraria Campus Spokesperson.

AHEC Social Media Accounts

Position Responsible

The Social Media Manager will be responsible for posting updates to the Auraria Campus Facebook and Twitter pages as well as responding to comments on the platforms.

Approval Authority

These posts will be drafted from communication and language that has already been approved by the AEC or the AHEC CEO. The AHEC PIO will have final approval for posting once the Social Media Manager has drafted the posts.

Process for Communicating Incidents Outside of AHEC's Perview

In the event that the incident is related to a criminal act, the basic thresholds that the ACPD may use to determine the lead agency for public information are as follows:

- Misdemeanor Crime
 - Auraria Campus Police Department lead (ACPD Chief or designee)
- Felony Crime
 - Auraria Campus Police Department lead (ACPD Chief or designee) or Denver Police Department or District Attorney lead (PIO or designee)

As a criminal act relates to a particular student, faculty, or staff member of a single institution, the institutional communicator shall be the primary media contact, in partnership with the law enforcement spokesperson. If a criminal act relates to the campus facilities or operations, the AHEC PIO shall be the contact.

Incidents that are not crime-related will follow similar guidelines. Situations that affect a single institution, such as a student death, will be represented by the respective institutional communicator. Situations that involve the campus facilities or operations, such as a natural disaster, will be represented by the AHEC PIO.

D. Key Messages, Briefing Cards, Statements and FAQs

In preparation, basic key messages and statements for key leaders have been drafted so that the Crisis Communications Team can easily begin drafting communications when a situation arises. At this stage, the pre-drafted key messages and statements should be revised and

edited to reflect the current emergency. These key messages, briefing cards, statements and FAQs will be updated as the situation develops.

Key Messages for Possible Crises (maximum 2-3 per crises) Type of Crises: *Post-Election Civil Unrest*

1. During our country's post-election period of transition, the Auraria Campus supports all individuals exercising their First Amendment rights by peacefully protesting.
2. The safety of our campus community, including students, faculty, staff and visitors, is our number one priority, and we will take the necessary steps to protect the campus community members and property should any protest result in violence or destruction.

**Official Statements for Possible Crises
Type of Crises: *Post-Election Civil Unrest***

As the steward of the Auraria Campus, serving our partner institutions – the Community College of Denver, the Metropolitan State University of Denver and the University of Colorado Denver – the Auraria Higher Education Center is committed to keeping our campus and its community members safe. We are in full support of all those taking a stand through peaceful protest during this time of political transition and uncertainty. We are committed to ensuring that all individuals who wish to make their voices heard on our campus are able to do so in a safe environment. It is our hope that these demonstrations remain peaceful and productive. For whatever reason, should the safety of our campus and its community come under duress, we will take the necessary steps to ensure the safety of all those on campus and protect the campus itself.

Development of Briefing Cards and FAQs

As soon as possible after the Crisis Communications Team has been activated and assembled, a briefing card will be prepared to assist in the development of communication materials and distributed as a "For Official Use Only" document to the Auraria Campus spokesperson as well as key leaders – including members of the AEC and the ACPD Chief of Police. Briefing cards will include a high-level summary of the crisis or emergency, key messages and talking points. Briefing cards will be time stamped and updated as new information comes to light. These documents will not be released to the media.

An FAQ will be developed to quickly address basic questions surrounding the crisis or emergency and will be made available on the AHEC website. The FAQ will be timestamped and updated accordingly. The AHEC PIO will review and the AEC will approve it for publishing.

IV. Plan Testing and Validation

This plan shall be updated and tested at least once a year. Full activation of the plan will be incorporated into any disaster/crisis exercises.

Responsibility for updating the Crisis Communications Plan rests with the AHEC PIO and AHEC Emergency Manager.

V. After-Action Report

Within a week of the official end date of the crisis or emergency, the AHEC PIO will convene the Crisis Communications Team for a review of lessons learned. This After-Action Report

(AAR) may be used to provide summary information to a more comprehensive campus-wide AAR coordinated through the AHEC Emergency Manager.

Attachments

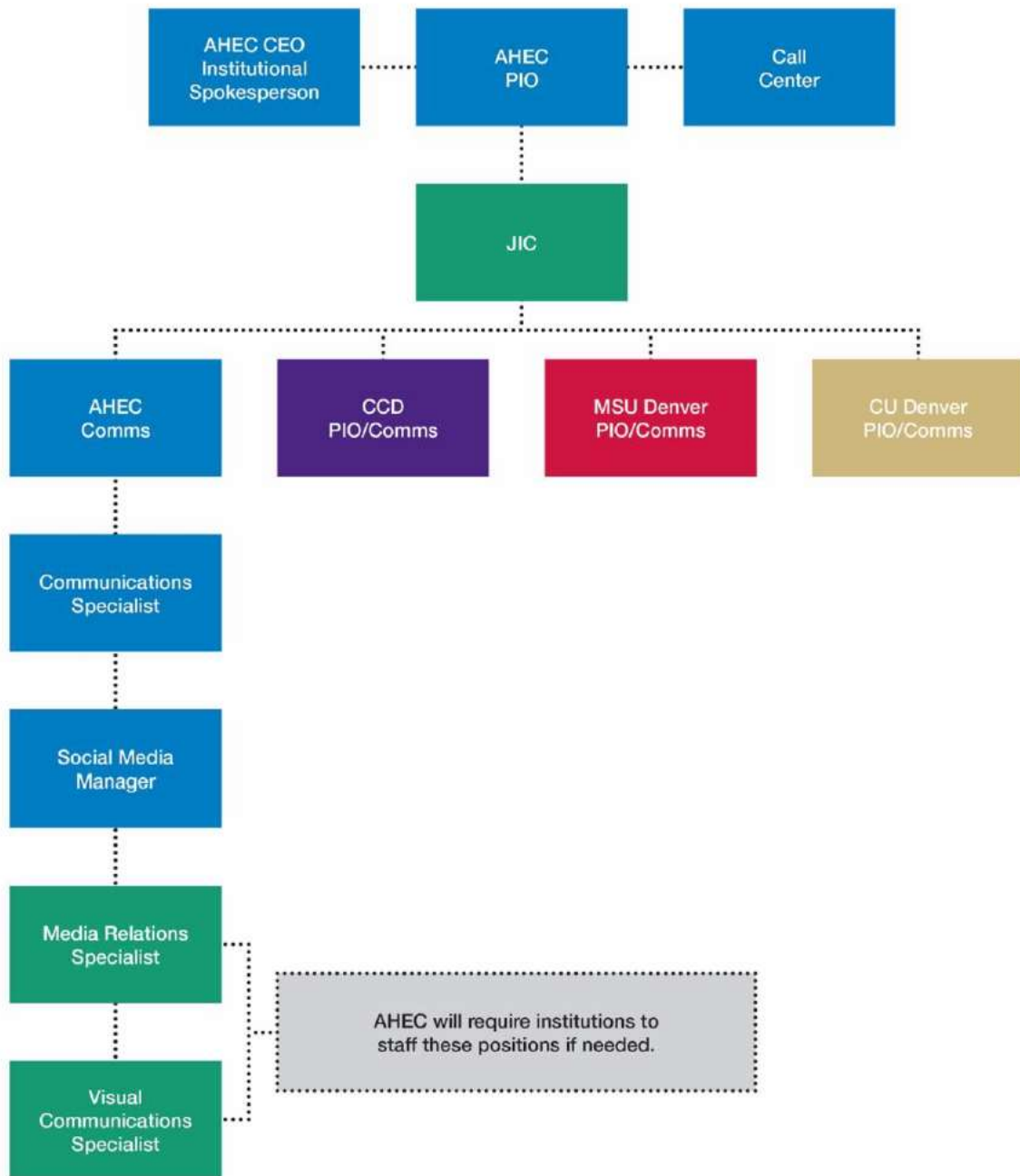
Appendix C1: Crisis Communications Team Organizational Chart

Appendix C2: Emergency Communication and Notification Tools

Appendix C3: Media Log

Appendix C4: Crisis Communications Team contact information

Appendix C1 – Crisis Communications Team Organizational Chart



Appendix C2 – Emergency Communication and Notification Tools

It is important to note in a crisis situation that no single medium will suffice to notify all constituencies. A combination of communications resources will need to be employed to reach the widest number of people as quickly as possible. Depending on the particulars of the situation, some combination of the tools listed below may be utilized.

Communications Tool	Application	Characteristics
Emergency Notification System RAVE Alert	Official information sent via text, voice, and/or email messages to mobile devices and computers	<ul style="list-style-type: none"> • Provides active notification to RAVE subscribers • Used to disseminate official information during emergencies or crisis situations that may disrupt the normal operation of the campus or threaten the health or safety of members of the campus community • Is scalable to target primary audience
EMAIL Campus all-user email list	Message sent directly to recipients' email	<ul style="list-style-type: none"> • Provides active notification • Recipients may not be near email to receive • Sent directly by AHEC
Auraria Campus Emergency Hotline 877-556-EMER (3637)	Messages recorded on official campus hotline	<ul style="list-style-type: none"> • Great source of information if community knows where to check • Does not provide active notification, has limited capacity • AHEC Crisis Communication team to record information
Website Postings <ul style="list-style-type: none"> • AHEC Homepage • Institutional Homepages 	Messages posted on official websites	<ul style="list-style-type: none"> • Great source of information if community knows where to check • Does not provide active notification • AHEC communications office to post information on AHEC page, institutional webmasters post AHEC-provided info on school websites • Power and internet connectivity dependent
Social Media <ul style="list-style-type: none"> • AHEC Twitter and Facebook • Institutional SM outlets 	Quick updates posted to followers in real time	<ul style="list-style-type: none"> • Provides active notification to followers • Limited to followers and their sharing of posts/tweets • Facebook may not display updated posts in newsfeeds sequentially • AHEC Marketing & Campus Relations to post, monitor, and respond

Appendix C 3 – Media Log

In the event of a significant crisis where a barrage of media calls is expected, an individual in the AHEC Executive Office, Emergency Operations Center, or Joint Information Center will be named to use a media log to keep track of reporter inquiries, evaluate interview requests, and respond with consistent information. When more information is available, the incident PIO and/or their designee will respond.

Date	Time	Media Outlet	Name	Phone	Email	Questions
9-1-17	0920	9News	John Appleseed	303.871.9999	John.appleseed@9news.com	Update requested on student enrollment history

Appendix C 4 – Crisis Communications Team List

NAME	TITLE/ROLE	WORK	CELL	EMAIL
AHEC Communications Staff				
Jane Hood	Director of Marketing and Campus Relations			Jane.Hood@ahec.edu
Raeanna Morgan				Raeanna.Morgan@ahec.edu
Auraria Campus Police Department				
Mike Phibbs	Chief of Police			Michael.Phibbs@ahec.edu
Jason Mollendor	Investigations Commander (back-up)			Jason.Mollendor@ahec.edu
Justin Verardi	Acting Commander (back-up)			Justin.Verardi@ahec.edu
Nancy Barjenbruch	Emergency Manager			Nancy.Barjenbruch@ahec.edu
Institutional Communications Directors/PIOs				
Christa Saracco	CCD Director of Marketing & Communications			Christa.Saracco@ccd.edu
Ruthanne Orihuela	CCD Provost/PIO			Ruthanne.Orihuela@ccd.edu
Cathy Lucas	MSU Denver Chief of Staff / PIO			
Julie Lucas	MSU Denver Senior Director of Comms (back-up PIO)			
Sarah Erickson	CU Denver Public Relations Manager			Sarah.erickson@ucdenver.edu
Karen Klimczak	CU Denver Interim Vice Chancellor			Karen.klimczak@ucdenver.edu
AHEC Information Technology/Telecom				
Ron Mitchell	Director of IT & Telecom			Ron.Mitchell@ahec.edu
Roble Noor	Software Architect			Roble.Noor@ahec.edu
Norm Swett	Telecom Manager			Norman.Swett@ahec.edu

LAW ENFORCEMENT AUTHORITY AND INTER-AGENCY RELATIONSHIPS

The police officers in the Auraria Campus Police Department receive their police authority via the provisions of the Colorado Revised Statutes, Title 24, Article 7.5, Part 1. The Auraria Board, through its Chief Executive Officer, 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 16-2.5-101 and 16-2.5-120.

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.

AURARIA CAMPUS POLICE DEPARTMENT

The Auraria Campus Police Department staff includes a Chief of Police, two Commanders, a Lieutenant, Sergeants, Corporals, two Detectives, Police Officers, Neighborhood Community Officers (non-sworn), 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

SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS

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 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.

Programs provided by the Auraria Campus Police Department include:

<p>EACH SEMESTER New Student Orientation</p> <p>This presentation on crime, personal safety, and security is given to new students.</p>	<p>ON GOING Campus Safe Night</p> <p>Annually, each fall, an event is held, which groups tour the campus after dark and provides suggestions for security enhancements.</p>
<p>ON REQUEST Drug Information Seminars</p> <p>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 Crime Analysis</p> <p>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 Personal Safety on Campus</p> <p>This program, usually given to small groups, covers ways to avoid being the victim of physical or sexual assault.</p>	<p>ON GOING/ON REQUEST* MSU Denver Counseling Center Alcohol/Drug Abuse Prevention Program</p> <p>An MSU Denver substance abuse education, prevention and referral program.</p>
<p>ON REQUEST Robbery Prevention</p> <p>This seminar, given to cashiers, gives tips on how to survive an armed robbery and be a good witness.</p>	<p>ON GOING Electronic Alarm Systems</p> <p>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 GOING Escort</p> <p>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 REQUEST Theft and Fraud Seminars</p> <p>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</p>	<p>ON REQUEST</p>

<p>Security Surveys</p> <p>Upon request, officers will evaluate a facility's physical security and make recommendations for improvements</p>	<p>Crisis Follow-ups</p> <p>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</p> <p>Architectural Design</p> <p>Auraria Police has significant input into the design of all new and renovated campus facilities with regard to physical and electronic security systems.</p>	<p>ON GOING</p> <p>Bike Theft Prevention</p> <p>Community Services hosts Bicycle Clinics each semester providing helpful tips on preventing bike thefts and the bike theft problem on campus.</p>

* PROGRAMS SPONSORED BY THE INSTITUTIONS WITH COOPERATION FROM AURARIA CAMPUS POLICE DEPARTMENT

SECURITY OF 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.

[Work Orders](http://www.ahec.edu/workorder) noting security issues with campus facilities can be filed online (www.ahec.edu/workorder) or called in at 303-556-3260.

ALCOHOL AND DRUG POLICY

By Gubernatorial decree and in compliance with applicable laws, the illegal use of alcohol, other drugs, or controlled substances when on campus is prohibited.

In addition to the policy described above, education, training, and treatment programs are available through the Student Life Programs at each institution and through Auraria Human Resources. The campus may take action when policies on the use, possession, distribution, manufacture, and sale of illegal drugs have been violated. AHEC also cooperates with local, state and federal authorities in the detection and prosecution of drug offenses.

AHEC alcohol policies apply to the Auraria Campus and institution-sponsored activities. Administrators, alumni, faculty, guests, staff and students must adhere to all applicable state and local laws and regulations related to the sale and use of alcoholic beverages. The most common laws related to alcohol use and sales are as follows:

The sale of alcoholic beverages 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 under-aged persons is prohibited.

Alcohol cannot be consumed or carried in open containers on any street, sidewalk, alley, automobile, or public area (except as noted herein).

MSU Denver also specifically states the following in the student code of conduct:

By a preponderance of evidence, any student found to have committed the following misconduct is subject to the disciplinary sanctions outlined in Article IV:

12. Possessing, using, manufacturing, distributing, or selling of narcotics or other controlled substances, or related drug paraphernalia, or prescription drugs in violation of law or University policies. Attending classes, University or campus functions, or being on campus while under the influence of drugs/illegal substances, shall also be considered a violation of this Code.

13. Public intoxication, and/or the use, possession, or distribution of alcoholic beverages or marijuana, except as expressly permitted by the law and University regulation. Attending classes, University or campus functions, or being on campus while under the influence of alcohol or drugs shall also be considered a violation of this Code.

Note: Although, in accordance with the requirements of the Colorado Constitution, possession and use of marijuana for certain medical conditions, and the possession and use of less than 1 ounce of marijuana by persons 21 years of age or older is legal, the possession and use of marijuana remains prohibited on the Metropolitan State University of Denver South and Auraria campuses and at all University-sponsored activities. In addition, federal law, including the Controlled Substances Act and the Drug Free Schools and Communities Act, prohibits the use and/or possession of marijuana while a student is on campus.

SERVING ALCOHOL

Those persons or organizations that control the service of alcoholic beverages are responsible for compliance with applicable laws and campus policies. Those policies are:

Service of alcoholic beverages is planned to stop 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 an event to ensure that no one who is under age is served or consumes any alcoholic beverages.

Alcohol may not be consumed or carried in open containers in common areas or "public" areas of any building or grounds except as follows: for group activities or events where a liquor license (if required) has been obtained and the scheduling officer has approved the event.

ILLEGAL DRUGS

The policy for Auraria and the institutions prohibit the sale, manufacture, distribution, use or possession of illegal drugs on the Auraria Campus. This policy applies equally to administrators, faculty, staff, and students.

VIOLATION OF DRUG POLICY

Sale, distribution or manufacturing of illegal drugs by a member of the Auraria Campus community will normally result in the administration taking action to curtail the activity. This policy applies within or upon the grounds, buildings, or any other facilities of the campus. Sanctions may be imposed upon individuals found in violation of these policies, as well as violation of laws controlling drugs and alcohol.

More specific and detailed information about Auraria and institutional policies addressing drugs and alcohol concerns can be found in operations manuals, student handbooks, Catalogs, personnel offices or administrative policy information. Faculty, staff and students are encouraged to obtain this information through the Student Life or administrative areas of Community College of Denver, Metropolitan State University of Denver, University of Colorado Denver, or the Auraria Higher Education Center Administrative office.

Auraria Campus Police Department
1201 5th Street, Administration Building, Suite 110
Denver, CO 80204
Police Communications 303-556-5000
Fax 303-556-3257
E-Mail dispatch@ahec.edu

DISCRIMINATION, HARASSMENT, SEXUAL MISCONDUCT, TITLE IX VIOLATIONS, AND RETALIATION

Diversity and Inclusion

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I. Introduction

- A. **Authority:** C.R.S. § 23-54-102, *et seq.* (2020) authorizes the Trustees of Metropolitan State University of Denver (either “MSU Denver” or “University”) to establish rules and regulations to govern and operate the University and its programs. The MSU Denver Trustees retain authority to approve, interpret, and administer policies pertaining to University governance. The MSU Denver Trustees authorize the MSU Denver President to approve, administer, and interpret policies pertaining to University operations.

B. **Purpose:** MSU Denver community members should be able to live, study, learn, and work in an environment free from unlawful discrimination and sexual misconduct. This policy is promulgated under:

1. Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681, *et seq.*, and its implementing rules and regulations (“Title IX”);
2. 34 C.F.R. Part 106; Title IV of the Civil Rights Act of 1964 (42 U.S.C. § 2000c) (“Title IV”)
3. The Violence Against Women Reauthorization Act (“VAWA”);
4. The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (“Clery Act”)
5. Title VII of the Civil Rights Act of 1964 (“Title VII”);
6. Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d, *et seq.* and its implementing regulations at 34 C.F.R. Part 100 (“Title VI”); and
7. Colo. Rev. Stat. § 24-34-402.

C. **Scope and Jurisdiction:**

1. The core purpose of this Policy is the prohibition of discrimination. Discrimination may involve exclusion from activities, such as admission, athletics, or employment. Additionally, discrimination may take the form of harassment or, in the case of sex-based discrimination, may encompass sexual harassment, sexual assault, stalking, sexual exploitation, dating violence, and/or domestic violence. When an alleged violation of this antidiscrimination policy is reported, the allegations are subject to resolution through either: 1) Title IX Procedures established by the University’s Office of Equal Opportunity (“OEO”)/Title IX Coordinator (when applicable, as further discussed below); or 2) Antidiscrimination Procedures established by the University’s OEO/Title IX Coordinator, which will apply and be used for all discriminatory conduct that does not specifically fall under the definition of a Title IX violation. When the Respondent is a member of the University community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the University community. This community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties, such as guests, visitors, volunteers, invitees, and campers. This Policy and the OEO/Title IX implementing procedures may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this Policy.
2. This Policy applies to the education programs and activities of the University, to conduct that takes place on the campus or on property owned or controlled by the University, at University-sponsored events, or in buildings owned or controlled by the University’s recognized student organizations. The Respondent must be a member of the University community for its policies to apply. This policy also may apply to the effects of off-campus misconduct that effectively deprives someone of access to the University’s educational program. The University also may extend jurisdiction to off-campus and/or to online conduct when the OEO/Title IX Coordinator determines that the conduct affects a substantial University interest. Regardless of where the conduct occurred, the University will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational programs or activities and/or has continuing effects on campus or in an off-campus, sponsored program or activity. A substantial University interest includes:
 - a. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;

- b. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student, member, guest, or other individual;
 - c. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
 - d. Any situation that is detrimental to the educational interests or mission of the University.
3. If the Respondent is unknown or is not a member of the University community, the OEO/Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local law enforcement if the individual would like to file a police report. Furthermore, even when the Respondent is not a member of the University's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator or the Dean of Students Office.
4. In addition, the University may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from University property and/or events. All vendors serving the University through third-party contracts are subject to the policies and procedures of their employers and/or to Policy and the implementing procedures to which their employer has agreed to be bound by contractually.
5. When the Respondent is enrolled in, or employed by another institution, the OEO/Title IX Coordinator can assist the Complainant to contact the appropriate individual at that institution, because it may be possible to allege violations through that institution's policies. Similarly, the Title IX Coordinator may be able to assist a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to the University where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.
6. All forms of discriminatory behavior listed in this Policy are prohibited, and will be responded to in accordance with guidance established in either the OEO/Title IX Anti-Discrimination or Title IX Procedures; however, the OEO/Title IX Coordinator's Title IX procedures apply only to alleged Title IX violations that occur while the Complainant is in the United States of America and is participating in, or attempting to participate in, an education program or activity of the University as has been described above. In situations when discriminatory behavior occurs, but is not subject to Title IX, but may still be considered discrimination as described in this Policy, such discrimination will be subject to the OEO/Title IX Coordinator's Anti-Discrimination Procedures but are not subject to the Title IX Procedures.

II. Roles and Responsibilities

A. **Responsible Executive:** Chief Executive Officer

B. **Responsible Administrator:** Chief Equal Opportunity Officer

C. **Responsible Office:** Office of Equal Opportunity

D. **Policy Contact:** Office of Equal Opportunity, 303-615-0036

Raúl M. Sánchez, J.D.

Executive Director, Office of Equal Opportunity

Title IX Coordinator

Jordan Student Success Building, Suite 306

Phone: 303-615-0036 Email: rsanch64@msudenver.edu

III. Policy Statement

This policy shall be known as the Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Title IX Violations, and Retaliation (hereinafter, the “Policy”).

- A. **Discrimination is Prohibited.** MSU Denver is committed to maintaining work, study, learning, and recreational environments for all students, employees, and visitors free from discrimination, sexual misconduct, Title IX violations (described below in section III.B.), and discriminatory harassment. Therefore, in accordance with applicable local, state, and federal laws, MSU Denver shall not discriminate and prohibits discrimination in all of its programs and activities, including but not limited to, academics, in-person and online classroom instruction and discussions, extracurricular activities, athletics, University-sponsored student clubs, employment, promotion, admissions, and access to all academic, clinical, career, and technical programs on the basis of any of the following:
1. Race;
 2. Creed;
 3. Color;
 4. Sex;
 5. Gender;
 6. Gender Identity or Expression;
 7. Pregnancy;
 8. National Origin;
 9. Nationality;
 10. Age;
 11. Ancestry;
 12. Marital, Domestic Partnership, or Civil Union Status;
 13. Religion;
 14. Affectional or Sexual Orientation;
 15. Atypical Hereditary Cellular or Blood Trait;
 16. Genetic Information;
 17. Liability for Military Service;
 18. Protected Veteran Status;
 19. Mental or Physical Disability, including perceived disability, AIDS and HIV-related illnesses;
 20. Harassment (related to any of the forgoing categories);
 21. Retaliation for filing a complaint of, or participating in an investigation of discrimination and harassment; and/or

22. Any other category protected by law.

In addition to prohibiting discrimination on the basis of any of the categories listed above, this Policy specifically prohibits all forms of sexual misconduct, which includes, but is not limited to, discrimination based on gender or sex, sexual assault, sexual abuse, sexual harassment, other forms of nonconsensual sexual conduct, stalking, interpersonal violence, including domestic and dating violence, and sexual exploitation.

This Policy also prohibits discriminatory harassment, as described below in section III.B., a form of discrimination which is improper conduct toward a particular individual, individuals, or groups on the basis of one or more of the protected classes listed above.

- B. Harassment is Prohibited.** Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. This Policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive, subject matters protected by academic freedom or the First Amendment. The sections below describe the specific forms of legally prohibited harassment that are also prohibited under this Policy. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of this Policy; however, supportive measures will be offered to those affected.
- C. Sexual Harassment is Prohibited.** This Policy prohibits sexual harassment, a form of discrimination based on sex and/or actual or perceived gender. Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as conduct on the basis of sex and/or actual or perceived gender that satisfies one or more of the following:
1. *Quid Pro Quo*:
 - a. an employee of the University,
 - b. conditions the provision of an aid, benefit, or service to the individual,
 - c. on an individual's participation in or cooperation with unwelcome sexual conduct; and/or
 2. Sexual Harassment:
 - a. unwelcome conduct,
 - b. determined by a reasonable person,
 - c. to be so severe, and
 - d. pervasive, and
 - e. objectively offensive,
 - f. that it effectively denies a person equal access to the University's education program, activity, or employment.
 3. Sexual assault, defined as:
 - a. Sex Offenses, Forcible:
 - i. Any sexual act directed against another person,
 - ii. Without the consent of the Complainant,
 - iii. Including instances in which the Complainant is incapable of giving consent due to intoxication, lack of consciousness, disability, presence of coercion, or age.
 - b. Forcible Rape:
 - i. Penetration,
 - ii. no matter how slight,

- iii. of the vagina or anus with any body part or object, or
 - iv. oral penetration by a sex organ, or any other object or body part, of another person,
 - v. without the consent of the Complainant.
 - c. Forcible Sodomy:
 - i. Oral, digital, or anal sexual intercourse with another person,
 - ii. forcibly,
 - iii. and/or against that person's will (non-consensually), or
 - iv. not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age, intoxication, the presence of coercion, lack of consciousness, or because of temporary or permanent mental or physical incapacity.
 - d. Sexual Assault with an Object:
 - i. The use of an object or instrument to penetrate,
 - ii. however slightly,
 - iii. the oral, genital or anal opening of the body of another person,
 - iv. forcibly,
 - v. and/or against that person's will (non-consensually),
 - vi. or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age, intoxication, the presence of coercion, lack of consciousness, or because of temporary or permanent mental or physical incapacity.
 - e. Forcible Fondling:
 - i. The touching of the private body parts of another person (buttocks, groin, breasts),
 - ii. for the purpose of sexual gratification,
 - iii. forcibly,
 - iv. and/or against that person's will (non-consensually),
 - v. or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age, intoxication, the presence of coercion, lack of consciousness, or because of temporary or permanent mental or physical incapacity.
 - f. Sex Offenses, Non-forcible
 - i. Incest:
 - (a) Non-forcible sexual intercourse,
 - (b) between persons who are related to each other,
 - (c) within the degrees wherein marriage is prohibited by the laws of the State of Colorado.
 - ii. Statutory Rape:
 - (a) Non-forcible sexual intercourse,
 - (b) with a person who is under the statutory age of consent in Colorado.
- 4. Dating Violence, defined as:
 - a. violence,
 - b. on the basis of sex and/or actual or perceived gender,
 - c. committed by a person,
 - d. who is in, or has been in, a social relationship of a romantic or intimate nature with the Complainant.
 - e. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
 - f. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

- g. Dating violence does not include acts covered under the definition of domestic violence.
5. Domestic Violence, defined as:
- a. violence,
 - b. on the basis of sex and/or actual or perceived gender,
 - c. committed by a current or former spouse or intimate or romantic partner of the Complainant,
 - d. by a person with whom the Complainant shares a child in common, or
 - e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate or romantic partner, or
 - f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Colorado, or
 - g. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the State of Colorado.
 - i. To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate or romantic relationship.
6. Stalking, defined as:
- a. engaging in a course of conduct,
 - b. on the basis of sex and/or actual or perceived gender,
 - c. directed at a specific person, that
 - i. would cause a reasonable person to fear for the person's safety, or
 - ii. the safety of others; or
 - iii. 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 in which the Respondent directly, indirectly, or through third parties, by any 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 Complainant.
 - (c) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
7. The following definitions and understandings apply to the above described forms of sexual harassment:
- a. Force: *Force* is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," "Okay, don't hit me, I'll do what you want."). Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.
 - b. Coercion: *Coercion* is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to

stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

c. *Consent* is:

- i. knowing, and
- ii. voluntary, and
- iii. clear permission
- iv. by word or action
- v. to engage in sexual activity.

(a) Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity. If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back. Consent can also be withdrawn once given through clear verbal or physical communication (e.g., saying “no,” using an agreed upon safe word, pushing a sexual partner away, a previously engaged sexual participant becoming disengaged). If consent is withdrawn, that sexual activity should cease immediately. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship or experience is not sufficient to constitute consent. Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the University to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced. Consent in relationships must also be considered in context. When parties consent to BDSM or other forms of non-traditional intimacy, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so the University’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default. Prior experiences with kink situations shall not be construed to be consent for future contact.

- d. Incapacitation: A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if the Respondent engages in sexual activity with someone who is incapable of giving consent. It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable-person standard, which assumes that a reasonable person is both sober and exercising sound judgment. Incapacitation occurs when someone cannot make rational, reasonable decisions because the individual lacks the capacity to give knowing/informed consent (e.g., to

understand the “who, what, when, where, why, or how” of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk. This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the voluntary or forced consumption of incapacitating drugs.

8. Other Civil Rights Offenses. In addition to the forms of sexual harassment described above, which fall within the coverage of Title IX, the University additionally prohibits the following offenses as forms of discrimination outside of Title IX when the act is based upon the Complainant’s actual or perceived membership in a protected class.
 - a. Sexual Exploitation, defined as: when an individual takes non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this policy. Examples of Sexual Exploitation include, but are not limited to:
 - i. Sexual voyeurism, such as observing or allowing others to observe a person undressing, using the bathroom, or engaging in sexual acts without the consent of the person being observed;
 - ii. Invasion of sexual privacy;
 - iii. Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent, such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person’s consent, including the making or posting of revenge pornography;
 - iv. Prostituting another person;
 - v. Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the infection;
 - vi. Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person’s ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity;
 - vii. Misappropriation of another person’s identity on apps, websites, or other venues designed for dating or sexual connections;
 - viii. Forcing a person to take an action against that person’s will by threatening to show, post, or share information, video, audio, or an image that depicts the person’s nudity or sexual activity;
 - ix. Knowingly soliciting a minor for sexual activity;
 - x. Engaging in sex trafficking;
 - xi. Creating, possessing, or disseminating child pornography.
 - b. Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person;
 - c. Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities;
 - d. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;

- e. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the University community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity;
- f. Violation of any other University policies may constitute a civil rights offense when a violation is motivated by actual or perceived membership in a protected class, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.

D. Retaliation is Prohibited.

1. Retaliation against a person who reports a potential violation under this Policy, assists someone with a report of a violation, or participates in any manner in an investigation or in the resolution of a complaint made under this Policy is strictly prohibited and will not be tolerated. Retaliation includes, but is not limited to, threats, slander, intimidation, reprisals, and/or adverse actions related to an individual's employment or education. MSU Denver will take appropriate steps to ensure that a person who in good faith reports, complains about, or participates in an investigation pursuant to this Policy will not be subjected to prohibited retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to file a complaint with the Equal Opportunity Office and/or Title IX Coordinator or designee.
2. The University is obligated to ensure that the reporting, complaint, investigation, and grievance process is not abused for retaliatory purposes. The University permits the filing of counterclaims but uses an initial assessment, described below, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by the Respondent may be made in good faith, but may, on occasion, also be made by individuals for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted.
3. Counterclaims determined to have been reported in good faith will be processed using the OEO/Title IX Procedures and the procedures described below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur. Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

IV. Implementation Requirements, Processes and Procedures

In accordance with this Policy, MSU Denver will take immediate and appropriate action to investigate allegations of discrimination, harassment, sexual misconduct, Title IX violations, and retaliation. If, after an adequate, reliable and impartial investigation of those complaints there is a finding that this Policy has been violated, MSU Denver will impose appropriate disciplinary action on the individual found in violation. In making a determination of whether or not this Policy has been violated, a preponderance of the evidence standard will be used. Preponderance of evidence means that the evidence shows it is more likely than not that the conduct occurred or, stated another way, that there is a greater than 50% chance that the claim is true.

- A. **Mandatory Reporting:** All University employees (faculty, staff, and administrators) are expected to report actual or suspected discrimination or harassment to appropriate officials immediately, with some limited exceptions. To make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to

report actual or suspected discrimination or harassment. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information to be shared. If a Complainant expects formal action in response to a complaint, reporting to any Mandated Reporter will connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant), who will take action when an incident is reported to them. The following sections describe the reporting options at University for a Complainant or third-party (including parents/guardians when appropriate):

1. Confidential Resources: If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:
 - a. On-campus, licensed, professional counselors and staff;
 - b. On-campus, health service providers and staff;
 - c. On-campus, victim advocates;
 - d. On-campus members of the clergy/chaplains working within the scope of their vocation;
 - e. Athletic trainers (if licensed and privileged under state statute, and/or working under the supervision of a health professional); and
 - f. Off-campus (non-employees):
 - i. Licensed, professional counselors and other medical providers;
 - ii. Local, rape crisis counselors;
 - iii. Domestic violence resources;
 - iv. Local or state assistance agencies;
 - v. Clergy/chaplains; and
 - vi. Attorneys.
 - g. All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, role on campus, and/or professional credentials, except in extreme cases of immediate threat or danger; abuse of a minor/elder/individual with a disability; or when required to disclose by law or court order.
 - h. Campus counselors (and/or the Employee Assistance Program for employees) may be available to help and may be consulted.
 - i. University employees who are confidential will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient, or parishioner.
2. Anonymous Notice to Mandated Reporters: At the request of a Complainant, notice may be given by a Mandated Reporter to the Title IX Coordinator anonymously, without identification of the Complainant. The Mandated Reporter cannot remain anonymous themselves.
 - a. If a Complainant has requested that a Mandated Reporter maintain the Complainant's anonymity, the Mandated Reporter may do so unless it is reasonable to believe that a compelling threat to health or safety could exist. The Mandated Reporter can consult with the Title IX Coordinator on that assessment without revealing personally identifiable information.
 - b. Anonymous notice will be investigated by the University to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or remedies can be provided.
 - c. However, anonymous notice typically limits the University's ability to investigate, to respond, and to provide remedies, depending on what information is shared.
 - d. When a Complainant has made a request for anonymity, the Complainant's personally identifiable information may be withheld by a Mandated Reporter, but all other details must be shared with the Title IX Coordinator.

- e. Mandated reporters may not be able to maintain requests for anonymity for Complainants who are minors, elderly, and/or disabled, depending on reporting of abuse requirements.
3. Mandated Reporters and Formal Notice/Complaints
- a. All employees of the University (including student employees) (with the exception of those who are designated as Confidential Resources, above) are Mandated Reporters and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment. Employees must also promptly share all details of behaviors under this policy that they observe or of which they have knowledge, even if not reported to them by a Complainant or third-party. Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandated Reporters, as those details must be shared with the Title IX Coordinator.
 - b. Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as “Take Back the Night” marches or speak-outs do not provide notice that must be reported to the Title IX Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or desire to seek a specific response from the University.
 - c. Supportive measures may be offered as the result of such disclosures without formal University action.
 - d. Failure of a Mandated Reporter (as described above) to report an incident of harassment or discrimination of which they become aware is a violation of University policy and may be subject to disciplinary action for failure to comply.
 - e. When a Mandated Reporter is engaged in harassment or other violations of this policy, they still have a duty to report their own misconduct; however, the University is technically not on notice when a harasser is also a Mandated Reporter unless the harasser does in fact report their own misconduct.
 - f. Finally, it is important to clarify that a Mandated Reporter who is a target of harassment or other misconduct under this Policy is not required to report their own experience, but they are encouraged to do so.

B. When a Complainant Does Not Wish to Proceed: If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law. The Title IX Coordinator has ultimate discretion over whether the University proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment. The Title IX Coordinator’s decision should be based on results of a violence risk assessment that shows a compelling risk to health and/or safety that requires the University to pursue formal action to protect the community. A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. The University may be compelled to act on alleged employee misconduct without regard to a Complainant’s wishes. The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the University’s ability to pursue an investigation and/or a formal grievance process fairly and effectively. When the Title IX Coordinator executes the written complaint, the Title IX Coordinator does not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy. When the University proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish; however, it may be difficult

for the University and/or the Title IX Coordinator to become aware of all relevant facts or adequately resolve a Complaint if a Complainant does not participate in the process. The Complainant retains all rights of a Complainant under this Policy regardless of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant. Note that the University's ability to remedy and respond to notice may be limited if the Complainant does not want the University to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the University's obligation to protect its community. In cases in which the Complainant requests confidentiality and/or no formal action, and the circumstances allow the University to honor that request, the University will offer informal resolution options under the OEO/Title IX Coordinator's procedures. Additionally, the Title IX Coordinator will offer supportive measures to the Complainant and the community but will not otherwise pursue formal action. If the Complainant elects to take no action, such individual can change that decision and pursue a formal complaint at a later date. If a Complainant makes a formal complaint, the University will take such allegations seriously, and will investigate the alleged incidents and will seek to properly resolve them through this Policy and the OEO/Title IX procedures.

- C. **Federal Timely Warning Obligations:** Parties who report sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, the University must issue timely warnings for incidents reported that pose a serious or continuing threat of bodily harm or danger to members of the campus community. The University will ensure that a Complainant's name and other identifying information are not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.
- D. **False Allegations/Evidence:** Deliberately false and/or malicious and/or frivolous accusations under this policy, as compared to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to investigation and appropriate disciplinary action. In addition, witnesses and parties who knowingly provide false evidence, tamper with, or destroy evidence after being directed to preserve such evidence, or who deliberately mislead an official who is conducting an investigation, may be subject to investigation and discipline.
- E. **Notice/Complaint:** Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, the University will initiate a prompt initial assessment to determine the next steps the University will take. The University will initiate at least one of three responses:
 - 1. Offering supportive measures because the Complainant needs them and/or does not want to proceed formally; and/or
 - 2. An informal resolution; and/or
 - 3. A formal investigation and grievance process including an investigation and a hearing, if required.
 - 4. The investigation and grievance process will determine whether or not the Policy has been violated. If so, the University will promptly implement effective remedies designed to eliminate harassment or discrimination, and their potential recurrence or effects.
- F. **Initial Assessment:** Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator will engage in an initial assessment, which is typically one to five business days in duration. The steps in an initial assessment can include:
 - 1. If notice is given, the Title IX Coordinator will seek to determine if the person affected wishes to make a formal complaint, and will assist them in doing so, if desired.

2. If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety, or some other substantial University interest is threatened.
3. If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to ensure a completed complaint.
4. The Title IX Coordinator, or a designee, will reach out to the Complainant to offer supportive measures.
5. The Title IX Coordinator works with the Complainant to ensure awareness of the right to an Advisor.
6. The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
7. If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify needs and facilitate implementation. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
8. If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, which informal mechanism may serve the situation best or is available and may seek to determine if the Respondent is also willing to engage in informal resolution.
9. If a formal investigation and grievance process is preferred, the Title IX Coordinator determines if the alleged misconduct falls within the scope of Title IX.
10. If the alleged conduct does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
 11. an incident, and/or
 12. a pattern of alleged misconduct, and/or
 13. a culture/climate issue, based on the nature of the complaint.
14. If the Title IX Coordinator determines that Title IX does not apply, they will either dismiss that aspect of the complaint (if any), or they will assess which policies may apply and the resolution process that is applicable, and will refer or reassign the matter accordingly (to the Dean of Students Office/Student Conduct for cases involving student Respondents, and to the office of Human Resources and/or appropriate Chairs, Deans, or the Provost for cases involving employee and/or Faculty Respondents).
15. Please note that dismissing a complaint under Title IX is procedural and does not limit the University's authority to address or reassign a complaint of discrimination or misconduct with appropriate process and remedies under other procedures.

G. Dismissal of Complaint (Mandatory and Discretionary)

1. The University must dismiss or reassign a formal complaint or any allegations therein alleging conduct that, if proved, would be considered a Title IX violation if, at any time during the investigation or hearing, it is determined that:
 2. The conduct alleged in the formal complaint would not constitute sexual harassment as defined in the Policy hereinabove, even if proved; and/or
 3. The conduct did not occur in an educational program or activity controlled by the University (including buildings or property controlled by recognized student organizations), and/or the University does not have control of the Respondent; and/or
 4. The conduct did not occur against a person in the United States; and/or
 5. At the time of filing a formal complaint, a Complainant is not participating in or attempting to participate in the education program or activity of the University.
6. The University may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:
7. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or

8. The Respondent is no longer enrolled in or employed by the University; or
9. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
10. Upon any dismissal or reassignment of a Complaint to be addressed outside of the realm of Title IX, the University will promptly send written notice of the dismissal or reassignment of the Complaint and the rationale for doing so simultaneously to the parties.
11. This dismissal decision is appealable by any party under the procedures for appeal below. The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.
12. Notwithstanding anything above contained within this subsection, any conduct required to be dismissed under Title IX may still be investigated as a violation of other provisions of this Policy or other University policies and may result in disciplinary sanctions.

H. **Responsible Office for Conducting Investigation of Complaints**

1. *Title IX Investigations:* Upon receipt of notice or complaint of discriminatory conduct and after conducting a preliminary inquiry, as described above, if the Title IX investigator determines the alleged conduct could specifically constitute a Title IX violation, the Title IX Coordinator is responsible for coordinating and/or conducting the investigation and formal grievance procedure in accordance with this Policy and the OEO/Title IX Procedures.
 2. *Non-Title IX Discrimination Investigations Involving Student Respondents:* Upon receipt of notice or complaint of discriminatory conduct and after conducting a preliminary inquiry, as described above, if the Title IX investigator determines the alleged conduct (if it were to be proved true) does NOT specifically constitute a Title IX violation but could still be considered discriminatory conduct under this Policy AND involves a student Respondent, the Title IX Coordinator will refer the matter to the Dean of Students and/or Student Conduct Office, who will be responsible for coordinating and/or conducting the investigation and formal grievance procedure in accordance with this Policy, the Student Code of Conduct, and any other relevant procedures.
 3. *Non-Title IX Discrimination Investigations Involving Employee Respondents:* Upon receipt of notice or complaint of discriminatory conduct and after conducting a preliminary inquiry, as described above, if the Title IX investigator determines the alleged conduct (if it were to be proved true) does NOT specifically constitute a Title IX violation but could still be considered discriminatory conduct under this Policy and does NOT involve a student Respondent, the Title IX Coordinator is responsible for coordinating and/or conducting the investigation and formal grievance procedure in accordance with this Policy and the OEO Procedures that are not specific to the Title IX grievances and investigations.
- I. **OEO Procedures:** In addition to the processes and implementation requirements discussed above, comprehensive procedures have been established by the Equal Opportunity Office and Title IX Coordinator to further clarify and implement this Policy (the "OEO Procedures"). The OEO Procedures should be interpreted in conjunction with this Policy, State and Federal law, and any and all implementing rules and regulations, including the U.S. Department of Education's Title IX Rules. The OEO/Title IX procedures can be found on the Office of Equal Opportunity website.
- J. **Training:** The Title IX Coordinator will oversee ongoing training programs on the campus specifically designed to increase awareness of the issues with the ultimate goal of preventing discrimination, sexual misconduct, interpersonal violence, and retaliation within the MSU

Denver community. The trainings will be comprehensive and specifically designed for the diverse audience of employees and students. Trainings will include definitions of prohibited conduct, bystander intervention strategies, reporting options and obligations, and resources available on campus. Additionally, all training materials that the Title IX Coordinator and their staff receives as part of the required trainings under the U.S. Department of Education's Title IX Rules will be published on the OEO website.

V. Related Information

- A. Equal Opportunity Office Procedures, [Office of Equal Opportunity](#)
- B. Dean of Students Office, [Dean of Students](#)
- C. File a Report with the Dean of Students Office, [Report an Incident](#)

VI. History

- A. **Effective:** August 14, 2020
- B. **Revised:** This policy replaces and supersedes the following policies, which are no longer in effect: Sections 2.1 Antidiscrimination and 3.5 Harassment, Sexual Harassment, and Violence of the *MSCD Trustees Manual, 2007*; Board of Trustees Discrimination, Sexual Misconduct, and Retaliation Policy, July 1, 2019.
- C. **Review:** This policy will be reviewed as deemed necessary by University leadership.

VII. Approval

This policy is approved by the MSU Denver Board of Trustees.

SEXUAL MISCONDUCT OTHER THAN TITLE IX

Allegations of sexual misconduct that are not covered by Title IX are addressed through the Student Code of Conduct.

2020-2021 Student Code of Conduct

Introduction and Purpose:

The Code of Conduct outlines community responsibilities for students during their time at MSU Denver. As students pursue their education, the academic and community environment is supported by values of accountability, respect, justice, and equity.

To encourage the MSU Denver students to identify and work through conflict or wrongdoing, we strive to support individual growth and community accountability by:

- Promoting reflection on the impact of conflict and our actions
- Encourage active responsibility by addressing harms and the repair that needs to happen to address conflict
- Supporting the development of community membership and wellbeing

Traditionally and currently, higher education institutions have implemented codes of conduct to develop a system to address violations of community standards. Mirroring other disciplinary systems, including in K-12 education and the criminal justice system, traditional approaches to code of conduct violations in higher education institutions have historically been resolved through a punitive-based and response where the first question being asked is what policy or rule was broken. The MSU Denver Dean of Students Office recognizes that these approaches to student conduct have contributed to systems of oppression and racial inequities. It can also be insufficient in addressing the needs of students, the harms that have resulted from wrongdoing, and dissatisfying for those involved. The MSU Denver Dean of Students Office acknowledges that the systems and structures in place in higher education are based on a tradition of racist and white supremacist ideals. Our commitment, as professional staff within the Dean of Students Office, to students, is centered on identifying, altering, and removing barriers to success that were created with not all students in mind. We are actively working to understand and atone for the impacts of systemic racism and oppression, how we perpetuate it, and how we can dismantle it at MSU Denver and beyond. We know we have a lot of work to do.

As part of our commitment, we are going to engage in a yearlong review of the Student Code of Conduct, commencing in the creation of the 2021-2022 Student Code of Conduct. As part of this review, we will be engaging members from all constituencies across campus, with inclusion of, but not limited to, race, gender, role at the university, department, and program. This review will include student input at every step and will engage both student leadership and students who are not involved in specific leadership at the institution.

The Code of Conduct is reviewed yearly through community collaboration. Members from the Dean of Students Office, Student Affairs, General Counsel, faculty members on the Academic Misconduct Advisory Board, and input from members of the large MSU Denver community is solicited on an annual basis to help develop the Code of Conduct that work best for the MSU Denver community.

The Code of Conduct outlines the Student Conduct guidelines, process, and procedures. Please take time to read and understand the Code of Conduct to help you along your education journey at MSU Denver.

Scope:

The Student Code of Conduct is not intended to replace but will supplement existing procedures related to:

1. [discrimination](#)
2. [grade appeals](#)
3. [requests for exceptions to academic policies](#)
4. [appeals for tuition and fee reduction](#)
5. [disputes relative to financial aid awards](#)
6. [in-state tuition classification](#)
7. [student complaint policy](#)

For any other matters that are not included above, contact the Dean of Students Office or the Student Care Center to receive assistance. . These areas are intended to serve as a resource for accurate information for students at the University. Personnel within these areas can advise and assist students with unusual circumstances, or with problems not addressed by other University policies. Students may also review information available on the [Dean of Students Office](#) or [Student Care Center](#) web sites.

Article I: Definitions

1. The term “University” refers to Metropolitan State University of Denver.
2. The term “student” includes persons admitted to, enrolled at, or taking courses at/or sponsored by the University, and those who may not be currently enrolled but have a continuing relationship with the University. The Student Code of Conduct also applies to all MSU Denver Students enrolled through University programs who are studying abroad, online, or at other remote locations. All students are expected to adhere to the Student Code of Conduct.
3. The term “faculty member” refers to any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.
4. The term “University official” includes any person employed by the University performing assigned administrative or professional responsibilities.
5. The term “member of the University” includes any person that is a student, faculty member, University official, or any other person employed by or affiliated with the University.
6. The term “University or campus premises” includes all land, buildings, facilities, online or electronic communication and other property in the possession of or owned, used, or controlled by the Auraria Higher Education Center and/or MSU Denver, including the adjacent streets and sidewalks, and also includes Extended Campus locations.
7. The term “complainant” refers to the student, employee or third party who presents as the impacted party of any prohibited conduct under this code or any other University policy or procedure, regardless of whether that person makes a report or seeks action under this policy.
8. The term “respondent” refers to the party alleged to have violated the Student Code of Conduct
9. The term “organization” refers to any number of persons that have complied with the formal requirements for University recognition. Student organization requirements can be found in the Student Organization Handbook.
10. The title of “Conduct Administrator” refers to those persons designated by the Dean of Students to be responsible for the administration of the Student Code of Conduct.
11. The term “preponderance of evidence” is the defined standard of proof used in all conduct proceedings under this Student Code of Conduct. A preponderance-of-evidence standard means that it is more likely than not that a violation occurred.
12. The term “shall” is used in the imperative sense.

13. The term “may” is used in the permissive sense.

14. The term “academic misconduct” is defined as violation of expectations for honesty and integrity on an assignment or assessment. This includes but is not limited to plagiarism, cheating, fabrication, submitting the same work for different classes or other violations of academic expectations.

15. The term “cheating” includes, but is not limited to:

- use of any unauthorized assistance in taking quizzes, tests or examinations;
- misrepresenting class attendance;
- using sources beyond those authorized by the faculty member in writing papers, preparing reports, solving problems, or carrying out other assignments; or
- the acquisition, without permission, of tests or other academic materials belonging to a member of the University faculty, staff, or other students.
- Any of the above can be applicable regardless of class modality

16. The term “plagiarism” includes, but is not limited to, the use by paraphrase or direct quotations of the published or unpublished work of another person without full and clear acknowledgement, according to the standards of the discipline, department, and/or faculty member. It also includes the unacknowledged use of materials prepared by another person or agency that may or may not be engaged in the buying/selling of term papers or other academic materials.

17. The phrase “submitting the same work for different classes” means submitting substantive portions of the same work in more than one class without disclosure to and approval from faculty members involved.

18. The term “hazing” is defined as an act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Hazing can be defined further as any action that produces physical discomfort, embarrassment, harassment, or ridicule.

19. The term “business days” refers to the days the University is open and does not include Saturdays, Sundays, holidays, or days when the University is not open for business.

20. The term “University-sponsored activity” includes but is not limited to: Classes, online forums/classes, athletic events, music and theater events, student activities, study-abroad programs, internships, field experiences and student trips funded by the University.

21. The term “report” refers to any mechanism by which the Dean of Students Office is informed of a potential violation of the Student Code of Conduct.

21. The term “conduct file” refers to the creation of a record with the University when a student is referred to the Student Conduct process. The contents of this file include the outcome of a conduct meeting, referrals to a restorative process, findings of responsibility for a code violation and/or any institutional resolutions assigned in the Conduct process (see Resolutions, Article IV: C). A conduct file is a part of a student’s educational record. Please refer to the Student Code of Conduct Article IV: F: Release of Conduct Information for information on the release of a conduct file. Conduct files typically do not become part of a student’s academic transcript.

22. The term “conduct meeting” refers to a meeting between the respondent and Conduct Administrator to discuss the conduct process, respondent perspective, any applicable information, response to the incident report, and potential outcomes/resolutions.

23. The term “sexual misconduct” refers to any nonconsensual behavior of a sexual nature that is committed by force or intimidation, or that is otherwise unwelcome, and includes, but is not limited to: sexual assault, sexual exploitation, sexual harassment, stalking, domestic violence, and dating violence. For more definitions relating to sexual misconduct, see [the University policy on Sexual Harassment](#).

24. The term “restorative processes” refers to processes that emphasize repairing the harm caused by a responsible party to impacted parties, victims and the community. Participation in restorative processes is voluntary for all parties involved. Restorative processes are utilized when a responsible party (student or organization) accepts responsibility for their actions.

Article II: Conduct Authority

1. The Dean of Students is appointed by the Vice President for Student Affairs to determine the individual(s) responsible for adjudicating any potential violations of the Student Code of Conduct, referred to as the Conduct Administrator(s).

2. The Dean of Students or designee may develop policies for the administration of the conduct program and procedural rules for the conduct of meetings that are consistent with provisions of the Student Code of Conduct.

3. Decisions made by the Conduct Administrator shall be final, pending the normal appeal process.

4. The Conduct Administrator may extend time limits for good cause demonstrated in writing by the requestor.

5. The individual(s) responsible for meeting appeals of the Student Code of Conduct decisions are designated by the Vice President for Student Affairs in consultation with the Dean of Students, and are referred to as the Appeals Administrator(s).

Jurisdiction of the University

Metropolitan State University of Denver expects its students to be accountable for their conduct and to represent the University in a positive, responsible manner. The Student Code of Conduct exists to provide parameters for students and their behavior as they represent the University during the entirety of their enrollment. University jurisdiction applies to student conduct that occurs on- or off-campus, including while a student or organization is participating in University-sponsored activities including but not limited to University Athletics, internships, practicum opportunities, study-abroad and student-travel programs.

University jurisdiction also applies to student conduct that occurs while in the course of a student’s employment with the University, however, all personnel decisions will fall within the scope of the Office of Human Resources and/or the employing department. The Office of Human Resources and/or employing department may use information gathered from the student conduct process when making their personnel decisions.

The University may adjudicate off-campus conduct when the continued presence of the student is likely to interfere with the educational process or the orderly operation of the campus; is likely to endanger the health, safety or welfare of the University community; or the offense committed by the student is of such a serious nature as to adversely affect the student's suitability as a member of the University community.

The Student Conduct process is separate from criminal or civil proceedings; however, the University may choose to or be required to share information gathered as a result of the Student Conduct process with law enforcement or if required by a court order or subpoena to do so. The Student Code of Conduct shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending.

The student's use of electronic media including but not limited to social media, email communication, and other forms of digital media, in violating a standard of conduct may be considered in the adjudication process regardless of where the electronic media originated.

Article III: Proscribed Conduct

A. Conduct – Rules and Regulations

By a preponderance of evidence, any student found to have committed the following misconduct is subject to the disciplinary resolutions outlined in Article IV.

1. Acts of dishonesty including, but not limited to, the following:
 - a. Cheating, plagiarism, or other forms of academic dishonesty;
 - b. Submitting the same work for different classes unless disclosed to and approved by the faculty member;
 - c. Furnishing false information to any University or campus official, faculty member, law enforcement official, or office;
 - d. Forgery, alteration, or misuse of any University document, record, or instrument of identification;
 - e. Failure to follow regulations, requirements or determinations of the Institutional Review Board (IRB) and/or faculty advisement when engaging in human subjects research activities;
 - f. Tampering with the election of any University-recognized student organization;
 - g. Encouraging and/or coercing others to furnish false information; or
 - h. Assisting anyone in the commission of any acts stated above.
2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other University activities including public service functions on- and off-campus, or other authorized non-University activities when the act occurs on University controlled property or University activities, including online classes.
3. Assault, physical abuse, brawling or any conduct that endangers the health or safety of any person or animal.
 - a. Verbal abuse, threats, intimidation, coercion or any unwelcome conduct by an individual(s) that is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile or offensive.

b. Bias motivated incidents involve behavior, speech, or expression that is motivated by bias/prejudice based on perceived race, religion, ethnicity, national origin, sex, gender identity, gender expression, disability, age, sexual orientation, veteran's status, political affiliation or philosophy and has a negative impact and a reasonable person would find intimidating, hostile, or offensive.

4. Attempted or actual theft of the University, the Auraria Higher Education Center, property of a member of the University or campus community, or other personal or public property.

5. Identity theft via the use, or attempted use, of another person's identifying information without their knowledge or permission.

6. Damage to property of the University, the Auraria Higher Education Center, property of a member of the University or campus community, or other personal or public property.

7. Hazing by an individual or student organization.

8. Failure to comply with a reasonable request from University officials or sworn law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

9. Unauthorized possession, duplication, or use of keys/access cards to any campus premises or unauthorized entry to, or use of, campus premises.

10. Violation of University or Auraria Higher Education Center (AHEC) policies, rules, or regulations that are published in hard copy or available electronically on the University website or AHEC [website](#).

11. Violation of federal, state, or local law.

12. Possessing, using, manufacturing, distributing, or selling of narcotics or other controlled substances, or related drug paraphernalia, or prescription drugs in violation of law or University policies. Attending classes, University or campus functions, or being on campus while under the influence of drugs/illegal substances, shall also be considered a violation of this Code.

13. Public intoxication, and/or the use, possession, or distribution of alcoholic beverages or marijuana, except as expressly permitted by the law and University regulation. Attending classes, University or campus functions, or being on campus while under the influence of alcohol or drugs shall also be considered a violation of this Code.

Note: Although, in accordance with the requirements of the Colorado Constitution, possession and use of marijuana for certain medical conditions, and the possession and use of less than 1 ounce of marijuana by persons 21 years of age or older is legal, the possession and use of marijuana remains prohibited on the Metropolitan State University of Denver South and Auraria campuses and at all University-sponsored activities. In addition, federal law, including the Controlled Substances Act and the Drug Free Schools and Communities Act, prohibits the use and/or possession of marijuana while a student is on campus.

14. Illegal or unauthorized possession, creation, use, or distribution of firearms, explosives, dangerous chemicals, or any other weapon. University students must comply with the [AHEC weapons policy whenever participating in any university-sponsored activity](#).

15. Participation in campus demonstrations that disrupt the normal operations of the University (or other parts of the campus) or any conduct that infringes on the rights of other members of the campus community; leading or inciting others or disrupting scheduled and/or normal activities within any campus building or area; or intentional obstruction that unreasonably interferes with freedom of movement on campus, either pedestrian or vehicular.
16. Improper use of University technology. This includes misuse or improper acquisition or access codes, passwords, and remote/online classroom technology, including Zoom and Microsoft Teams
17. Any unauthorized or illegal use of electronic or other devices to make an audio or video record of any person. The storing, sharing, and/or distribution of such records by any means are also prohibited.
18. Abuse, misuse, or interference with the conduct process including, but not limited to:
 - a. Falsification, distortion, or misrepresentation of information before a University official;
 - b. Disruption or interference with a conduct proceeding;
 - c. Initiating a conduct proceeding knowingly without cause;
 - d. Attempting to discourage an individual's proper participation in, or use of, the conduct process;
 - e. Attempting to influence the impartiality of a conduct administrator prior to, and/or during the course of, the conduct proceeding;
 - f. Harassment – including but not limited to verbal, physical or electronic - and/or intimidation of a conduct administrator prior to, during, and/or after a conduct proceeding;
 - g. Failure to comply with the resolution(s) imposed under the Student Code of Conduct; or
 - h. Influencing or attempting to influence another person to commit an abuse of the conduct process.
19. Obstructing or delaying a law enforcement officer, first responder, security officer, or University official in performance of their duty.
20. Reporting a false bomb threat or fire alarm, or misusing fire safety equipment.
21. Leaving children under the age of 16 unattended or unsupervised on campus grounds.
22. Influencing or attempting to influence the academic process through explicit or implied bribery, threats, or sexual behavior. If the allegation is attempting to influence the academic process through sexual behavior, policy and procedure will be dictated by the University's policy on [Sexual Harassment](#).
23. Furnishing false information or academic credentials with the intent to deceive or mislead when applying for admission to the University or for any of its programs and services.
24. Conduct that is lewd or indecent.
25. Knowingly pursuing malicious, frivolous or fraudulent charges against a faculty, student or staff member without cause.
26. Stalking, or engaging in a pattern of behavior directed at a specific person that would cause a reasonable person to feel fear. Stalking behaviors include but are not limited to: Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails,

social media, written letters, gifts, surveying/voyeuristic behavior, following, or any other communications that are undesired and place another person in fear.

27. Sexual Harassment/Sexual Misconduct – any violation of the University’s sexual harassment policies, including [sexual misconduct](#).

28. Retaliation is defined as any form of intimidation, threats, or harassment by an individual accused of misconduct, or by persons acting in support of or on behalf of the individual against whom a grievance has been filed. Acts of retaliation alleged to have been committed by a student are considered to be a separate violation of the Student Code of Conduct, in addition to any other alleged misconduct contained in a complaint against a student.

29. Aiding, abetting and/or assisting anyone in the commission of any acts stated above.

C. Academic Misconduct Procedures

In all cases of academic misconduct, the faculty member shall determine if a student is responsible for a violation of policy and make an academic judgment about the student’s grade on that work in that course. The faculty member shall report such incidents within 20 business days to the student and to the Conduct Administrator. The Conduct Administrator may extend time limits for good cause. The Conduct Administrator has the discretion to determine whether institutional resolutions should be invoked. The Conduct Administrator does NOT have the discretion to change a grade or overturn a finding of academic misconduct. An appeal of a finding of academic misconduct should be governed by the Grade Appeal Process. Any institutional resolutions are subject to the [Conduct appeals process](#).

Academic misconduct may result in institutional resolutions in addition to any academic consequences determined by the faculty member. Institutional resolutions do not limit the individual faculty member’s academic freedom and the right to maintain academic integrity in the learning environment. The faculty member may assign a grade or grade notation for an assignment, exercise, test, and/or for the course based on his/her determination that an incident of academic misconduct has occurred.

Permanent F

A professor may issue a permanent grade F as a result of academic misconduct that results in a failing grade in the class or is so flagrant as to warrant it. The permanent F is a grade not a resolution for purposes of this Student Code of Conduct. When a faculty member gives a permanent F, they are required to file a report with the Dean of Students Office, which will determine if a resolution is to be imposed for the incident. Students who wish to appeal a permanent grade of F must do so by following the Grade Appeal Policy as established by the University’s office of Academic Affairs.

Plagiarism Software

Faculty may have access to software that assists them in determining whether plagiarism has occurred. The software itself is only one tool in the determination of whether or not plagiarism has occurred. Faculty members are responsible for determining whether material has been plagiarized.

D. Violation of Law and Student Code of Conduct

Students or organizations exhibiting unacceptable forms of behavior on campus or University property may be requested to leave by authorized law enforcement. A faculty member may also temporarily remove a student from the classroom and shall immediately file an incident report with the Dean of Students Office. A staff member may direct a student to leave an area or department and shall immediately file an incident report with the Dean of Students Office. Interim or permanent removal from a class, area, or department is handled through the conduct process of the University. University disciplinary proceedings may be instituted against a student or organization charged with violation of a law that is also a violation of this Student Code of Conduct. For example, if both violations result from the same factual situation without regard to the pendency of civil litigation in court or criminal arrest and prosecution, proceedings under this Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

Article IV: Conduct Processes

A. Standard of Proof

The University views the conduct process as a learning experience that can result in growth and personal understanding of one's responsibilities and privileges within the University community. It is not intended to be a substitute for civil or criminal legal proceedings, and is designed to provide a fair evaluation of whether or not a student has violated University policies. Formal legal rules of evidence do not apply in the University's conduct process. The University uses a preponderance-of-evidence standard when determining responsibility for alleged violations of the Student Code of Conduct. A preponderance of evidence means that what is alleged to have happened is, more likely than not, what actually happened. This shall be the standard of proof used in all conduct proceedings under this Code.

B. Processes

Filing a Report

Any person may file a report against any student or organization for misconduct. Reports shall be prepared in writing in the form of an incident report and directed to the Conduct Administrator responsible for the administration of the University conduct system. Any complaint should be submitted by the reporting party as soon as possible, generally within 20 working days after learning that the misconduct has occurred. The Conduct Administrator may extend time limits for good cause.

Notification

If the University is pursuing a formal conduct process, the responding student will be notified. Once the responding student is notified of the complaint, they have the opportunity to schedule a conduct meeting with the Conduct Administrator or designee to discuss the situation. If the student fails to make contact with the Conduct Administrator within the time frame specified in the notification, the Conduct Administrator may make a decision in the student's absence on the next steps in the process and/or place a registration hold on the student's account.

Note: Because email is an official method of communication for the University, students will be notified over their Metropolitan State University of Denver email of potential violations of the Student Code of Conduct and the outcome of any conduct process. Students may also be contacted at the mailing address on file with the University. In certain cases, students may also receive correspondence by

phone from staff in the Dean of Students Office at any point in an investigation or while gathering information.

Charge

Prior to the conduct meeting, the Conduct Administrator shall present to the respondent or responding organization, in writing, a statement of the allegations, the charges they would support and the potential consequences in the event that student is found responsible. The student will be responsible for scheduling the conduct meeting with the Conduct Administrator. In the event of extenuating circumstances, the Conduct Administrator may determine that the meeting shall take place via telephone or through a written process. The Conduct Administrator will notify the respondent in writing of this determination.

Advisor

The complainant and the respondent have the right to have any advisor they choose, at their own expense, to be present during any meeting or conduct meeting. The advisor may be an attorney, with notification of this information to the Conduct Administrator. The respondent and/or the complainant will notify the Conduct Administrator at least 3 business days before the meeting or meeting of the name, address and telephone number of the advisor. In certain cases, University Legal Counsel may be present. The complainant and/or the respondent is responsible for presenting his/her own case and, therefore, advisors are not permitted to participate in any meeting or meeting within the conduct process unless the University legal counsel specifically advises otherwise. A witness may not also be an advisor. If the advisor selected by the complainant or respondent is also a witness to the complaint, the student must identify an alternate advisor.

Review

The Conduct Administrator or designee, is responsible for investigating all alleged violations of the Student Code of Conduct. The investigation process may vary by case depending upon circumstances involved. Reviews may include, but are not limited to, interviewing all parties involved, interviewing any witnesses deemed relevant, and gathering and reviewing evidence provided by any parties or witnesses.

Conduct Meetings

- Meetings shall be conducted in private.
- Admission of any person to the meeting shall be at the discretion of the Conduct Administrator within outlined policies.
- In meetings involving more than one respondent, the Conduct Administrator at his/her discretion may permit the meetings concerning each student to be conducted concurrently.
- Both the respondent and the complainant may present witnesses pertaining to the alleged incident. The Conduct Administrator will meet with any witnesses prior to the conduct meeting to review the evidence they have to share pertaining to the case.
- Pertinent records, exhibits and written statements may be accepted as evidence for consideration by the Conduct Administrator at his/her discretion.
- After the meeting, the Conduct Administrator shall determine whether the student or organization has violated the Student Code of Conduct.

- The Conduct Administrator’s determination shall be made on the basis of whether it is more likely than not that the respondent or organization violated the Student Code of Conduct.
- If a student or organization is found responsible for a violation of the Student Code of Conduct, the Conduct Administrator may assign a range of resolutions (Article IV. C.)
- Except in the case of a student charged with failing to obey the summons of a Conduct Administrator or University official, no student may be found to have violated the Student Code of Conduct solely because the student failed to appear before a Conduct Administrator. In all cases, the evidence in support of the charges shall be considered.
- University legal counsel shall serve as legal advisor to the Conduct Administrator.

ALTERNATIVE CONFLICT RESOLUTION & RESTORATIVE PROCESS

The Conduct Administrator has the discretion to refer a student conduct report to Student Conflict Resolution Services to initiate an alternative conflict resolution or restorative process at any point during the student conduct process, which may include:

- a. **Conflict Coaching:** Conflict Coaching is one-on-one and individualized coaching sessions with a Student Conflict Resolution Services professional to discuss an event or incident and strategies to approach conflict situations.
- b. **Restorative Process:** A restorative process, such as a restorative conference or an Impact Circle, brings together members of the community that have been impacted by an event or incident, such as the responsible party, harmed party, and others impacted, to have an honest and collaborative dialogue. Facilitators guide the participants to discuss what occurred, the needs of all parties, and what needs to happen to make things right. A restorative process ends with a mutually defined restorative agreement between parties.
- c. **Mediation:** Mediation is a conflict resolution process where a mediator guides the involved parties toward their own resolution. This may include joint mediation sessions or separate caucuses with each person. The mediator helps both sides define the issues, understand the other’s position, and move closer toward their own resolution. Mediation may be offered as an option when the incident does not qualify as a student conduct issue.

A student conduct professional may refer to an alternative resolution process based on, but not limited to, the following factors:

- If the respondent takes responsibility for the alleged prohibited conduct;
- The respondent’s prior conduct record;
- The nature and severity of the alleged prohibited conduct;
- The alleged impact and/or harm caused to another person or community;
- Whether the alleged conduct violates the Student Code of Conduct; and
- Any other factors that the Conduct Administrator finds relevant to the specific allegations.

Restorative Process

The principles and steps of a restorative process include:

- Participation is voluntary;
- A referral may be made if the respondent takes responsibility for their actions/prohibited conduct and is willing to complete a restorative agreement;

- Prior to the restorative conference or circle, parties participate in individual intake meetings to help participants adequately prepare;
- The process provides an opportunity for open and respectful dialogue about the event or incident and its impact;
- If other parties have been directly affected by the incident, they should be invited to participate in the process and may determine the level of their involvement;
- Outcomes or a restorative agreement should always seek to address harms and needs and promote repair;
- Outcomes or a restorative agreement must reflect the agreed view of all parties;
- Outcomes or a restorative agreement must promote accountability by the responsible party and represent an appropriate and achievable response to the conduct in question.

A restorative process does not determine responsibility, but is rather focused on determining how to repair the harm caused from the incident. The restorative process will result in a written agreement among all parties involved, with the outcomes to be completed by the respondent.

If the restorative process reaches an agreed restorative agreement, the matter will be considered resolved and no further action will be taken. If the restorative process does not reach an agreed restorative resolution, the respondent does not actively participate in the process, or does not want to participate in the restorative process, the case will be referred back to Student Conduct.

Amnesty Policy

MSU Denver recognizes that an individual who has been drinking or using drugs at the time of an incident may be hesitant to make a report because of potential Student Code of Conduct consequences for his/her own conduct. An individual that reports a violation of the Code of Conduct, including sexual misconduct will not be subject to disciplinary action by MSU Denver for his/her own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health and safety of any other person at risk. MSU Denver may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

C. Resolutions

1. The following resolutions may be imposed upon any student or organization found to have violated the Student Code of Conduct through a conduct meeting, including but not limited to:

Status Resolutions

- a. Warning: A notice in writing to the student that the student is violating or has violated the Student Code of Conduct.
- b. Probation: A written reprimand for violation of specified regulations. Probation is generally for the remainder of a student's time as a student at MSU Denver and includes the probability of more severe disciplinary resolutions if the student is found to be violating any institutional regulation(s) and/or the Student Code of Conduct while on Probation.

- c. University Suspension: Separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for re-enrollment may be specified. A temporary ban from any MSU Denver Campus or from the Auraria Campus may be put into effect as a part of the conditions of suspension. If a student has not yet enrolled in classes, admission may be rescinded.
- d. University Expulsion: Permanent separation of the student from the University. This may include a permanent ban from any MSU Denver Campus or the Auraria Campus, enforceable by the Police.
- e. Auraria Campus Suspension or Expulsion: In cases where a student's behavior could threaten the safety or well-being of the Auraria campus community, a student could be suspended or expelled from all three Auraria Institutions: MSU Denver, Community College of Denver, and University of Colorado Denver. The University will honor suspensions and expulsions for conduct that includes violent, concerning or threatening behavior from the Community College of Denver and the University of Colorado Denver.
- f. Organizations may be subject to the withdrawal of University recognition, and thus the loss of privileges and services provided by the Office of Student Activities.

Administrative and Educational Resolutions

- a. Loss of Privileges: Denial of specified privileges for a designated period of time.
 - b. Fines: Previously established and published fines may be imposed.
 - c. Restitution: Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
 - d. Discretionary Resolutions: Work assignments, service to the University, or other related discretionary assignments that have the prior approval of the Conduct Administrator.
 - e. Restorative Resolutions: Mediation, restorative conference, dialogue, conflict coaching, letter of amends, and other activities to address any harm caused by a violation.
 - f. Educational Resolutions: Referral to a campus resource (Tutoring Center, Writing Center, Counseling Center, etc.), reflection paper, educational exercise, educational workshops for student organizations, and other activities that encourage further education.
2. More than one of the resolutions listed above may be imposed for any single violation.
 3. Resolutions shall not be made part of the student's academic transcript, but shall become part of the student's conduct file.
 4. The Conduct Administrator shall notify the respondent, in writing, of the outcome of the meeting and any resolutions assigned. The complainant may be notified of the outcome as required and/or permitted by University policy or relevant law.

E. Interim Suspension/ Restrictions

In certain circumstances, the Associate Vice President of Student Engagement and Wellness/Dean of Students, or designee, may impose a University interim suspension/restrictions prior to a conduct meeting.

1. Interim suspension/ restrictions may be imposed only:

- To uphold the safety and well-being of members of the campus community or preservation of campus property;
- To support the student's own physical or emotional safety and well-being; or
- If the student poses a definite threat of disruption of, or interference with, the normal operation of the University.

2. During the interim suspension, students shall be denied access to the campus, including classes and/or all other University activities or privileges for which the student might otherwise be eligible, as the Associate Vice President of Student Engagement and Wellness/ Dean of Students or designee may determine to be appropriate. During interim restriction, students shall be denied access to specific services, locations or classes, depending on the case and where the concern is located. In cases of interim suspension or interim restriction, a hold may be placed on the student's account to prevent registration of courses.

3. The student may submit written and/or other relevant documentation to show cause why a continued presence on the campus or in specific restricted areas does not meet the criteria for interim restrictions. The Conduct Administrator will review information provided by the student, and determine whether or not to adjust the restrictions. The student will be notified of any adjustments to the interim suspension/restrictions in writing. Interim suspension/restrictions will stand until student is notified otherwise. The interim restrictions can be reviewed at any point and review may be initiated by either the student, the complainant, or the Conduct Administrator.

F. Appeals

1. The respondent may appeal a decision reached by the Conduct Administrator or a resolution imposed by the Conduct Administrator within five (5) working days of the decision. In sexual misconduct cases, the complainant is also permitted the opportunity to appeal a decision reached by the Conduct Administrator or a resolution imposed by the Conduct Administrator within five (5) working days of the decision. Such appeals shall be in writing and shall be submitted to the Dean of Students Office. The Dean of Students Office will forward the appeal request and student conduct file to the appointed Appeals Administrator. If a student chooses to appeal, he/she must complete a [Conduct Appeal Form](#), which must be submitted with the appeal. Please refer to the [Dean of Students](#) website for more information. The student will be informed of the outcome in writing when the appeal process has been completed.

2. Except as required to explain the basis of new evidence, an appeal shall be limited to a review of all case-related materials previously available to the Conduct Administrator and the information provided with the Conduct Appeal Form for one or more of the following purposes:

- To determine whether the original meeting was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures, giving the appealing party a reasonable opportunity to prepare and to respond to those allegations.
- To determine whether the decision reached regarding the respondent or organization was based on

a preponderance of evidence; that is, whether the facts in the case were sufficient to establish that, more likely than not, a violation of the Student Code of Conduct occurred.

- To determine whether the resolution(s) imposed were appropriate for the violation of the Student Code of Conduct that the student or organization was found to have committed.
- To consider new evidence sufficient to alter a decision or other relevant facts not brought out in the original meeting because the person or organization appealing did not know such evidence and/or facts at the time of the original meeting.

3. Outcomes from an appeal request will fall within one of the following categories:

- The appeal is granted and a Conduct Administrator is asked to reconsider the original finding of responsibility.
- The appeal is granted and a Conduct Administrator is asked to reconsider the original resolution(s).
- The appeal is granted and a Conduct Administrator is asked to reconsider both the original finding of responsibility and the original resolution(s).
- The appeal is denied.

a. If an appeal is granted, the matter shall be remanded to a Conduct Administrator for reopening of the meeting to allow reconsideration of the original determination and/or resolution(s). These reconsidered determinations and/or resolution(s) shall be considered final and no further opportunity to appeal will be granted.

b. If an appeal is denied, the matter shall be considered resolved, the Appeals Administrator's decision is considered final, and the student is responsible for any resolutions of the original decision.

c. In cases involving appeals by students or organizations accused of violating the Student Code of Conduct, review of the resolution(s) by the Appeals Administrator may not result in a more severe resolution(s) for the respondent or organization. Instead, following an appeal the Conduct Administrator may, upon review of the case, reduce, but not increase, the original resolution(s) imposed.

d. When asked to reconsider the original finding of responsibility and/or the original resolution(s), a Conduct Administrator will consider all case-related materials previously available to the Conduct Administrator. If the appeal was granted on the grounds of new evidence sufficient to alter a decision, the Conduct Administrator will also take the new evidence under consideration.

G. Release of Conduct Records

Educational records are the comprehensive records kept for all students and are subject to federal laws, including the Family Educational Rights and Privacy Act (FERPA). A student's conduct file, created when any alleged violation of the Student Code of Conduct is reported to the Dean of Students Office, is a part of a student's education record. As a result, these records are kept confidential in accordance with this law. Access to any student's disciplinary file shall be governed by provisions of FERPA, and the Campus Security Act (or "Clery Act") as amended. A written waiver signed by the student is required for release of disciplinary records to third parties not otherwise mandated by relevant law.

Policy Review

Article V: Interpretation and Revision

A. Any question of interpretation regarding the Student Code of Conduct shall be referred to the Associate Vice President of Student Engagement and Wellness and Dean of Students, or designee for final determination.

B. The Student Code of Conduct shall be reviewed periodically (and as needed) under the direction of the Associate Vice President of Student Engagement and Wellness or designee joined by Provost or Designee, Faculty Senate President or Designee and the Student Government Assembly President or Designee.

Policy Website Address: <https://msudenver.edu/policy/policylibrary/policiesa-z/studentcodeofconduct/>

Contact:

Dean of Students Office
(303) 615-0220

Procedures/Forms/Tools

To report an incident: [Incident Report](#)

Colorado State Statutes

MSU Denver also considers state statutes when developing and applying policy. Statute definitions applicable to our Discrimination, Sexual Misconduct, and Retaliation Policy follow.

In the State of Colorado, Domestic Violence, defined in state statute 18-6-800.3, as:

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. An "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.

In Colorado, Consent is defined in state statute 18-3-401 as:

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. Nothing in this definition shall be construed to affect the admissibility of evidence or the burden of proof in regard to the issue of consent under this part 4. Additionally, in Colorado, a minor (meaning a person under the age of 16 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 16 years old may be a crime, and a potential violation of the Policy, even if the minor welcomed the sexual activity.

In Colorado, Sexual Assault is defined in state statute 18-3-402 as:

(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.

Off-Campus Resources

Below are off-campus resources that may be available to MSU Denver community members. MSU Denver does not specifically endorse these organizations or services:

The Center for Trauma and Resilience

303-894-8000, 303-718-8289 (Español)

<http://traumahealth.org/>

The Blue Bench Rape Crisis Hotline

303-322-7273

<http://www.thebluebench.org/>

US Department of Education Office of Civil Rights

1-800-421-3481

<https://www2.ed.gov/about/offices/list/ocr/index.html>

US Department of Justice

1-888-TITLE-06 (1-888-848-5306)

<https://www.justice.gov/>

OTHER USEFUL RESOURCES

National sexual assault hotline (1-800-656-hope)

Rape abuse & incest national network

www.rainn.org (RAINN)

National Center on Domestic and Sexual Violence

www.ncdsv.org

Men Can Stop Rape

PROGRAMMING AND EDUCATION AT MSU DENVER

Education, training, outreach, and awareness programming

MSU Denver strictly prohibits acts involving domestic violence, dating violence, sexual assault, and stalking, and these acts are addressed within the MSU Denver Sexual Misconduct Policy and Procedures as noted above.

DESCRIPTIONS OF PROGRAM TYPES

Awareness programs are defined as: Community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

Bystander Intervention programs are defined as: 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 dating violence, domestic violence, sexual assault, or stalking; includes recognition of 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.

Ongoing Prevention and Awareness Campaigns are defined as: Programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.

Primary Prevention programs are defined as: Initiatives and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

Risk Reduction programs are defined as: 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.

Programming for students, staff, faculty, and campus community is available throughout the year through various formats. The table below describes the programs that took place in 2018 as well the target audience for each program, the number of occurrences that took place, and the departments or offices responsible for the programming. To inquire about programming, refer to the Presenters section of the table to find the hyperlinks for each office.

Program	Description	Audience	Frequency	Presenters
Gatekeeper Training Face to Face	Administrators, faculty and staff are often the first point of contact for students experiencing distress and/or mental-health challenges, so it's important to properly	Faculty & Staff	7 occurrences	CARE Team ; Health Center at Auraria ; Counseling Center ; Dean of Students Office

Program	Description	Audience	Frequency	Presenters
Dean of Students Office Services Presentation for Faculty and Staff	prepare employees to administer meaningful and successful interventions. On request workshops that provide information on campus safety and crime, the Student Code of Conduct, how to file a report, and resources available on campus related to support and education on sexual assault, dating violence, stalking, and interpersonal violence.	Faculty & Staff	Available throughout the year	Dean of Students Office
Bullying in the Workplace for Staff and Faculty	This course trains managers and employees in recognizing and preventing workplace bullying. In this course, workplace bullying is defined, its effect on the workplace is outlined, and the types of bullies and reasons for bullying are examined. Finally, the course provides practical tips for dealing with bullying and for maintaining a bully-free environment.	Staff and Faculty	3952 completions	Office of Equal Opportunity
Accommodating Disabilities for Staff and Faculty	This course covers the fundamentals of federal disability discrimination law, explaining legal requirements in easy-to-understand terms and using interactions that are based on real cases to reinforce learning objectives.	Staff and Faculty	3952 completions	Office of Equal Opportunity
Harassment and Discrimination Prevention for Staff and Faculty	This course is designed to dynamically and seamlessly deliver appropriate content to different audiences and state jurisdictions for both corporate and higher education customers based on profile settings for your organization and learners.	Staff and Faculty	3952 completions	Office of Equal Opportunity

Program	Description	Audience	Frequency	Presenters
<i>Checkpoint: Data Security and Privacy for Staff and Faculty</i>	Because human psychology lies at the heart of employee mistakes, data security training must take into account the biases and tendencies that make employees vulnerable. Checkpoint: Data Security and Privacy addresses the human element in data security.	Staff and Faculty	3952 completions	Office of Equal Opportunity
<i>The Phoenix Center at Auraria Bathroom Signs</i>	Bathroom signs which feature different topics and resources every month on the topics of interpersonal violence, stalking, and sexual assault.	All Campus	Ongoing in all campus bathrooms	Phoenix Center at Auraria
<i>New Student Employee Handbook</i>	Includes information on their mandatory reporter status related to sexual misconduct issues, how to file a report, and on campus resources for confidential support.	New Student Employees	Upon Hire	Human Resources
<i>New Student Orientation Folder</i>	Folder provides information on support services and how to file a report regarding issues related to sexual misconduct.	Incoming Students	Every Semester	Orientation
<i>Crisis Walk-in Hours</i>	Provides opportunity for students, faculty, and staff for crisis intervention.	All MSU Affiliates	Monday-Friday	Counseling Center
<i>New Employee Orientation</i>	Presentation with information on campus safety and crime, how to file a report, and resources available on campus related to support and education on sexual assault, stalking, and interpersonal violence.	New Employees	Monthly	Human Resources
<i>Drinking: When is Enough too Much?</i>	As a legal drug, it is easy to get into trouble with alcohol use. We will explore some of the ways that students can learn to recognize when alcohol use is becoming problematic and how to reduce the risk of developing a serious problem.	All Students	2 occurrences	Counseling Center
<i>Marijuana Use and Abuse</i>	Now that it is a legal drug, some people assume that marijuana use is never problematic. This workshop will explore some of the	All Students	2 occurrences	Counseling Center

Program	Description	Audience	Frequency	Presenters
Survivors	<p>issues that have emerged as this drug has become legal in Colorado and other states.</p> <p>This group is for individuals who are survivors of sexual trauma. This is a process-based group for processing trauma in a safe environment by increasing insight about how sexual trauma impacts self-identity and the relationships in our lives.</p>	All Students	Ongoing	Counseling Center
Moving Beyond Trauma	This group is for individuals who have experienced on-going trauma in the past. The group will focus on how trauma has impacted individuals in the present, how to deal with on-going difficulties, and work on processing past trauma.	All Students	Spring Semester	Counseling Center
Roadrunners United: Interpersonal Violence Prevention Training	Online Blackboard module designed and available to all MSU Students that overviews: Sexual misconduct policy and definitions; bystander intervention; reporting; resources; and supporting survivors.	All Students	Ongoing	Dean of Students Office
Coffee and Sex	Providing students with sexual health services and resource information	All Students	1 occurrence	Health Center at Auraria
Cupcakes and Condoms	Focus on how to talk about consent with individuals and proper use of safer sex materials.	All Students	1 occurrence	Health Center at Auraria
Peer 2 Peer	Training for student employees to learn how to identify concerns, support, and refer student peers to support services	Student Employees	3 occurrences	Health Center at Auraria
Blind Spot	An event aimed at raising awareness of alcohol abuse and risks associated with using alcohol.	All Students	1 occurrence	Health Center at Auraria
National Alcohol and Cannabis Screening Day	Screenings for alcohol abuse, educational resources, and referrals as appropriate.	All Campus	1 occurrence in the spring semester	Counseling Center

Program	Description	Audience	Frequency	Presenters
Trauma-Informed Classrooms	Presentation for faculty on trauma-informed pedagogy.	MSU Faculty	1 occurrence	Phoenix Center at Auraria
Crisis Walk-in Services	Provides opportunity for students, faculty, and staff for crisis intervention.	All MSU Affiliates	Monday through Friday	Health Center at Auraria
Lavender Graduation	Graduation ceremony honoring LGBTQIA students.	All Campus	2 occurrences per year	LGBTQ Student Resource Center
Drugs and Alcohol Education	Interactive online game and presentation focusing on alcohol and drug education.	All Students	2 occurrences	Health Center at Auraria
Fresh Check Day	Wellness event providing psychoeducation and resource information.	All Students	1 occurrence	Health Center at Auraria; Phoenix Center at Auraria; Auraria Recovery Community; Student Activities
LGBTQ Student Resource Center Class Presentations	Sessions tailored to connect LGBTQ topics to course content and LGBTQ Student Resource Center information.	All Students		LGBTQ Student Resource Center
Interpersonal Violence 101	This session will provide a general overview of all aspects of interpersonal violence and will include interactive activities to help folks think about the dynamics of violence and issues such as consent, healthy relationships, and how to help a friend.	All Campus	3 occurrences	Phoenix Center at Auraria
Safe Zone Training	2 hour training to develop knowledge of the LGBTQ community.	All Campus		LGBTQ Student Resource Center
New Student Orientation in Person	Presentations include information on campus safety and crime, how to file a report, and resources available on campus related to support and education on sexual misconduct issues such as sexual assault, stalking, dating violence,	Incoming Students	47 occurrences	Orientation; Phoenix Center at Auraria; Dean of Students Office

Program	Description	Audience	Frequency	Presenters
	domestic violence, and public safety.			
<i>New Student Orientation Online</i>	Online orientation sessions include information on campus safety and crime, how to file a report, and resources available on campus related to support and education on sexual misconduct issues such as sexual assault, stalking, dating violence, domestic violence, and public safety.	Incoming Students	3,536 Participants	Orientation
<i>Phoenix Center Information Tables</i>	Information tables provided at New Student Orientation reviewing resources provided by the Phoenix Center at Auraria.	Incoming Students	Ongoing	Phoenix Center at Auraria
<i>Title IX Notice and Comment Information Event</i>	Informational table event regarding the proposed changes to Title IX, tips for engaging with the Title IX notice and comment period and information about resources and services.	All Campus	1 occurrence	Phoenix Center at Auraria
<i>Red Flag Campaign</i>	Awareness-raising campaign is meant to show the statistical proportion of students on campus that may have experienced interpersonal violence.	All Campus	Two Weeks in September	Phoenix Center at Auraria
<i>Love is a Drag Workshop and Performance</i>	Education around drag and drag identities; safer sex education and drag performance.	All Campus	1 occurrence	LGBTQ Student Resource Center
<i>Phoenix Center Information Tables</i>	Information tables provided at various campus events.	All Campus	Throughout Year	Phoenix Center at Auraria
<i>Transgender Day of Empowerment</i>	A day to memorialize and honor those individuals who were murdered due to anti-transgender hatred and prejudice.	All Campus	1 occurrence	LGBTQ Student Resource Center

Program	Description	Audience	Frequency	Presenters
<i>The Clothesline Project</i>	A month-long event open to students, staff, and faculty aimed at raising awareness of sexual assault.	All Campus	April 2019	Phoenix Center at Auraria
<i>Barriers to Care for Male Survivors of Violence</i>	Campus-wide event addressing the needs of male survivors of violence.	All Campus	1 occurrence	Phoenix Center at Auraria
<i>Advancing our Community</i>	Event showcasing student presentations of Creating Change Conference learning and community contributions.	All Campus		LGBTQ Student Resource Center
<i>Media Literacy</i>	Curriculum presentation about violence in the media.	All Campus	1 occurrence	Phoenix Center at Auraria
<i>Traumatic Brain Injuries Panel</i>	Event to raise awareness around the impact of traumatic brain injuries.	All Campus	1 occurrence	Phoenix Center at Auraria
<i>NCAA Training</i>	Training for student athletes to meet NCAA sexual assault prevention expectations.	Student Athletes	5 occurrences	Phoenix Center at Auraria; Dean of Students Office
<i>Denim Day</i>	An event aimed at raising awareness of myths and attitudes regarding sexual misconduct.	All Campus	1 occurrence	Phoenix Center at Auraria
<i>PCA Overview</i>	Provided overview of programs offered to students, faculty, and staff.	All Campus	11 occurrences	Phoenix Center at Auraria
<i>Colorado Aids Walk</i>	Fundraising to combat HIV/AIDS.	Local Community	1 occurrence	LGBTQ Student Resource Center
<i>Fall Welcome Back</i>	Cookout and information about LGBTQ SRC services and programming.	All Campus	1 occurrence	LGBTQ Student Resource Center
<i>Healthy Relationships</i>	Curriculum presentation about healthy relationships to MSU students in various classrooms.	Students	6 occurrences	Phoenix Center at Auraria
<i>Auraria Campus Pride Initiative</i>	Education and raising awareness series for departments and organizations.	All Campus	4 series of training activities	LGBTQ Student Resource Center
<i>National Coming Out Day</i>	The annual celebration of those who come out as lesbian, gay, bisexual, transgender, queer, or as an ally.	All Campus	October 11, 2019	LGBTQ Student Resource Center

Program	Description	Audience	Frequency	Presenters
Transgender Day of Resilience	Presentation and discussion to memorialize those trans individuals who have been murdered because of their trans identity.	All Campus	1 occurrence	LGBTQ Student Resource Center
Bystander Intervention	Training to MSU Denver students regarding tactics for safe and effective bystander intervention.	All Students	2 occurrences	Phoenix Center at Auraria
World AIDS Day	Resource fair aimed at educating participants about preventing HIV and other STIs as well as a Rapid HIV testing station.	All Students	1 occurrence	Health Center at Auraria ; Phoenix Center at Auraria ; Auraria Campus Police Department ; LGBTQ Student Resource Center

AURARIA CAMPUS SEXUAL ASSAULT POLICY

I. Statement of Purpose:

This Policy was developed collaboratively by the Auraria Higher Education Center (“Center”) and its Constituent Institutions—the Community College of Denver, the Metropolitan State University of Denver, and the University of Colorado Denver—for the purpose of implementing provisions of the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*, 20 U.C.S. § 1092(f), relating to the response of the Auraria Campus Police Department and the Constituent Institutions to students who are victims of sexual assault. The Auraria Campus is committed to responding appropriately to all reports of sexual assaults and to working collaboratively with other law enforcement and government and community agencies.

In the development of this Policy, the Auraria Campus also collaborated with the Sexual Assault Interagency Council and adhered to the spirit of the Denver Sexual Assault Response Protocol, which was signed by the chief executives of the Constituent Institutions on November 7, 2005. This Protocol is available online at <http://www.denversaic.org>.

This Policy provides general guidelines for responding to students of the constituent institutions who are victims of sexual assault on the Auraria Campus or during other institutionally-sponsored activities. For institution-specific procedures and resources, contact the following representatives or campus judicial officers:

Community College of Denver

Director of Student Conduct and Support
Office of Student Life
Tivoli, Room 259
CCD Campus Box 205
PO Box 173363
Denver, CO 80217-3363
303-352-3205

University of Colorado Denver

Director Office of Student Conduct and Community Standards
Tivoli 227
CU Denver Box 83
PO Box 173364
Denver, CO 80217-3364
303-315-7311

Metropolitan State University of Denver

Associate Director for Student Conduct
Student Engagement & Wellness, Tivoli 311
Campus Box 74
PO Box 173362
Denver, CO 80217-3362
303-615-0220

Auraria Higher Education Center

Chief of Police
Auraria Campus Police Department, Campus Box E
1201 5th Street
PO Box 173361
Denver, CO 80217-3361
303-556-5000

II. Policy Statement:

The Center and its Constituent Institutions prohibit sexual assault, attempted sexual assault and other sexual offenses on property owned or controlled by the Center or its Constituent Institutions, at institutionally-sponsored or supervised activities, or at functions of recognized student organizations. The Federal Bureau of Investigation's National Incident Based Reporting System of the Uniform Crime Report defines a sex offense in general as "any sexual act directed against another person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent."

Penalties for violations of this Policy or the internal policies of the Center or its Constituent Institutions by their employees or students are determined by their specific internal policies and procedures but may include termination or expulsion for instances of sexual assault or attempted sexual assault, and lesser penalties, including suspension, probation and assessment of financial penalties for other offenses, as appropriate.

III. Sexual Assault Prevention on the Auraria Campus:

The Auraria Campus institutions provide ongoing education about sexual assaults and prevention through new student orientation programs that take place during each fall and spring semester, and through scheduled educational programming through campus activities offices. The Auraria Campus Police Department offers sexual assault education and information programs to Auraria Campus students and employees upon request. For Center or institution specific information or literature on sexual assault education and campus response, contact the representatives listed in Section I of this Policy.

IV. Sexual Assaults / Offenses:

Students who believe they have been the victims of a sexual assault or attempted sexual assault on the Auraria Campus should first ensure that they are in a place that is safe and that they are receiving any necessary medical treatment.

Students should report any incident of sexual assault or attempted sexual assault immediately to the Auraria Campus Police Department at 303-556-5000, or by dialing '911' from any Auraria Campus telephone. Reports may be made anonymously. Students may also report to their institution's representative listed in Section I, a faculty member or an administrative official. In the interests of campus safety, the representative, faculty or staff member should immediately notify the Auraria Campus Police of the incident and also may be required to report the incident in accordance with their institution's internal policies—see paragraph V.5 below. The identity of the student involved in or reporting the incident is not essential for reporting—see paragraph V.6 below.

If they wish, students may have the assistance of campus administrative staff in reporting incidents of sexual assault. Care should be taken in such instances to file the report as soon as possible after the incident and to preserve all physical evidence of the crime to aid in the police investigation. These procedures are particularly important in the case where the assailant is unknown to the victim and may be a threat to the campus community.

V. Options for Student Victim of Sexual Assaults / Other Sexual Offenses:

The victim of an alleged sexual assault, a threatened sexual assault, or other sexual offenses on the Auraria Campus has several options that may be pursued individually or in combination with other options:

- 1) To get immediate crisis counseling (24 hours a day) contact The Blue Bench hotline (303-322-7273).
- 2) To file criminal charges with the police department. (In this case, the victim will likely be interviewed by police investigators and possibly by government attorneys, and if the case goes to trial, will likely be called to testify in court.)
- 3) To file a civil lawsuit or restraining order request against the accused. (In this case, the victim may need a private attorney to assist with these options, and the victim will likely be required to give testimony in court.)
- 4) To file charges against an accused assailant through the Center or institution's appropriate process. If the victim chooses this option, he or she can expect:
 - a) To be interviewed by an official designated by the Center or institution, who will develop a written incident statement and explain the complaint and disciplinary process;
 - b) To be notified whether the charge will result in a hearing following the preliminary review by the Center or institution's officials;
 - c) To give testimony and to answer questions about the case before an official or board, the accused and an advocate for the accused, should the charge result in a hearing;
 - d) To be afforded those rights available to the accused as outlined in the Center or institution's specific student code of conduct or employment policies;
 - e) That both the victim and the accused will be informed of the outcome, except when prohibited by law, of any hearing that may take place;
 - f) That the incident may be referred for criminal prosecution independent of the Center or institution's internal process.
- 5) Inform Center or institution officials without filing formal charges. However, the Center or institution may have a legal obligation to investigate the incident and take action against the accused. In that case, the victim can have the same expectations as described in subparagraphs 4.a-f above.
- 6) Make an anonymous report to a campus official without including student identifiers.

Special notes:

- 1) Student victims have the option to request adjustments to their academic schedules after a reported sexual assault, if such changes are reasonably available. Each such request will be handled on a case-by-case basis by the student's institution.

- 2) Both the accuser and the accused are entitled to the same opportunities to have others present during any disciplinary hearing.
- 3) Both the accuser and the accused will be informed of the outcome, except when prohibited by law, of any Center or institutional disciplinary proceeding that is brought alleging a sex offense.

VI. Support for Victims:

Students who are victims of sexual offenses have access to various confidential counseling options with staff that are specifically trained in the area of sexual offenses and crisis intervention. Victims of sexual offenses can be seen confidentially through the Health Center at Auraria. During regular business hours, victims should call the Health Center at o 303-615-9999 for immediate care or an appointment. After hours, victims should seek immediate assistance from Denver Health Medical Center at 8th and Bannock in Denver. For additional resources, see below or contact the institutional representative listed in Section I.

On the Auraria Campus:

[The Phoenix Center at Auraria](#) (available to any student)

Tivoli 227

8:00am-5:00pm Monday-Friday 303-315-7256

24/7 Helpline: 303-556-CALL (2255) (24/7)

(<https://www.thepca.org/>)

[MSU Denver Counseling Center](#) (for MSU Denver Students only—at no charge)

Tivoli 651

8:00am-5:00pm Monday-Friday 303-615-9988

After Hours Crisis Line 303-615-9911

(<http://www.msudenver.edu/counsel/>)

[CU Denver Student & Community Counseling Center](#) (for CU Denver students at no charge; fees may apply to MSU Denver and CCD students)

Tivoli 454

303-315-7270

(<https://www.ucdenver.edu/counseling-center>)

[Community College of Denver Counselling Center](#) (for CCD students)

Tivoli 245

303-352-6436

(<https://www.ccd.edu/employees/departments/student-conduct-support/counseling-center>)

[Health Center at Auraria](#) (available to students, faculty, and staff—fees may apply)

Plaza 150

303-615-9999

(<https://healthcenter1.com/>)

[The Gender Institute for Teaching and Advocacy](#) (referrals and community resources)

950 10th Street Plaza

Boulder Creek, Room 132

303-615-2052

(<https://msudenver.edu/gita/>)

Local law enforcement agencies:

Denver District Attorney's Office

720-913-9000

Victims Compensation: 720-913-9253

www.denverda.org

Denver Police Department

Emergency: 911

TDD/TTY: 720-913-2000

Non-Emergency: 720-913-2000

Victim Assistance Unit: 720-913-6035

Sex Crimes Unit: 720-913-6050

Sex Crimes Hotline: 720-913-6359

www.denvergov.org/police

For the MSU Denver South Campus location:

Greenwood Village Police Department

303-773-2525

www.greenwoodvillage.com/police

Community agencies/resources available in the Denver/Metro area:

Colorado Coalition Against Sexual Assault (CCASA)

303-839-9999

www.ccasa.org

The Center for Trauma and Resilience (Formally known as The Denver Center for Crime Victims)

Hotline: 303-894-8000

TTY: 711

Administrative line: 303-860-0660

www.traumahealth.org/

Moving to End Sexual Assault (MESA) (formerly the Boulder County Rape Crisis Team)

Hotline: 303-443-7300

Administrative Office: 303-443-0400

<https://movingtoendsexualassault.org/>

The Blue Bench Hotline: 303-322-7273

Spanish: 303-329-0031

TTY: 303-329-0023

Administrative Office: 303-329-9922 (M-F 9am-5pm)

www.thebluebench.org

WINGS Foundation

Survivors of childhood sexual abuse; support groups for men and women

303-238-8660

Toll free: 800-373-8671

www.wingsfound.org

Community specific services/resources:

Asian Pacific Development Center (Asian American / Pacific Islander)

303-923-2920

www.apdc.org

Denver Indian Center, Inc. (Native American/Indigenous)

303-936-2688 (8-12, 1-5pm M-F)

www.denverindiancenter.org

The Initiative (Formerly the Domestic Violence Initiative for Women with Disabilities; Not a shelter)

Hotline & TDD: 303-839-5510

Toll free: 1-877-839-5510

www.dviforwomen.org

Deaf Overcoming Violence through Empowerment (DOVE),

24 hour hotline: 303-831-7874

www.deafdove.org

Servicios De La Raza (Chicano / Mexicano / Latino & Spanish speaking)

303-458-5851

www.serviciosdelaraza.org

SEX OFFENDER REGISTRATION INFORMATION

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).

For further information on Sex Offender Registration Information, please visit the [Colorado Bureau of Investigation's Convicted Sex Offender Site](http://sor.state.co.us/) (<http://sor.state.co.us/>).

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 South Campus, 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, bombs, grenades, and torches;
- 9) Shields, poles or other objects that may or are being used to strike, block, push or corral another person; and
- 10) 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 Chief Executive Officer is authorized to promulgate such procedures and guidelines as may be reasonable and necessary to implement and carry out the intent of this policy.

Note: There is not a specific weapons policy for the MSU Denver South Campus; however, the MSU Denver Student Code of Conduct applies to MSU Denver students, which includes the following as prohibited behavior, "illegal or unauthorized possession or use of firearms, explosives, or other weapons or dangerous chemicals".

ANNUAL FIRE SAFETY REPORT

Metropolitan State University of Denver does not maintain any on campus student housing facilities; therefore they are exempt from reporting on this.

MISSING STUDENT NOTIFICATION

Metropolitan State University of Denver does not maintain any on campus student housing facilities; therefore they are exempt from reporting on this.

DEFINITIONS OF REPORTED CRIMES

The following definitions are crimes that Federal Law 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.

Burglary vs. Larceny: An incident must meet three conditions to be classified as a Burglary.

- There must be evidence of unlawful entry (trespass). Both forcible entry and unlawful entry – no force are counted.
- The unlawful entry must occur within a structure, which is defined as having four walls, a roof, and a door.
- The unlawful entry into a structure must show evidence that the entry was made in order to commit a felony or theft.

If the intent was not to commit a felony or theft, or if the intent cannot be determined, the proper classification is Larceny.

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.)

Sex Offenses: Any sexual act directed against another person, forcibly and/or against that person without consent of the victim, including instances where the victim is incapable of giving consent.

- a) Rape- Is 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 consent of the victim. This offense includes the rape of both males and females.
- b) Fondling-The touching of the private body 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 age or because of his/her temporary or permanent mental incapacity.
- c) Incest-Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d) Statutory Rape- Sexual intercourse with a person who is under the statutory age of consent.

Hate Crimes: A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. In addition to the above offenses, larceny-theft, simple assault, intimidation and destruction/damage/vandalism of property, in which is motivated by bias of the actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin or disability of the victim that are reported to campus security authorities or local police agency. This data shall be collected and reported according to category of prejudice.

Additionally, the following violations should be reported to ACPD or to the appropriate institutional Judicial Affairs office. The police or judicial affairs staff will make tabulation of statistics from these referrals.

Weapon Law Violations: the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

Drug Abuse Violations: the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those 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: as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

Domestic Violence: In the State of Colorado, domestic violence, defined in state statute 18-6-800.3 is 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. An "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.

VAWA Offense definition of Domestic Violence: A felony or misdemeanor crime of violence committed by:

- *A current or former spouse or intimate partner of the victim.*
- *A person with whom the victim shares a child in common.*
- *A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.*
- *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.*
- *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 violence occurred.*

Dating Violence: Is violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship (42 USC § 13925).

For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Currently, the State of Colorado does not have a specific definition of dating violence.

VAWA Offense definition of Stalking: Is a pattern of behavior (course of conduct) directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. Stalking behaviors include but are not limited to: Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, written letters, gifts, or any other communications that are undesired and place another person in fear. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property.

The State of Colorado definition of stalking, found in state statute 18-3-602, is: 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 case 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 section (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.

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

AURARIA CAMPUS CLERY STATISTICAL REPORT Metropolitan State University of Denver

CRIMINAL OFFENSES	ON CAMPUS			PUBLIC PROPERTY			NON CAMPUS		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Murder and Non Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	1	0	0	0	1	0	1	0
Fondling	1	4	1	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	1	2	3	1	1	1	0	0	0
Aggravated Assault	1	5	12	2	2	1	0	0	0
Burglary	17	16	16	0	0	0	0	0	0
Motor Vehicle Theft	10	7	9	1	1	0	0	0	0
Arson	4	0	0	0	0	0	0	0	0
ARRESTS	ON CAMPUS			PUBLIC PROPERTY			NON CAMPUS		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Liquor Law Violations	9	8	7	1	0	1	0	0	0
Drug Law Violations	24	13	14	14	6	8	0	2	0
Illegal Weapons Possessions	6	6	3	1	3	0	0	0	0

REFERRALS	ON CAMPUS			PUBLIC PROPERTY			NON CAMPUS		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug Law Violations	4	1	0	1	0	0	0	0	0
Illegal Weapons Possessions	0	0	0	0	0	0	0	0	0

	ON CAMPUS			PUBLIC PROPERTY			NON CAMPUS		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Domestic Violence	10	12	11	4	0	4	0	0	0
Dating Violence	1	1	1	0	0	0	0	0	0
Stalking	17	17	20	1	0	0	0	0	0

For the year 2019 Auraria Campus Police had zero (0) reported Hate Crimes

For the year 2018 Auraria Campus Police had zero (0) reported Hate Crimes

For the year 2017 Auraria Campus Police had zero (0) reported Hate Crimes

Unfounded: A thorough investigation by the Auraria Campus Police Department, in the below cases, revealed that the elements of the reported crime were found to have not occurred.

2019

- Case # 19-2235 Stalking

2018

- Case # 18-1589 Robbery
- Case # 18-2296 Sex Assault (Rape)

2017

- Case # 17-0085 Motor Vehicle Theft
- Case # 17-0216 Domestic Violence
- Case # 17-0789 Domestic Violence
- Case # 17-0995 Motor Vehicle Theft

AURARIA CAMPUS CLERY STATISTICAL REPORT
Metropolitan State University of Denver – South Campus

CRIMINAL OFFENSES	ON CAMPUS			PUBLIC PROPERTY			NON CAMPUS		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Murder and Non Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	1	0	1	0	0	0	0	0	0
Motor Vehicle Theft	0	3	3	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0

ARRESTS	ON CAMPUS			PUBLIC PROPERTY			NON CAMPUS		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0
Illegal Weapons Possessions	0	0	0	0	0	0	0	0	0

REFERRALS	ON CAMPUS			PUBLIC PROPERTY			NON CAMPUS		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0
Illegal Weapons Possessions	0	0	0	0	0	0	0	0	0

	ON CAMPUS			PUBLIC PROPERTY			NON CAMPUS		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

For the year 2019 Greenwood Village Police had zero (0) reported Hate Crimes
 For the year 2018 Greenwood Village Police had zero (0) reported Hate Crimes
 For the year 2017 Greenwood Village Police had zero (0) reported Hate Crimes

AURARIA CAMPUS CLERY STATISTICAL REPORT
 Metropolitan State University of Denver – Detroit Institute of Music Education – Denver Campus
 November 6, 2017

CRIMINAL OFFENSES	ON CAMPUS			PUBLIC PROPERTY			NON CAMPUS		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Murder and Non Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0

ARRESTS	ON CAMPUS			PUBLIC PROPERTY			NON CAMPUS		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0
Illegal Weapons Possessions	0	0	0	0	1	0	0	0	0

REFERRALS	ON CAMPUS			PUBLIC PROPERTY			NON CAMPUS		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0
Illegal Weapons Possessions	0	0	0	0	0	0	0	0	0

	ON CAMPUS			PUBLIC PROPERTY			NON CAMPUS		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

For the year 2019 Denver Police had zero (0) reported Hate Crimes
 For the year 2018 Denver Police had zero (0) reported Hate Crimes
 For the year 2018 Denver Police had zero (0) reported Hate Crimes

AURARIA CAMPUS CLERY STATISTICAL REPORT
 Metropolitan State University of Denver – Detroit Institute of Music Education
 August 1, 2016

CRIMINAL OFFENSES	ON CAMPUS			PUBLIC PROPERTY			NON CAMPUS		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Murder and Non Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	1	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	1	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0

ARRESTS	ON CAMPUS			PUBLIC PROPERTY			NON CAMPUS		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0
Illegal Weapons Possessions	0	0	0	0	0	0	0	0	0

REFERRALS	ON CAMPUS			PUBLIC PROPERTY			NON CAMPUS		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0
Illegal Weapons Possessions	0	0	0	0	0	0	0	0	0

	ON CAMPUS			PUBLIC PROPERTY			NON CAMPUS		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

For the year 2018 zero (0) reported Hate Crimes

For the year 2017 there were three (3) Public Property Hate Crimes

- 1 – Theft unknown bias
- 1 – Intimidation unknown bias
- 1 – Destruction of Property unknown bias

For the year 2016 zero (0) reported Hate Crimes