



METROPOLITAN  
STATE UNIVERSITY<sup>SM</sup>  
OF DENVER

2024

# Metropolitan State University of Denver

## 2024 Annual Security Report

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Students Office



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## **The Clery Act - Background**

After their daughter, Jeanne Clery, was raped and murdered in her college residence hall at Lehigh University in 1986, Connie and Howard Clery advocated for legislation to be passed that would require universities to disclose information about crimes on college campuses. Their goal was to create safer higher education communities where individuals had all the information needed to make informed decisions regarding safety. Their efforts helped pass the federal Crime Awareness and Campus Security Act in 1990 that was later renamed in honor of their daughter, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Today it is more commonly known as the Clery Act.

## **Setting of the ASR in Service of the MSU Denver Community**

Metropolitan State University of Denver (MSU Denver) values transparency and promoting an informed, safe community. This Annual Security Report (ASR) includes all relevant policies, statistics, and resource information required to meet Clery Act compliance requirements. This ASR also acknowledges that there are other areas related to support that a campus can offer, which are detailed below.

Moving forward the MSU Denver Dean of Students Office, through its reliance on and support of other Student Affairs and Well-being departments, will continue to report on prior calendar year requirements of the Clery Act while also reporting on evolving and improving resources available at the time of publication for the 2025-2026 academic year to support students and staff and faculty on campus within the communities that comprise the metropolitan Denver area.

This report is prepared by the Compliance and Operations Manager in the Dean of Students Office of MSU Denver, in cooperation and collaboration with internal MSU Denver administrative departments across the university.

The report is supported by many collaborators through additional MSU Denver departments including The Student Care Center, Counseling Center, Health Center at Auraria (HCA), Restorative Justice Coalition (RJC), many departments of the Center for Engagement and Student Success (CESA) including the Center for Multicultural Engagement and Inclusion (CMEI), and the LGBTQ Student Resource Center, as well as Auraria campus partners with the Phoenix Center at Auraria (PCA), University of Colorado Denver (CU Denver), Community College of Denver (CCD), Auraria Campus Police Department (ACPD), and Auraria Higher Education Center (AHEC), as well as external information and support provided by the University Police Department of the University of Colorado Anschutz Medical Campus, and other local law enforcement agencies surrounding the Auraria Campus.

The Dean of Students Office annually reviews the policies outlined in this report with relevant campus departments including Office of Equal Opportunity (OEO) and General Counsel. The Dean of Students Office reviews statistics of crimes reported to the institution and requests the same information from ACPD and relevant local law agencies to compile the statistics listed. The Dean of Students Office is among departments that reviews qualitative and quantitative data and reports about student and staff experiences and perceptions of MSU Denver as an academic and professional environment.



## Reporting Crimes & Emergencies

Crime reports can be made at any time. To report a crime, contact the Auraria Campus Police Department (ACPD), the MSU Denver Dean of Students Office, or Student Care Center. Additional details and guidance on those contact points can be found on the following page 33 of this report.

### MSU Denver Dean of Students Office & Student Care Center

MSU Denver cares about keeping our campus community safe and supported through difficult times. There are multiple modes in which students, staff and faculty, and community members can report a crime to the institution. If an emergency requires immediate attention, MSU Denver encourages community members to report to the Auraria Campus Police Department (ACPD) or their local law enforcement authority.

Please refer to the following page for relevant context and consideration for reporting emergencies when on Auraria Campus.

Please refer to pages 61 regarding expansions of harm reduction first responder programs in City and County of Denver, such as the [STAR program](#), as well as in other jurisdictions around the metropolitan area that nearly all MSU Denver community members reside in.

In addition to campus law enforcement, under the Clery Act, some University employees who have responsibility for campus security or significant responsibility for student and campus activities are designated as Campus Security Authorities (CSAs). CSAs are required to report any information they have regarding applicable crimes on or adjacent to campus to the institution for response, support, and inclusion of information in the Annual Security Report.

A person experiencing, or that has experienced, a crime can utilize the referral methods listed below for the Dean of Students Office and Student Care Center or contact a Campus Security Authority (CSA) to report on their behalf. Some examples of CSAs at MSU Denver include:

- Dean of Students
- Director of Athletics
- Team Coach
- Faculty Advisor to a recognized Student Group
- Student Care Center Case Manager

To report to the Dean of Students Office an alleged crime that also violates the [Student Code of Conduct](#), an [Incident Report](#) can be completed. An Incident Report can also be accessed on the Dean of Students website at [msudenver.edu/dean-of-students/student-conduct/report-an-incident/](http://msudenver.edu/dean-of-students/student-conduct/report-an-incident/)

MSU Denver also utilizes a referral system for students who need support to receive outreach from the Student Care Center. [CARE Referrals](#) are reviewed by the Student Care Center with case managers providing direct, one-on-one support and resources. CARE Referral can also be accessed on the Student Care Center website: [msudenver.edu/student-care-center/](http://msudenver.edu/student-care-center/)

Additional background about [Student Care Center](#) services and programs can be found on page 55.



## Auraria Campus Police Department

Auraria Campus Police Department (ACPD) services are available 24 hours a day, seven days a week to respond to the Auraria Campus community.

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.

ACPD can be contacted in multiple ways to report a crime, including through emergency callboxes or red poles on campus, online reports, going in person to ACPD's main office in Administration Building at 1201 5<sup>th</sup> St (located below and left of center on campus [map](#)), and by phone, with the following details and nuances to consider:

- Telephones are located in every classroom building for immediate direct access to ACPD 911.
- 911 calls from landline phones on Auraria Campus will be picked up by ACPD.

- **Callers should be aware if they call 911 from their cellular or mobile phones the calls may be picked up by Denver Police Department's 911 Call Center, accordingly the dispatcher may be seeking or needing additional details as they are not on-site and dedicated to Auraria Campus.**
  - Callers reporting non-emergency concerns or for questions or assistance to ACPD can call 303556-5000 from either landline or mobile phones.
  - Text messages regarding crimes can also be sent via Text-a-Tip line at 720-593-TIPS (8477).



## **Voluntary Confidential Reporting**

Those experiencing or who have experienced a crime have the option to voluntarily report their experience. Reported crimes are included in annual crime statistics, however, details regarding the crime or those affected are kept confidential.

Crimes can be reported to ACPD, a CSA, the Dean of Students Office through an [Incident Report](#), or the Student Care Center through a [CARE Referral](#), for those who do not wish to be identified.

If the crime poses an ongoing threat to the campus the report will go to the ACPD.

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 ACPD immediately. MSU Denver has a responsibility to notify the campus community about any crimes which pose an ongoing threat to the community. As such, a CSA is obligated by law to report crimes with an ongoing threat immediately to ACPD.

## **Confidential Reporting – Pastoral & Professional Counselors**

Professional counselors or psychiatrists are not considered CSAs under the Clery Act and can provide confidential assistance to those they are counseling. MSU Denver does not currently have any pastoral counselors.

A professional counselor or psychiatrist working in the MSU Denver Counseling Center or Health Center at Auraria is an employee of MSU Denver whose official responsibilities include providing mental health counseling to members of the MSU Denver community and who is functioning within the scope of their counseling license or certification. Professional counselors or psychiatrists are encouraged, when they deem it appropriate, to inform those they counsel of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics. University employees who are confidential will submit timely anonymous statistical information for Clery Act reporting purposes unless they believe it would be harmful to their client, patient, or parishioner.

### **MSU Denver Counseling Center**

303-615-9988

[msudenver.edu/counseling-center/](http://msudenver.edu/counseling-center/)

303-615-9911

(24/7 Mental Health & Victims Assistance Crisis Line)

### **Health Center at Auraria**

303 615 - 9999

[healthcenter1.com](http://healthcenter1.com)



## Security of and Access to Campus Facilities

Exterior door locks on the Auraria Campus are fully electronic, programmed by the Access Control Department in AHEC's [Facilities Services](#). The system also has the ability to be placed in "lockdown" directly by ACPD.

Facilities Management has the primary responsibility for ensuring the lock hardware is functioning properly. Auraria Campus Police Officers conduct routine patrols of buildings and areas within Auraria Campus. Established facility hours are coordinated and maintained by the Auraria Academic Services. ACPD also works closely with the Facilities Management 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 ACPD.

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



## Law Enforcement & Jurisdiction

[ACPD](#) is tasked with the responsibility to provide police and security services to the Auraria Higher Education Center which houses the Community College of Denver (CCD), MSU Denver, and the University of Colorado Denver (CU Denver). Background information on [ACPD Leadership and Command Structure](#) is included [here](#).

The police officers in the ACPD receive their police authority via the provisions of the Colorado Revised Statutes. The Auraria Board, through its Chief Executive Officer, has delegated authority to the ACPD to enforce campus rules and regulations as well as Municipal, State Laws, and Federal Statutes. ACPD officers have full police authority and are certified police officers.

The current Jurisdiction of ACPD police officers is the Auraria Campus and the immediate surrounding area, extending to any other areas within the City and County of Denver as requested by the Denver Police Department. 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 including faculty, and visitors, which are roughly bounded by Auraria Parkway on the north, Speer Boulevard on the east, Colfax Avenue on the south, and Third Street on the west.

MSU Denver partners with CU Denver to provide some MSU students residential hall accommodations in a building called Lynx Crossing. This location is also fully within the jurisdiction of ACPD.

## Auraria Campus Map



## Authority to Arrest & Relationships

The City and County of Denver, in which Auraria Campus is fully sited, entered into an Intergovernmental Agreement establishing the working relationship between the ACPD and the Denver Police Department, granting to ACPD Police Officers a Denver Special Police Officer Commission, issued by the City's Manager of Safety, to enforce municipal ordinances of the City and County of Denver. These ordinances include criminal and traffic related offenses with the authority to make arrests if deemed necessary and appropriate.

It is the desire of both the ACPD 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 ACPD 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 ACPD works closely with local, state, and federal law enforcement agencies through on-campus events, regional law enforcement matters, training, and significant investigations concerning the campus community. ACPD maintains inter-agency relationships with representatives from the Denver Police Department, the Denver Sheriff Department, and other municipal, state, and federal law enforcement agencies through formal and informal meetings, offering their support in police matters of mutual investigation and concern.

## Accurate & Prompt Reporting

When the victim of a crime wishes to report the crime to law enforcement, MSU Denver encourages community members to report to the ACPD in an accurate and prompt manner if the crime occurred on the Auraria Campus or to the local police department if the crime occurred off campus.

MSU Denver encourages community members to additionally report crimes that they are aware of in the community when they themselves may not be the victim of the crime, if they are comfortable doing so.

Among options MSU Denver community members have to seek support if directly victim of a crime or supporting a victim of a crime:

[Dean of Students Office](#) – 303-615-0220 – Tivoli 343

[Student Care Center](#) – 303-315-0006 – Tivoli 311

[Phoenix Center at Auraria](#) – 303-556-2255 (24/7 Confidential line) – Tivoli 227

[Counseling Center](#) – 303-615-9988 – Tivoli 651

[Health Center at Auraria](#) – 303-615-9999 (business hours); 303-651-9911 (after-hours) (Crisis Support & Victim Assistance) Plaza Building, 1<sup>st</sup> Fl

## Monitoring Campus Student Organizations

Under the Clery Act, institutions have a responsibility to monitor and report crimes committed on non-campus property owned by recognized student organizations, including student organizations with non-campus housing facilities. While MSU Denver recognizes many official student organizations, currently none of the organizations own property, inclusive of Fraternity and Sorority Life. Therefore, the institution does not monitor or report non-campus crimes of properties of this nature.

Addressing the spirit of the Clery Act beyond the letter of it with regards to property owned by student groups, the [Center for Multicultural Engagement and Inclusion](#) (CMEI), which has approval authority and oversight and support responsibilities for student groups, reviews student groups in the application process



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each year to ensure that any property owned by the organization or that is provided to the organization for official functions by a third-party are disclosed, to ensure that any non-campus property will be considered in MSU Denver Clery geography monitoring for the applicable registration years the organization is recognized by MSU Denver and the property ownership or agreement for its use remains.

With MSU Denver Sharing the Auraria Campus with two other institutions (University of Colorado Denver, and Community College of Denver), it is worth noting that many student Organizations have the option of being “Tri-institutional” meaning they share members across the three different institutions on the Auraria Campus. Regarding Tri-institutional student organizations, it is the responsibility of the institution that the organization is affiliated with to monitor and oversee that student organization’s activities. In the instance where there has been a violation of the code of conduct within the student organization the affiliated institution will conduct any investigations and issue any sanctions for the student organization as a whole. In the event that an individual within the student organization has violated the code of conduct, that individual will work with the institution that they are enrolled in to reach a resolution.

Addressing risk reduction efforts in student organizations, starting in 2019 and moving forward, the CMEI began to mandate all current and potential new members of MSU Denver recognized sorority and fraternity organizations to complete hazing prevention coursework, hosted by the CMEI at MSU Denver. Additionally, all student organizations recognized by MSU Denver through the CMEI are expected to adhere to the institution’s Joint Risk Management Policy, developed by multidisciplinary administrators to support and set expectations for student organizations, including those with competitive intake processes, in areas that include MSU Denver policies regarding alcohol and drugs, hazing, sexual abuse and harassment, as well as outlining reporting pathways for concerns of policy violations. Further, CMEI will be expanding its Hazing education efforts to cater to all audiences within the MSU Denver campus, which will include all student organizations affiliated with MSU Denver. Expanding hazing education will be done in an effort to reach all student organizations as well as operate in compliance with the Stop Campus Hazing Act. For more information regarding MSU Denver’s preparation for the Stop Campus Hazing Act view page 59.



## Crisis Communications Plan

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](#), including issuing a timely warning advisory or [RAVE emergency notification](#).

The Crisis Communications Plan provides specific guidance and outlines how 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.

The AHEC Emergency Operations Plan can be found at [ahec.edu/services-departments/emergency-preparedness/emergency-procedures](https://www.ahec.edu/services-departments/emergency-preparedness/emergency-procedures). The AHEC Crisis Communications Plan can be found at [ahec.edu/files/general/policy-crisis-communication-emergency-notification-plan.pdf](https://www.ahec.edu/files/general/policy-crisis-communication-emergency-notification-plan.pdf). Description of issuance of timely warning advisories and RAVE emergency notifications is provided below.

## Issuance of a Timely Warning Advisory

Per the requirements of the Clery Act, “timely warning” advisories are sent out to the campus community when a Clery Act crime is reported to ACPD or local police that may present an ongoing, serious threat to the safety of students, employees, and community members. A list of Clery Act-designated and tracked crimes are summarized in the definitions of Clery Crimes section, found on page 73 of this report.

A timely warning advisory is issued to the campus community when incidents of criminal activity as defined by the Clery Act occur on campus or within the immediate vicinity of campus and when the criminal activity represents an ongoing, serious threat to campus.

A timely warning advisory may be issued for non-Clery Act crimes if it is believed the crime poses a serious or continuing threat to the campus community.

Typically, a timely warning advisory will include the following information:

- The Reported Offense
- Date and time of the reported offense (if known)
- Suspect information (if known)
- Solicitation of witness or suspect information
- Information that would promote safety and would aid in the prevention of similar crimes

The Chief of ACPD or their designee shall make the decision as to whether an incident poses an ongoing, serious threat and if a timely warning advisory is required. In all cases, timely warning advisories are disseminated by the ACPD Dispatch or staff via email and/or text message to all staff, including faculty, and students on the Auraria Campus using their institution-provided email accounts.

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 ACPD Office of Emergency Management will determine the content of the notification and initiate the [RAVE emergency notification system](#). Community members may add their personal mobile device numbers and additional email addresses through the RAVE link above.

## RAVE Emergency Notifications

The decision to send an emergency notification can be made by any member of the ACPD or by the AHEC Office of Emergency Management when there is an imminent threat to the safety of the campus. Emergency notifications are sent by the ACPD Dispatch Center or by the AHEC Office of Emergency Management. 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.

Prior to emergency notifications, the significant emergency must be confirmed. Confirmation may come from a number of sources, including ACPD staff, campus constituents, and/or partner agencies depending on the type of emergency. Confirmation from ACPD includes: first-hand observations by members of ACPD or other first responders, by first-hand observation by known campus staff members with experience and knowledge to make such a determination; or by real-time observation through campus security cameras.

To evaluate the significance of the threat, ACPD may consult with subject matter experts, for example: Denver Police Department, Denver Fire Department, Federal Bureau of Investigations (FBI), World Health Organization (WHO), Colorado Department of Public Health and Environment (CDPHE), University Health and Safety, National Weather Services (NWS), etc. Due to the time sensitivity of emergency alerts, the decision to initiate a RAVE emergency notification will be determined as quickly and thoroughly as possible.

AHEC also maintains pre-scripted short messages for a variety of hazards to assist in the timely issuance of immediate notifications. Emergency notifications are always sent to the entire campus community and anyone else enrolled on the distribution lists. Each institution and AHEC maintain their own enrollment list which are updated every semester. 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 (1-877-566-EMER) and notices posted on electronic message boards and the AHEC website at [ahec.edu](http://ahec.edu).

## Emergency Drills, Testing, & Evacuation

Emergency evacuation drills are an important part of fire and life safety procedures for many reasons. Not only do they safeguard life, health, property, and public welfare, but they also ensure regulatory compliance.

Drills help prepare the campus for orderly, controlled, and safe exiting of buildings in case of an emergency and also improve certain aspects of fire provisions. Drills allow for and are designed for assessment and evaluation of emergency plans and capabilities.

Auraria Campus drills are scheduled at least annually and held at unexpected times and under varying conditions to simulate the unusual conditions that occur in the event of a fire or other emergency situations.

Information regarding the publication of emergency drills and evacuation procedures can be found in MSU Denver Early Bird articles that are available to students, staff, and the local community.



## Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault & Stalking

MSU Denver prohibits acts involving domestic violence, dating violence, sexual assault, and stalking, and these acts are addressed within the MSU Denver [Discrimination, Harassment, Sexual Misconduct, Title IX, and Retaliation Policy and Procedures](#) among other actions as sexual harassment.

As a part of the University's efforts to end interpersonal violence, multiple departments collaborate across campus to raise awareness of interpersonal violence (IPV), teach risk reduction and positive bystander intervention options, and train students, staff and faculty, and community members on institutional and state procedures. All programming includes a statement prohibiting interpersonal violence offenses, State of Colorado and U.S. federal definitions of offenses, information of safe and positive options for bystander intervention and risk reduction, and information on institutional procedures and rights within disciplinary proceedings.

MSU Denver complies with State of Colorado statutes when developing and applying policy. Statute definitions included in interpersonal violence (IPV) prevention programming and applicable to the University's Discrimination, Harassment, Sexual Misconduct, Title IX, and Retaliation Policy are listed below.

### Colorado State Statutes

#### Dating Violence – Violence Against Women Act

At the time of this report's publication, the State of Colorado does not have state definition of dating violence. Accordingly, MSU Denver utilizes the definition provided in the federal [Violence Against Women Act \(VAWA\) amendments](#) to the Clery Act:

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

The existence of such a relationship shall be determined based on the reporting party'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: 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.

Dating violence as defined within MSU Denver's [Discrimination, Harassment, Sexual Misconduct, Title IX Violations, and Retaliation Policy](#):

Dating Violence, defined as: violence, on the basis of sex and/or actual or perceived gender, committed by a person, who is in, or has been in, a social relationship of a romantic or intimate nature with the Complainant.

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:

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.

#### Domestic Violence –

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. "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.

**Sexual Assault –**

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.

**Consent –**

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. Submission under the influence of fear shall not constitute consent. Additionally, in Colorado, a minor (meaning a person under the age of 17 years) cannot consent to sexual activity unless 1) the child is less than 15 and the other person is less than 4 years older or 2) the child is 15 or 16 and the other person is less than 10 years older. This means that sexual contact by an adult with a person younger than 17 years old may be a crime, and a potential violation of the Policy, even if the minor welcomed the sexual activity or lied about being 17.

**Stalking –**

A person commits stalking if directly, or indirectly through another person, the person knowingly: a) Makes a credible threat to another person and, in connection with the threat, repeatedly follows, approaches, contacts, or places under surveillance that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship; or b) Makes a credible threat to another person and, in connection with the threat, repeatedly makes any form of communication with that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship, regardless of whether a conversation ensues; or c) Repeatedly follows, approaches, contacts, places under surveillance, or makes any form of communication with another person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship in a manner that would cause a reasonable person to suffer serious emotional distress and does cause that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship to suffer serious emotional distress. A victim need not show that they received professional treatment or counseling to show that they suffered serious emotional distress.

## Descriptions of IPV Intervention Program Types

MSU Denver community members have the opportunity to engage in multiple types of programming and intervention pathways to help in dissemination of conceptual knowledge and practical strategies and skills to increase personal security and agency. Below are descriptions of program types.

**Awareness Programs** – Community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge of and share information and resources to prevent violence, promote safety, and reduce perpetration of violence.

**Bystander Intervention Programs** – 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; this 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. Safe and positive options for bystander intervention incorporated in prevention programming at MSU Denver include but are not limited to:

Direct – Intervene directly by confronting/calling out the individual(s) to notify them of their inappropriate behavior.

Distract – Create some form of distraction and interrupt the flow of violence. A key with this step is to engage directly with whom is being targeted.

Delegate – Empower other allies to become accomplices as active bystanders by asking for assistance, finding a resource, or receiving help from a third party.

Delay – Check in with the person who was targeted or harmed after the situation has passed to offer support and assistance.

**Ongoing Prevention and Awareness Campaigns** – 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** - Initiatives and strategies informed by research for effectiveness and outcomes 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 sexual expression, encourage safe bystander intervention, and seek to positively change individual behavior and adjustment to social norms in healthy and safe directions.

**Risk Reduction Programs** – Programs 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. As a part of prevention programs at MSU Denver, risk reduction includes information regarding positive bystander intervention options, including addressing and responding to observed victim blaming to actively reduce discouragement for survivors to speak up or seek help



**IPV Prevention Program Offerings**

Program	Description	Frequency
Roadrunner 3R Training	As University administrators, faculty, and staff – including student employees – are often the first point of contact for students experiencing distress and/or mental-health challenges. Roadrunner 3R (Recognize, Respond, and Refer) curriculum is designed for employees to administer meaningful and successful interventions.	Monthly & On Request
Dean of Students Office & Student Care Center Services	On request workshops for staff and faculty, providing campus safety and crime information, the Student Code of Conduct, guidance on how to file a report or referral, and how to locate on campus resources to support students or coworkers regarding interpersonal violence, sexual assault, and stalking.	On Request
Roadrunners United: Interpersonal Violence Prevention Training	Online Canvas training module designed and available to all MSU Students that overviews sexual misconduct policy and definitions, bystander intervention, reporting, resources, and supporting survivors.	Ongoing
With Pleasure	Virtual program via social media campaign focusing on how to talk about consent with individuals and proper use of safer sex materials.	Annually
Peer 2 Peer	Training for student employees to learn how to identify concerns and empower them to support student peers through to referral for support services.	On Request
Raise the Bar	Virtual event aimed at raising awareness of alcohol abuse and health and safety risks associated with it.	On Request
Crisis Walk-in Services	Provides opportunity for students and staff, including faculty, for crisis intervention through the Student Care Center, the Dean of Students Office and the Phoenix Center at Auraria.	Ongoing



Addicted Living	Social media outreach program with guest speaker conversation centering on recognizing emergence of addictive behaviors that may be developing through chronic maladaptive coping strategies having detrimental impact on a student's daily living and risking their academic success	Annually
World AIDS Day	Online outreach aimed at educating participants about preventing HIV and other STIs, including PrEP interventions, as well as providing students awareness of and access to Rapid HIV testing station.	Annually
Preventing Harassment & Discrimination Suite	This course is designed for all MSU Denver staff to ensure University is compliant with harassment prevention training laws and following up to date best practices for eliminating environments that enable harassing and discriminating actions by employees. The course increases bystander intervention empowerment among staff and faculty to intervene when concerns are witnessed or learned of. The course also includes an optional sixth module addressing Clery Act and Title IX compliance requirements.	Required per Spring and Fall Semester
NCAA Training	Training for student athletes and athletic coaches to meet NCAA sexual assault prevention requirements presented by MSU Denver's Office of Equal Opportunity or Dean of Students Office with support from Phoenix Center at Auraria.	Annually
LGBTQ Student Resource Center Class Presentations	Sessions tailored to connect LGBTQ topics to course content and LGBTQ Student Resource Center information.	On Request
LGBTQ Student Resource Center Trainings	Educational workshops for campus departments and organizations who are wanting to better support/engage LGBTQ students.	On Request
Auraria Campus Pride Initiative	Education and awareness-raising series for departments and organizations, including Safe Zone training.	On Request



National Coming Out Day	The annual celebration of those who come out as lesbian, gay, bisexual, transgender, queer, or as an ally.	Annually
Transgender Day of Resilience	In honoring the lives of trans folks MSU Denver has lost, campus departments partner to host restorative space for trans, nonbinary, & gender expansive community members. Simultaneously, MSU Denver hosts educational opportunities for community members who want to be more inclusive, specifically intended for cisgender folks.	Annually
Transgender Day of Visibility	An annual celebration of trans, non-binary, and gender expansive folks through community building and/or resource sharing.	Annually
QTPOC Events	Events and workshops reserved for LGBTQ students of color to have protected space and engagement opportunities.	Twice each semester
Drinking: When is Enough too Much?	Through this program students, particularly those under 21 years of age who are not legally granted possession and consumption protections, explore some of the ways to recognize when alcohol use is becoming problematic to day-to-day living, and how to reduce the risk of developing addiction and other serious problems.	Per Semester
Cannabis Use and Abuse	This workshop explores some of the issues that have emerged as this substance's legal availability in Colorado has matured since State legalization in 2012 and aided through ongoing federal discretion provided to states to develop formal legalization and regulation strategies.	Per Semester
Survivors	This group is for individuals who are survivors of sexual trauma. This is a process-based group for survivors to process their trauma in a safe environment by increasing insight into how the experiences can impact self-identity and the relationships in their lives.	Per Semester
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.	Per Semester

National Alcohol and Cannabis Screening Day	Screenings for alcohol and cannabis abuse, educational resources, and referrals as appropriate.	Annually
A Group with Real Substance	This group provides a safe space for participants to discuss, explore, and process issues and difficulties involved with substance abuse. Participants can gain great benefits from working with other peers dealing with and managing similar issues.	Per Semester
New Student Orientation Materials	Orientation materials providing information on support services and how to file a report regarding issues related to sexual misconduct.	Per Semester
New Student Orientation Virtual	Virtual orientation sessions include information on campus safety and crime, how to file a report, and resources available on Auraria Campus related to support and education on sexual misconduct issues including sexual assault, stalking, and dating violence.	Per Semester
New Student Orientation Online	Live facilitator-led online orientation sessions that include information on campus safety and crime, how to file a report, and resources available on campus, including guidance on how to file a report or referral, and how to locate on campus resources to support self, and fellow students or coworkers regarding interpersonal violence, sexual assault, and stalking.	Per Semester
Phoenix Center at Auraria (PCA) Bathroom Signs	Bathroom signs installations featuring topics and resources every month on topics of interpersonal violence, stalking, and sexual assault, including normalization of reaching out and receiving help by communities of students and staff that may be more prone to dismiss or avoid for stigma or shame.	Updated Every Six Weeks
Phoenix Center at Auraria Information Tables	PCA staff and students provide information tables at various campus events by invitation and request.	Monthly

Interpersonal Violence 101	Curriculum presentation reviewing types of interpersonal violence (IPV) including relationship violence, sexual violence, and stalking, provided by peer educators to MSU Denver students to equip students with the language and conceptual frameworks to identify warning signs of increasing IPV risks and how to help peers with seeking and accessing support if experiencing IPV.	On Request
Interpersonal Violence 301	Built on IPV 101, curriculum with added depth of socialization of gender, including detailed conversations about psychoactive substances and consent in relationships on and around college campuses.	On Request
The Clothesline Project Installation	More than 300 shirts decorated by Auraria survivors of interpersonal violence and their allies displayed in the Tivoli Student Union building throughout the month of April to promote awareness and understanding of the extent and reach of the crimes of interpersonal violence.	Annually
Trauma Informed Classrooms	PCA Victim Services Coordinator provides presentation for MSU Denver faculty on trauma-informed pedagogy.	On Request
Barriers to Care for Male Survivors of Violence	PCA staff and student educators provide a campus-wide event addressing the needs of male survivors to further personalize availability of resources and addressing dominant culture stigmatization or marginalization of survivors of IPV that identify as or are perceived to be male.	On Request
Phoenix Center at Auraria Overview	PCA professional staff and peer educators provide overview of PCA programs to MSU Denver students, and staff, with specific announcement and outreach to faculty to develop greater IPV prevention leadership in academic settings and academic relationships, faculty to student, and faculty to faculty.	On Request
Lunch & Learn	Each month, The Phoenix Center at Auraria will host a Lunch and Learn workshop on campus touching a variety of topics related to interpersonal violence. These lunch and learns are free and food will be provided at these workshops.	Monthly



Healthy Relationships	PCA peer educators provide curriculum presentation about Healthy Relationships to MSU Denver classes.	On Request
Red Flag Campaign	This awareness-raising campaign is designed to visually impact and inform students about the extent of IPV on the lives of the collective Auraria community, affecting peer classmates, coworkers, and support staff through thousands of red flags installed centrally on the grounds of the Plaza Health Science building, sited between Tivoli Student Union, Auraria Library, Recreation Center, and King Center for the Arts, to ensure large measure of Auraria community has attention drawn to sense of proportion of IPV survivors walking along with them through the two weeks in September the display is installed ahead of Domestic Violence Awareness Month in October.	Annually
Media Literacy	PCA peer educator-provided curriculum presentation about violence in the media to MSU Denver students, including how to counteract indifference to or normalization of IPV as accepted or justified objects of entertainment.	On Request
Bystander Intervention	PCA peer educator-provided training curriculum to MSU Denver students regarding tactics for safe and effective Bystander Intervention to increase likelihood of intervention in cases of IPV or heightened risk of IPV.	On Request
Cupcakes & Condoms	Focus on how to talk about consent with community members including proper use of safer sex materials. And with cupcakes! Tying socially supported personalization of dietary restrictions, allergies, and taste preferences in daily life, like through the pastries offered, to empower participants to practice the same authority with their sexual restrictions and tastes just as with other core life staples.	Annually
Phoenix Cast	PCA-produced podcast on topics related to interpersonal violence prevention and awareness efforts, normalizing conversation about discussions of consent, and advocating for own individual safer sex needs and expectations.	Weekly / Semi-weekly



## MSU Denver Policies Related to Sexual Misconduct

### **Student Code of Conduct – Article III, Section A, List Item 5**

Sexual Harassment/Sexual Misconduct – any violation of the University's sexual harassment policies, including sexual misconduct.

### **Student Code of Conduct Amnesty Policy**

MSU Denver recognizes that an individual who has been using or has recently consumed alcohol, cannabis, or other substances at the time of an incident may be hesitant to make a report because of potential, adverse Student Code of Conduct consequences for themselves. MSU Denver wants to make absolutely clear, 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 their own personal consumption or possession of alcohol or other substances 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 with the student's health and academic best interests in mind.

### **Amorous Relationship Policy**

Members of the University community, whether faculty members or administrative staff, put academic and professional trust and ethics at risk when they engage in amorous romantic/sexual relationships with people whose academic and/or professional benefits and opportunities are, or appear to be, subject to their authority, supervision, or influence. Accordingly, the University prohibits such relationships, as well as any attempt to initiate or engage in such relationships. Any faculty member or administrator who engages in, or attempts to engage in, an amorous relationship with a student or subordinate shall report any such relationship or attempt to the Chief Human Resources Officer or designee.

### **Discrimination, Harassment, Sexual Misconduct, Title IX Violations, and Retaliation**

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:
  - a. Race;
  - b. Creed;
  - c. Color;
  - d. Sex;
  - e. Gender;

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- f. Gender Identity or Expression;
- g. Pregnancy;
- h. National Origin;
- i. Nationality;
- j. Age;
- k. Ancestry;
- l. Marital, Domestic Partnership, or Civil Union Status;
- m. Religion;
- n. Affectional or Sexual Orientation;
- o. Atypical Hereditary Cellular or Blood Trait;
- p. Genetic Information;
- q. Liability for Military Service;
- r. Protected Veteran Status;
- s. Mental or Physical Disability, including perceived disability, AIDS and HIV-related illnesses;
- t. Harassment (related to any of the forgoing categories);
- u. Retaliation for filing a complaint of, or participating in an investigation of discrimination and harassment; and/or
- v. 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.

MSU Denver will take immediate and appropriate action to investigate allegations of all Title IX violations, sexual misconduct, discrimination, harassment, and retaliation. Any other alleged violations of the Student Code of Conduct occurring from the same incident(s) will be reviewed as part of the investigation. 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.

MSU Denver's procedures can be found on the [Equal Opportunity Office website](#).

- A. **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.

A. **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:

- i. *Quid Pro Quo:*
  1. an employee of the University,
  2. conditions the provision of an aid, benefit, or service to the individual,
  3. on an individual's participation in or cooperation with unwelcome sexual conduct; and/or
- ii. Sexual Harassment:
  1. Unwelcome conduct,
  2. determined by a reasonable person,
  3. to be so severe, and
  4. pervasive, and
  5. objectively offensive,
  6. that it effectively denies a person equal access to the University's education program, activity, or employment.
- iii. Sexual assault, defined as:
  1. Sex Offenses, Forcible:
    - a. Any sexual act directed against another person,
    - b. Without the consent of the Complainant,
    - c. Including instances in which the Complainant is incapable of giving consent due to intoxication, lack of consciousness, disability, presence of coercion, or age.
  2. Forcible Rape:
    - a. Penetration, no matter how slight, of the vagina or anus with any body part or object,
    - b. or oral penetration by a sex organ,
    - c. or any other object or body part, of another person, without the consent of the Complainant.
  3. Forcible Sodomy:
    - a. Oral, digital, or anal sexual intercourse with another person,
    - b. forcibly,
    - c. and/or against that person's will (non-consensually),
    - d. not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age,



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intoxication, the presence of coercion, lack of consciousness, or because of temporary or permanent mental or physical incapacity.

4. Sexual Assault with an Object:

- a. The use of an object or instrument to penetrate,
- b. however slightly,
- c. the oral, genital or anal opening of the body of another person, iv. forcibly,
- d. and/or against that person's will (non-consensually),
- e. 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.

5. Forcible Fondling:

- a. The touching of the private body parts of another person (buttocks, groin, breasts),
- b. for the purpose of sexual gratification,
- c. forcibly,
- d. and/or against that person's will (non-consensually),
- e. 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.

6. Sex Offenses, Non-forcible

- a. Incest:
- b. Non-forcible sexual intercourse,
- c. between persons who are related to each other,
- d. within the degrees wherein marriage is prohibited by the laws of the State of Colorado.
- e. Statutory Rape:
- f. Non-forcible sexual intercourse,
- g. with a person who is under the statutory age of consent in Colorado.

1. Dating Violence,

- a. defined as:

- i. violence,
  - ii. on the basis of sex and/or actual or perceived gender,
  - iii. committed by a person,
  - iv. who is in, or has been in, a social relationship of a romantic or intimate nature with the Complainant.

- b. 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—



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- c. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- d. Dating violence does not include acts covered under the definition of domestic violence.

2. Domestic Violence,

- a. defined as:
  - i. violence,
  - ii. on the basis of sex and/or actual or perceived gender,
  - iii. committed by a current or former spouse or intimate or romantic partner of the Complainant,
  - iv. by a person with whom the Complainant shares a child in common, or
  - v. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate or romantic partner, or
  - vi. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Colorado, or
  - vii. 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.
- b. 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.

3. Stalking,

- a. defined as:
  - i. engaging in a course of conduct,
  - ii. on the basis of sex and/or actual or perceived gender,
  - iii. directed at a specific person, that
    - 1. would cause a reasonable person to fear for the person's safety,
    - 2. or the safety of others;
    - 3. or suffer substantial emotional distress.
- b. For the purposes of this definition—
  - i. *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.
  - ii. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the Complainant.

- iii. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- 4. 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.
  - 5. *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.
    - a. *Consent* is:
      - i. knowing, and
      - ii. voluntary, and
      - iii. clear permission
      - iv. by word or action
      - v. to engage in sexual activity.

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.

- b. 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.
  - i. 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.
  - ii. 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.
  - iii. 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.

6. Other Civil Rights Offenses.

- a. 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.

- i. 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:
  - b. 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;
  - c. Invasion of sexual privacy;
  - d. 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;
  - e. Prostituting another person;
  - f. 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;
  - g. 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;
  - h. Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections;
  - i. 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;
  - j. Knowingly soliciting a minor for sexual activity;
  - k. Engaging in sex trafficking;
  - l. Creating, possessing, or disseminating child pornography.
  - m. 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;
  - n. Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities;
  - o. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;



- p. 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;
- q. 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.

**1. Retaliation is Prohibited.**

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 the Title IX Coordinator or designee.

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.

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.



## Procedures After Experiencing Violence

MSU Denver is committed to responding appropriately to reports of sexual misconduct including sexual assault, dating violence, domestic violence, and stalking. If someone is experiencing, has experienced, or knows of someone who is experiencing/has experienced sexual misconduct they are encouraged to report the incident(s) and refer the individual to the appropriate office. Reporting and referral mechanisms are outlined on the following page.

## Importance of Preserving Evidence

Those experiencing or who have experienced sexual assault, dating violence, domestic violence, stalking, or sexual harassment are encouraged to preserve evidence that may assist in proving the alleged criminal offense occurred or that may be helpful in obtaining a protection order if pursuing charges or a protection order through law enforcement is desired.

MSU Denver supports its community members making the best, well-informed decisions that they can, that work for them when in such difficult and often traumatic circumstances and include here the following resources available on campus that may be able to help community members illuminate the way they may choose to proceed with evidence preservation.

[Phoenix Center at Auraria](#) – 303-556-2255 (24/7 Confidential line) Tivoli 227

[Health Center at Auraria](#) – 303-615-9999 (business hours); 303-651-9911 (after-hours) (Crisis Support & Victim Assistance) Plaza Building, 1<sup>st</sup> Fl

- **Note:** At time of publication of 2024 ASR the HCA confirmed that it continued to maintain agreement with Denver Health Medical Center for victims of sexual assault to be evaluated at HCA and not have to be seen through the Denver Health Emergency Room in order to proceed with receiving Sexual Assault Nurse Examiner (SANE) services.



## How and to Whom to Report or Refer

Students, faculty and staff, and other community members can report an occurrence of dating violence, domestic violence, sexual assault, stalking, or sexual harassment to the offices below.

Violence Involving <i>Students</i> (either as complainants or respondents)			
Dean of Students Office	Tivoli 343	303-615-0220	<a href="#"><u>Incident Report</u></a>
Student Care Center	Tivoli 311	303-615-0006	<a href="#"><u>CARE Referral</u></a>
Office of Equal Opportunity	Jordan Student Success Building 306	303-615-0036	<a href="#"><u>Discrimination, Discriminatory Harassment, Sexual Misconduct, or Retaliation Complaint</u></a>
Auraria Campus Police Department	Administration Building Suite 110	303-556-5000	Contact Police Department or <a href="#"><u>Anonymous Reporting Form</u></a>
Violence Involving <i>Employees</i> (either as complainants or respondents)			
Office of Equal Opportunity	Jordan Student Success Building 306	303-615-0036	<a href="#"><u>Discrimination, Discriminatory Harassment, Sexual Misconduct, or Retaliation Complaint</u></a>
Auraria Campus Police Department	Administration Building Suite 110	303-556-5000	Contact Police Department or <a href="#"><u>Anonymous Reporting Form</u></a>



## **Options to Involve Law Enforcement & Campus Authorities**

Survivors of violence have the right to decide whether or not to report any incident(s) to law enforcement. Survivors have the right to choose to:

- Decline to report to law enforcement authorities
- Report to law enforcement authorities, including ACPD and Denver Police Department
- Receive assistance in reporting to law enforcement authorities from institutional employees including, but not limited to, the Dean of Students Office, Student

## **No Contact Directives, Protective Orders, & Restraining Orders**

Care Center, Office of Equal Opportunity, and Legal Counsel

MSU Denver and ACPD have a responsibility to enforce any no contact directives, protective orders, and restraining orders issued by a court that they are aware of. To enforce any of the directives or orders previously listed, the safety of the protected individual(s) and/or the campus community is considered.

If there is a concern for the safety of the protected individual(s) and/or the campus community through a violation of a protective or restraining order, then ACPD will respond to the reported incident and/or violation. If a student or employee has a pre-existing protection or restraining order, they have the option to inform ACPD for enforcement of the standing order. To inform the ACPD, MSU Denver community members may contact ACPD at 303-556-5000.

If a student or staff member needs to inform ACPD of a standing protection or restraining order but would like support in doing so, the student or employee can request assistance through MSU Denver Dean of Students Office, Student Care Center, or Office of Equal Opportunity. MSU Denver staff members additionally can request assistance through Human Resources.

If there is not an immediate concern for the safety of the protected individual(s) and/or the campus community from a violation of a no contact directive in place, the Dean of Students Office or Human Resources will issue a letter of disciplinary action which may result in, but is not limited to, restriction from specified area(s) on campus or the Auraria Campus in its entirety, and participation in the student conduct process if the alleged party is a student, or participation in disciplinary procedures if the alleged party is an employee.

If a MSU Denver student would like to pursue a no contact directive, they may file an [Incident Report](#) and contact the Dean of Students Office. In the [Incident Report](#), the reporter should include as much information as they can including, but not limited to, the name of the person whom the no contact directive would be against and the reason the order is being requested.



## Confidentiality

To pursue a law enforcement protection order or restraining order a criminal case may be filed with the ACPD. To file a report, call 303-556-5000. ACPD does not issue protection or no-contact orders, however, they can assist with guidance in obtaining one through a local court.

**\*\* Note for those with protection orders against another party, or who may need protection orders against another party in the future: \*\***

It is strongly encouraged to notify ACPD of the threat and provide ACPD a copy of the protection order so that ACPD officers may enforce it. Additionally, if the other party is restrained from the Auraria Campus, please have the court list MSU Denver and AHEC separately on the order. (AHEC being the responsible entity under which Auraria services, including ACPD.)

When notified of an incident of dating violence, domestic violence, sexual assault, or stalking, MSU Denver will keep the details and circumstance confidential.

Publicly available recordkeeping includes the crime statistics within this Annual Security Report and any timely warning advisories disseminated through ACPD, where personally identifiable information of a survivor is removed so any relevant details needed in the report or advisory are anonymous in nature.

Confidentiality is kept while providing protective measures to the extent that the ability of the University to provide accommodations is not impaired.



## **Sex Offender Registration Information**

Registered sex offenders who are students, employees, or volunteers for AHEC, CCD, CU Denver, or MSU Denver 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).

The CBI does not post information concerning sex offenders only convicted of misdemeanor sex offenses or juveniles adjudicated for sex crimes. According to the CBI website, community members may contact their local police department, county sheriff's office, or the CBI for a complete list of registered sex offenders that reside in their city, county, or state.

For further information on sex offender registration information, please visit the [Colorado Bureau of Investigation's Convicted Sex Offender Site \(apps.colorado.gov/apps/dps/sor\)](http://apps.colorado.gov/apps/dps/sor).



## Investigative & Disciplinary Procedures for Sexual Misconduct

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 the [Discrimination, Harassment, Sexual Misconduct, Title IX Violations, and Retaliation 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.

**Confidential Resources:** If a complainant would like the details of an incident to be kept confidential, the complainant may speak with on-campus licensed, professional counselors or psychiatrists in the Counseling Center for students; Employee Assistance Program counselors for employees; on-campus health service providers in the Health Center at Auraria, and on-campus victim advocates in the Phoenix Center at Auraria for both students and staff. Complainants may also speak with off-campus resources such as non-University employee licensed, professional counselors or other medical providers, local rape crisis counselors, domestic violence resources, local or State agencies, clergy/chaplains, and attorneys.

The MSU Denver staff and mental health professionals 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. University employees who have professional confidentiality standards in their roles will submit timely anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client/patient.

**Anonymous Reporting:** At the request of a complainant, notice may be given by a Mandatory Reporter or CSA to the Title IX Coordinator anonymously, without identification of the complainant. The Mandated Reporter or CSA cannot remain anonymous themselves.

If a complainant has requested that a Mandated Reporter or CSA maintain the complainant's anonymity, the Mandated Reporter or CSA 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.

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. However, anonymous notice typically limits the University's ability to investigate, to respond, and to provide remedies, depending on what information is shared.

When a complainant has made a request for anonymity, the complainant's personally identifiable information may be withheld by a Mandated Reporter or CSA, but all other details must be shared with the Title IX Coordinator.

A complaint is initiated by contacting either of the appropriate offices described below and submitting a [Discrimination, Discriminatory Harassment, Sexual Misconduct, or Retaliation Complaint](#) which can be found at [msudenver.edu/equal-opportunity](http://msudenver.edu/equal-opportunity). The office from which the MSU Denver investigative and disciplinary procedures will properly proceed will be determined once the nature of the potential respondent is known.



<b>Students, Staff, faculty, and individuals not affiliated with MSU Denver can initiate a complaint by contacting:</b>			
Dean of Students Office	Tivoli 343	303-615-0220	<a href="#"><u>Incident Report</u></a>
Office of Equal Opportunity	Jordan Student Success Building 306	303-615-0036	<a href="#"><u>Discrimination, Discriminatory Harassment, Sexual Misconduct, or Retaliation Complaint</u></a>

## **Responsible Offices for Conducting Investigations**

Listed in the [Discrimination, Harassment, Sexual Misconduct, Title IX and Retaliation Policy](#), available through the following [MSU Denver landing page](#) for discrimination policy, the office responsible for conducting investigation of complaints will depend on the nature of the complaint determined after the Title IX investigator conducts a preliminary inquiry.

*Title IX Investigations:* 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 the Discrimination, Harassment, Sexual Misconduct, Title IX and Retaliation Policy and the [Office of Equal Opportunity \(OEO\)/Title IX Procedures](#), available through University's [equal opportunity procedures](#) landing page. If a formal resolution is pursued, the University will make a good faith effort to complete the formal resolution process, including the hearing but excluding appeals, within an average of sixty to ninety days.

## **Investigative & Disciplinary Proceedings**

*Non-Title IX Discrimination Investigations Involving Employee Respondents:* 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 the Discrimination, Harassment, Sexual Misconduct, Title IX and Retaliation 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 the Discrimination, Harassment, Sexual Misconduct, Title IX and Retaliation Policy and the OEO Procedures that are not specific to the Title IX grievances and investigations.

*Non-Title IX Discrimination Involving Student Respondents:* 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 the Discrimination, Harassment, Sexual Misconduct, Title IX and Retaliation Policy *and* involves a student respondent, the Title IX Coordinator will refer the matter to the Dean of Students Office, who will be responsible for coordinating the investigation and formal grievance procedure in accordance with the Discrimination, Harassment, Sexual Misconduct, Title IX and Retaliation Policy, the Student Code of Conduct, and any other relevant procedures.

The disciplinary proceedings listed below include a prompt, fair, and impartial process from the initial investigation or review to the final decision. Disciplinary proceedings are conducted by officials who receive, regular training on issues related to sexual misconduct, including, but not limited to, dating violence, domestic

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violence, sexual assault, and stalking. Officials conducting disciplinary proceedings also receive annual training on how to conduct an investigation and hearing process that protects the safety of complainants and promotes accountability.

## **Office of Equal Opportunity (OEO)/Title IX Coordinator's Title IX Procedures**

### ***Introduction***

Metropolitan State University of Denver (“MSU Denver” or the “University”) prohibits discrimination on the basis of sex in the education programs and all activities that it operates, and Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681-88) and implementing regulations (34 C.F.R. Part 106) (“Title IX”) prohibits the University from such discrimination. Such prohibition extends to admissions and employment. Inquiries regarding the application of Title IX and implementing regulations may be referred to the Title IX Coordinator identified herein below, to the Assistant Secretary of the U.S. Department of Education, or both.

Harassment, Sexual Misconduct, Title IX Violations, and Retaliation (the “Title IX Policy” or the “Policy”) and is intended to be consistent with Title IX. These Procedures only apply to alleged conduct that, if proved true, would constitute a Title IX violation. All other forms of discrimination, including sexual harassment and other forms of sexual misconduct prohibited by the Policy that, if proved true, would be considered discrimination, but would not be considered violations of Title IX, are addressed separately by the OEO’s Anti- Discrimination Procedures.

### ***Jurisdiction***

The provisions of this Procedure apply to all reported instances of an alleged violation of the Policy that occurs 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.

### ***Reporting***

At any time, any person may report a violation of the [Discrimination, Harassment, Sexual Misconduct, Title IX and Retaliation Policy](#) (whether or not the person reporting is the person alleged to be the victim of sex discrimination), in person, by mail, by telephone, or by electronic mail to the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. Any Mandatory Reporter who receives a report of alleged violation of the Discrimination, Harassment, Sexual Misconduct, Title IX and Retaliation Policy must promptly report the alleged violation to the Title IX Coordinator.

Upon receiving a report of the alleged violation, the Title IX Coordinator will promptly:

- I. Inform the complainant of the method for filing a Formal Complaint
- II. Inform the complainant of the availability of supportive measures with or without the filing of a Formal Complaint
- III. Offer supportive measures to the complainant and the respondent, as appropriate and without fee or charge to the complainant or the respondent. Supportive measures may be offered before or after the filing of a Formal Complaint, or when no Formal Complaint has been filed.

### ***Supportive and Interim Measures***

The Title IX Coordinator, or designee, will ensure that Supportive Measures are offered to the Complainant and the Respondent, as appropriate and reasonably available, and without fee or charge to the Complainant or the Respondent. Supportive Measures may be offered before or after the filing of a Formal Complaint, or when no Formal Complaint has been filed. The purpose of Supportive Measures is to restore or preserve equal access to the Institution’s Education Program or Activity without unreasonably burdening the other Party. Supportive Measures include measures designed to protect the safety of all Parties or the University’s educational environment, as well as measures designed to deter sexual harassment and other potential Policy violations.



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Supportive measures may include, but are not limited to:

- I. Counseling
- II. Extensions of deadlines or other course-related adjustments
- III. Modifications of work or class schedules
- IV. Campus escort services
- V. Mutual restrictions on contact between the parties
- VI. Changes in workspace locations
- VII. Leaves of absence
- VIII. Increase security and monitoring of certain areas of the campus
- IX. Other similar measures

Supportive Measures do not include disciplinary sanctions. The Formal Resolution Process must be completed before disciplinary sanctions may be imposed on a Respondent.

The University may remove a respondent (including, but not limited to, interim suspension, or issuance of a persona non-grata letter) from its education program or activity on an emergency basis if the University:

- I. Undertakes an individualized safety and risk analysis
- II. Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of a policy violation justifies removal
- III. Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal

The Institution may place a non-student employee respondent on administrative leave during the pendency of the Formal Resolution Process.

The Institution will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the Supportive Measures.

The Title IX Coordinator, or designee, in conjunction with the University's Student Services office, is responsible for coordinating the effective implementation of Supportive Measures.

### ***Fair and Equitable Process***

No individual designated as the Title IX Coordinator, investigator, Decision-Maker, Appeal Decision-Maker, or person designated to facilitate an informal resolution process may have a conflict of interest or bias for or against complainant(s) or respondent(s) generally, or an individual complainant or respondent. The University will not make credibility determinations based on a person's status as a complainant, respondent, or witness.

A respondent is presumed not responsible for alleged conduct until a determination regarding responsibility is made at the conclusion of the Formal Resolution Process. Throughout the processes, the University objectively evaluates all relevant evidence, including inculpatory and exculpatory evidence.

The processes described herein are subject to the reasonably prompt timeframes stated. These timeframes may be extended for good cause upon written notice to the Parties setting forth the reason for such extension. Good cause may include considerations such as the absence of a Party, a Party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

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### ***Informal Resolution Process***

The informal resolution process is voluntary. It is designed to resolve complaints without a hearing while meeting the needs and interests of the parties. It is available only after a Formal Complaint has been filed and at any time during the investigation. All parties and the Title IX Coordinator or designee must agree in writing to participate for an informal resolution procedure to be used, and all parties must agree in writing to the proposed resolution. If the parties are unable to agree, or if any party chooses not to engage in or to withdraw from the informal resolution procedure before it concludes, then the informal resolution procedure will terminate, and formal grievance procedures will be followed.

Informal resolution is not available for allegations in a Formal Complaint that include that a MSU Denver employee sexually harassed a MSU Denver student.

The Title IX Coordinator or designee will assess the request for informal resolution against the severity of the alleged violation and the potential risks to campus community members. If the Title IX Coordinator or designee determines that informal resolution is appropriate, the Title IX Coordinator or designee will notify the parties. The written notification will include: 1) disclosure of allegations in the Formal Complaint, 2) the requirements of the informal resolution process, including the circumstances under which the parties would be precluded from resuming a Formal Complaint arising from the same allegations, 3) the caution that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process, and 4) the consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

During an informal resolution, the Title IX Coordinator or designee will facilitate a dialogue with the parties to seek a resolution. The complaint will be deemed resolved when the parties expressly agree to an outcome that is acceptable to them which is approved by the Title IX Coordinator in consultation with other appropriate university administrators. Either party may withdraw from the informal resolution process at any time. The informal resolution process will be conducted in accordance with procedures specified by the Title IX Coordinator, as determined in the Title IX Coordinator's sole discretion.

Pursuing an informal resolution does not preclude later use of a formal investigation if new information becomes available or if the informal resolution does not achieve its intended purpose. The Title IX Coordinator or designee may initiate an investigation at any time that the Title IX Coordinator deems it appropriate, solely at the discretion of the Title IX Coordinator.

### ***Formal Resolution Process***

The Title IX Coordinator will dismiss or reassign a Formal Complaint, and no investigation will be conducted under this procedure, if the conduct alleged would not constitute sexual harassment (even if proved) or the conduct alleged did not 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.

The Title IX Coordinator may dismiss a Formal Complaint, or any allegations therein, at any time during the investigation or hearing if: 1) the complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the Formal Complaint or any allegations therein, 2) the respondent is no longer enrolled or employed by the institution, or 3) specific circumstances prevent the University from gathering evidence sufficient to reach a determination to the Formal Complaint or allegations therein.

Upon dismissal or reassignment of the Formal Complaint or any allegations therein, the Title IX Coordinator will promptly send written notice of the dismissal or reassignment and the reasons simultaneously to the parties.

**Consolidation:** The Title IX Coordinator may consolidate Formal Complaints as to allegations of Sexual Harassment where the allegations of Sexual Harassment arise out of the same facts or circumstances.

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**Timeframe for Conclusion:** The University will make a good faith effort to complete the formal resolution process, including the hearing but excluding appeals, within an average of sixty to ninety days, without jeopardizing the rights of a party.

**Written Notice:** Upon receipt of a Formal Complaint, the Title IX Coordinator will issue written notice of allegations to the respondent and complainant, if known. The written notice will be provided to each party with at least five days before any initial interview. The notice of allegations will include (at a minimum):

- I. Notice of the Policy and the processes within these Procedures, including the informal resolution process described above
- II. The identities of the parties involved, if known
- III. The conduct allegedly constituting sexual harassment
- IV. The date and location of the incident, if known
- V. A statement that the respondent is presumed not responsible for the alleged conduct
- VI. A statement that a determination regarding responsibility is made at the conclusion of the formal resolution process
- VII. A statement that parties may have an advisor of their choice, who may be, but is not required to be, an attorney
- VIII. A statement that parties may inspect and review evidence
- IX. A statement that, pursuant of university policies and the Student Code of Conduct, knowingly making false statements or knowingly submitting false information during this process is prohibited and may be subject to sanction or discipline

If, during the course of an investigation, the University decides to investigate additional allegations about the complainant or respondent relating to the same facts or circumstances but not included in the earlier written notice, the institution will provide notice of the additional allegations to the parties whose identities are known.

**Advisor:** Each party has the right to have an advisor of their choice, but parties are not required to have an advisor. The advisor may be, but need not be, an attorney. The advisor may be present at any proceedings that are part of the formal resolution process. If a party wishes to have an advisor present at a proceeding, the University will work within reason to schedule the proceeding so the advisor may attend, without unreasonably delaying the progress of the formal resolution process. Except during cross examination, a party's advisor may not speak on behalf of the party.

**Investigation:** The University will consider for investigation the allegations in a Formal Complaint. The Title IX investigator will provide written notice of the date, time, location, participants, and purpose of any investigative interview or other meeting to any party whose participation is invited or expected, usually within 10 days of receipt of the complaint.

The University, and not the complainant or the respondent, has the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility. Prior to conclusion of the investigation, the Title IX Coordinator or investigator will send and/or allow in person inspection to each party and to each party's advisor (if any) all evidence obtained as part of the investigation.

Each party may submit a written response, which the investigator will consider prior to the conclusion of the investigation and completion of the investigative report. The written response, if any, must be submitted to the Title IX Coordinator or the investigator by the deadline designated by the Title IX Coordinator or

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investigator, which will be at least 10 business days after the Title IX Coordinator or investigator sends the evidence to the party.

The investigator conducts an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence. The investigator will create an investigative report that fairly summarizes relevant evidence. At least 10 days prior to the scheduled hearing, the Title IX Coordinator will send to each party and each party's advisor (if any) the investigative report.

Each party may submit a written response, which the Title IX Coordinator will submit to the Hearing Officer for consideration at the hearing. The written response, if any, must be submitted to the Title IX Coordinator by the deadline designated by the Title IX Coordinator, unless the deadline is extended for good cause.

**Hearing:** The Hearing Officer serves as the decision maker and will be the individual making the final decision of responsibility at the hearing. The University will assign a Hearing Officer to conduct and preside over the Title IX hearing. The Hearing Officer may not be the Title IX Coordinator or Investigator.

The Hearing Officer will conduct a live hearing. Prior to the hearing, the Hearing Officer will review the investigative report and the written responses provided by the parties (if any). The Title IX Coordinator and/or the Hearing Officer will provide both parties with a copy of Hearing Procedures 5 business days prior to the hearing. The Hearing Procedures will govern the conduct of the hearing and will describe how the hearing will proceed.

The hearing may occur in person or virtually, at the University's sole discretion. If either party submits a request no later than 10 business days prior to the scheduled hearing, the hearing will occur virtually in a manner allowing the participants to simultaneously see and hear the party or witness answering questions. Hearings will be recorded, and recordings or transcripts will be available to the parties for inspection and review.

The determination of responsibility will be made by the Hearing Officer using the preponderance of the evidence standard. Preponderance of evidence means that the evidence shows it is more likely than not that conduct occurred or stated another way, that there is a greater than 50% chance that the claim is true.

The Hearing Officer will allow each party's advisor to examine witnesses. Cross examination may not be conducted by either party. Cross examination may only be conducted by an advisor acting on a party's behalf.

If a party wishes to ask cross examination questions of a party or witness and does not have an advisor, the University will select and provide an advisor to the party, free of charge, for the limited purpose of conducting cross examination.

Only relevant cross-examination questions may be asked of a party or witness. Before a party or witness answers a question, the Hearing Officer will determine whether the question is relevant and explain any decision to exclude a question as not relevant. If deemed reliable and relevant by the Hearing Officer, statements of persons who were not present at the hearing, or persons present at the hearing but who were not subject to cross-examination may be considered. This includes, but is not limited to, opinions and statements in police reports or other official reports, medical records, court records and filings, investigation notes of interviews, emails, written statements, affidavits, text messages, social media postings, and the like.

**Relevant Evidence:** In making a determination of responsibility or sanctions, the Hearing Officer may only consider relevant evidence. Relevant evidence is evidence having any tendency to make the existence of any fact that is of consequence to the determinations to be made more probable or less probable than it would be without the evidence. The Hearing Officer must conduct an objective evaluation of all relevant evidence,

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including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The Hearing Officer will not consider evidence about the complainant's sexual predisposition or prior sexual behavior except for evidence when offered to prove that someone other than the respondent committed the conduct alleged by the complainant or concerning specific incidents of the complainant's prior sexual behavior with respect to the respondent when offered to prove consent.

The Hearing Officer will not consider information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

If deemed reliable and relevant by the Hearing Officer, statements of persons who were not present at the hearing, or persons present at the hearing but who were not subject to cross-examination may be considered. This includes, but is not limited to, opinions and statements in police reports or other official reports, medical records, court records and filings, investigation notes of interviews, emails, written statements, affidavits, text messages, social media postings, and the like.

The Hearing Officer will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

**Written Determination:** After considering the investigative report, including any party written response(s), and all relevant evidence presented at the hearing, the Hearing Officer will issue a written determination. The Title IX Coordinator will provide the written determination simultaneously to the parties and becomes final 5 business days after it is sent to the parties, unless an appeal is filed.

The written determination will include:

- 1) Identification of the allegations potentially constituting sexual harassment
- 2) A description of the procedural steps from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews, site visits, methods used to gather other evidence, and hearings held
- 3) Findings of fact supporting the determination
- 4) Conclusions regarding the application of the [Policy](#) to the facts
- 5) A statement of, and rationale for, the result as to each allegation including:
  - a. A determination regarding responsibility
  - b. Any disciplinary sanctions imposed on the respondent
  - c. Whether remedies will be provided to the complainant
  - d. Procedures and permissible bases for the parties to appeal

**Appeal:** Either party may appeal the dismissal or reassignment of a Formal Complaint or any allegations therein or a determination regarding responsibility. No other issue may be appealed. A party may only appeal on the basis of: 1) procedural irregularity that affected the outcome of the matter, 2) new evidence that was not reasonably available at the time the determination regarding responsibility, dismissal, or reassignment was made that could affect the outcome of the matter, or 3) the Title IX Coordinator, investigator, or Hearing Officer had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The basis for appeal is not satisfied simply because evidence was not presented during the proceedings if the evidence was reasonably available at the time the determination was made.

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If a party wishes to file an appeal, the party must notify the Title IX Coordinator in writing no later than 7 business days after the notice of dismissal or written determination is sent to the party. The written appeal must state with specificity the issues being appealed and the bases for the appeal.

After receiving a timely written appeal, the Title IX Coordinator will notify the parties in writing that the appeal was filed, the process for submitting a written statement in support of, or challenging, the issues being appealed, and that the appeal, including any written statements submitted by the parties, will be considered by the Appeal Officer.

The Appeal Officer will be appointed by the Title IX Coordinator, at the Title IX Coordinator's sole discretion, and may not be the Title IX Coordinator, the investigator, or the Hearing Officer. The Appeal Officer may also consider the investigative report, including any party's written response to the investigative report, all relevant evidence presented at the hearing, and the audio or audiovisual recording or transcript.

The Appeal Officer will issue a written determination of appeal, which will describe the result of the appeal and the rationale for the result. The Title IX Coordinator will provide the written determination of appeal simultaneously to the parties. The result of the appeal is final.

The University will make a good faith effort to complete the appeal within 20 business days. The timeframe for completion of appeal may be extended for good cause. If the timeframe for completion of appeal is extended, the Title IX Coordinator will notify both parties in writing of the delay or extension and the reasons for the delay or extension.

**Remedies/Sanctions:** At the conclusion of the hearing and the presentation of all evidence, the Hearing Officer will make a determination of responsibility using the preponderance of evidence standard described above. The Hearing Officer will neither issue nor make a determination of whether or not sanctions are appropriate. After the Hearing Officer issues their determination of responsibility, the University, through the Title IX Coordinator, will determine whether or not sanctions are appropriate and how they will be implemented—in conjunction and in cooperation with either:

- i. the Dean of Students/Student Conduct office for student Respondents, or
- ii. the Human Resources office for staff employees, or
- iii. the Human Resources office in coordination with Deans/Chairs/Provost (as may be appropriate under the Faculty Handbook) for Faculty employee respondents.

Remedies are designed to restore or preserve equal access to the University's Education Program or Activity. Remedies may be disciplinary or punitive and need not avoid burdening the Respondent. The Title IX Coordinator is responsible for the effective coordination and implementation of remedies.

If a Respondent is found responsible for Sexual Harassment under this Policy, potential sanctions may include up to and including suspension or expulsion for student Respondents, and up to and including termination for employee Respondents.

**Retaliation:** Retaliation is prohibited. A report of alleged Retaliation may be made to the Title IX Coordinator in person, by mail, by telephone, or by electronic mail. Any Mandatory Reporter who receives a report of alleged Retaliation must promptly report the alleged Retaliation to the Title IX Coordinator. Allegations of Retaliation may be investigated and adjudicated under applicable University policies.

### **Student Code of Conduct**

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. All proceedings will include a prompt, fair, and impartial process from review to final decision.

#### ***Notification of Charges***

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. Because email is an official method of communication for the University, students will be notified over their MSU Denver email of potential violations of the Student Code of Conduct and the outcome of any conduct processes. 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.

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 alleged party in writing of this determination.

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.

#### ***Interim Measures***

Consulted with students (and/or counselors or advocates where applicable), interim measures are available if requested and reasonably available, regardless of if reported to campus or local law enforcement. Each student's needs are unique, and some examples of interim measures include, but are not limited to:

- 1) Resource referral (e.g. counseling, medical, advocacy, and law enforcement)
- 2) No contact directives
- 3) Academic accommodations (e.g. rescheduling an assignment/exam, assignment extensions, arranging for a leave of absence/incomplete/withdrawal, etc.)
- 4) Supportive measures for living arrangements for on-campus students at Lynx Crossing or City Heights
- 5) Transportation needs
- 6) Workplace supportive measures

#### ***Advisor***

The harmed party and the alleged party 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. In certain cases, University Legal Counsel may be present. The harmed party and/or the alleged party is responsible for presenting their 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. University Legal Counsel shall serve as legal advisor to the Conduct Administrator.

***Review and Conduct Meetings***

The Conduct Administrator or designee is responsible for investigating all alleged violations of the Student Code of Conduct. 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 shall be conducted privately. 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 alleged party, at the discretion of the Conduct Administrator may permit the meetings concerning each student to be conducted concurrently. Both the alleged party and the harmed party 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 information for consideration by the Conduct Administrator at their 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. In cases involving sexual misconduct, the Conduct Administrator will notify in writing both the alleged party and harmed party of the determination.

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 information in support of the charges shall be considered.

***Appeals***

The alleged party or harmed party may appeal a decision reached by the Conduct Administrator or a resolution imposed by the Conduct Administrator within 5 working days of the decision. In cases of sexual misconduct, both the alleged party and harmed party are informed simultaneously in writing of their opportunity and right to appeal. Such appeals shall be in writing and shall be submitted to the Dean of Students Office and a [Conduct Appeal Form](#) must be completed. The Dean of Students will forward the appeal request and student conduct file to the appointed Appeals Administrator.

Except as required to explain the basis of new information, 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:

- 1) To determine whether the original meeting was conducted fairly considering 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
- 2) To determine whether the decision reached regarding the respondent or organization was based on a preponderance of evidence
- 3) 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
- 4) To consider new information 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 information and/or facts at the time of the original meeting

Outcomes from an appeal request will fall within one of the following categories: 1) the appeal is granted and a Conduct Administrator is asked to reconsider the original finding of responsibility, 2) the appeal is granted and a Conduct Administrator is asked to reconsider the original resolution(s), 3) the appeal is granted and a



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Conduct Administrator is asked to reconsider both the original finding of responsibility and the original resolution(s), or 4) the appeal is denied.

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. In cases of sexual misconduct, both the alleged party and harmed party will be simultaneously notified by either the Conduct Administrator any change to the result of the finding of responsibility and/or the original resolution(s) or the Appeals Administrator a denial of appeal.

### ***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.

A Conduct Administrator may refer to an alternative resolution process based on, but not limited to, the following factors:

- I. If the respondent takes responsibility for the alleged prohibited conduct
- II. The respondent's prior conduct record
- III. The nature and severity of the alleged prohibited conduct
- IV. The alleged impact and/or harm caused to another person or community
- V. Whether the alleged conduct violates the Student Code of Conduct
- VI. Any other factors that the Conduct Administrator finds relevant to the

specific allegations Alternative conflict resolution or restorative processes may include:

- I. **Conflict Coaching:** 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.
- II. **Restorative Processes:** 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.
- III. **Mediation:** A conflict resolution process where a mediator guides the involved parties toward their own resolution. This may include joint mediation sessions 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.

**Restorative Process:** The principles and steps of a restorative process include:

- I. Participation is voluntary
- II. A referral may be made if the alleged party takes responsibility for their actions/prohibited conduct and is willing to complete a restorative agreement
- III. Prior to the restorative conference or circle, parties participate in individual intake meetings to help participants adequately prepare



- IV. The process provides an opportunity for open and respectful dialogue about the event or incident and its impact
- V. 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
- VI. Outcomes or a restorative agreement should always seek to address harms, needs, and promote repair
- VII. Outcomes or a restorative agreement must reflect the agreed view of all parties
- VIII. 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 of the parties involved, with the outcomes to be completed by the alleged party.

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.

### **Standard of Evidence**

In making a determination of whether or not the [Discrimination, Discriminatory Harassment, Sexual Misconduct, or Retaliation Policy](#) or [Student Code of Conduct](#) has been violated, a preponderance of 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.

### **Potential Resolutions from Investigative & Disciplinary Proceedings**

In cases where disciplinary proceedings are conducted by OEO, OEO is a neutral, fact-finding investigative office only. OEO does not involve itself in determining sanctions or disciplinary action for anyone. In the case of resolutions for students, the Dean of Students Office is consulted and determines resolutions. In the case of resolutions for faculty, the Office of the Provost is consulted and determines resolutions. In the case of resolutions for staff, Human Resources is consulted and determines resolutions.

Potential resolutions for employees (including faculty members) include, but are not limited to, one or more of the following:

- I. Dismissal from employment
- II. Non-renewal of an employment contract
- III. Suspension
- IV. Probation
- V. Reprimand
- VI. Warning
- VII. Training and/or counseling
- VIII. No-contact Order



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Potential resolutions for students include, but are not limited to, one or more of the following:

- I. Warning
- II. Probation
- III. Auraria Campus suspension or expulsion
- IV. Loss of privileges
- V. Restitution
- VI. Discretionary resolutions
- VII. Restorative resolutions
- VIII. Educational resolutions

### **Disclosure of Results of Disciplinary Proceedings**

Upon request, MSU Denver will disclose the results of any disciplinary proceeding conducted by the institution against a student who is identified as an alleged party or respondent of any crime of violence or non-forcible sex offense to the alleged victim or next of kin, if the victim is deceased.

## Security Awareness & Crime Prevention Programs

The following section provides a summary of prevention and awareness programs that MSU Denver community receives through its partnership with the Auraria Campus Police Department (ACPD) in efforts to approach safety and security through preventative lenses.

ACPD provides the following services and programs to improve safety through awareness of commonly reported campus crimes to help reduce similar criminal activity through greater public awareness and with mission to not simply react to crime or reports of crime.

Program	Description	Frequency
New Student Orientation	Presentation on crime, personal safety, and security is given to new, incoming students.	Each Semester
Campus Safe Night	Annually, each fall, an event is held in which groups tour the campus after dark and provide suggestions for security enhancements.	Annually
Drug Information Seminars	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.	On Request
Crime Analysis	Auraria Police staff will review reported crimes and determine if focused patrol or activity may be required for repeated offenses in any given area.	Ongoing
Personal Safety on Campus	This program, usually given to small groups, covers ways to avoid being the victim of physical or sexual assault.	Each Semester/ On Request
Robbery Prevention	This seminar, given to cashiers, gives tips on how to survive an armed robbery and be a good witness.	On Request
Electronic Alarm Systems	ACPD monitoring of intrusion, fire, environmental, and general emergency alarms with the help of a sophisticated computerized monitoring system, located in the Auraria Facilities Management building.	Ongoing
Escort	A nightrider and escort service available through the Parking and Transportation Services Office. After hours, ACPD will provide a limited escort service for people walking on campus. Students, staff, including faculty, are always encouraged to walk with others when possible and to choose paths that are well illuminated.	Ongoing



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Theft and Fraud Seminars	Presentations given to people working in areas where check and credit card fraud occurs (such as the Bookstore, Bursar's Office, Recreation Center, etc.). The curriculum covers commonly used scams, how to recognize them, and what to do when they occur.	On Request
Security Surveys	Upon request, ACPD officers will evaluate a facility's physical security and make recommendations for improvements.	On Request
Architectural Design	ACPD has significant input into the design of all new and renovated campus facilities with regard to physical and electronic security systems.	Ongoing
Bike Theft Prevention	ACPD-hosted Bicycle Clinics each semester providing helpful tips on preventing bike thefts and the bike theft problem on campus.	Ongoing



## Individual and Community Wellness and Engagement

MSU Denver Dean of Students Office considers safety and security for its students and staff to be linked to access to healthy spaces and resources to promote individual wellness and belonging, that helps strengthen community wellness and support of one another.

Part of that work includes recognizing concerns and challenges that exist within the wider society in which MSU Denver is planted that affect students, staff and faculty, and visitors to MSU Denver on a daily basis through factors that can include their budgetary challenges, the nature of their commutes to their classes and events, and personal health and safety concerns.

Being a historically majority commuter institution, the daily life of every student and every staff and faculty member at MSU Denver involves concerns for safe environments beyond Auraria Campus, so fulfilling the spirit of the Clery Act includes sharing resources beyond the campus boundaries.

Accordingly, the following programs and resources are summarized here to aid in MSU Denver community members in being aware of and having easy access to knowledge and supportive resources, particularly if they should find themselves facing additional challenges through a given semester or throughout the year in their personal, professional, or academic lives.

### **Rowdy's Corner –**

The Health Center at Auraria operates [Rowdy's Corner](#) a market-enterprise led by students that serves as a nutritional food bank and community space for all MSU Denver students, located on the second floor in the center of the Tivoli Student Union building.

Among active programs and offerings available at time of publication for AY2024 - 2025 year:

- Coffee Club
- Community Market days (Thursday and Friday) are open to all Auraria community members to use Rowdy's Corner on a pay-what-you-can model.
- Satellite locations around Auraria Campus enabling MSU Denver students to pick up on-the-go snacks.
- Summer Farm Stand - Local vendors and a community CSA allows for Rowdy's Corner to bring fresh produce onto campus and resell them to campus members through a mini farmer's market setup.
- Community members who shop at King Soopers are able to directly and passively support Rowdy's Corner through their Soopers Card [Community Rewards program](#), with no impact on their own prices or fuel points earned, by selecting MSU Denver Roadrunner Food Pantry as the recipient organization.

### **Recreation Center –**

MSU Denver [Rec Center](#) continues to evolve with MSU Denver community to include long-standing sports and exercise equipment and emerging outdoor and indoor activities and community programs.

Among [program areas](#) of the Rec Center are Fitness and Wellness, Sports (and e-sports), Outdoor Pursuits (including free or low-cost equipment rental), Employment, Training and Certifications (including CPR/AED/First Aid).



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### **Center for Equity and Student Achievement –**

The [Center for Equity and Student Achievement](#) (CESA) – CESA is the department that covers and supports flourishing team efforts for student belonging, resiliency, and growth. Among the teams of CESA are:

The [Center for Multicultural Engagement and Inclusion](#) (CMEI), which encompasses First Generation Initiatives, Met Media, and Student Activities, offers proactive programs and services to create inclusive environments where all MSU Denver students can thrive.

### **Student Care Center (SCC) –**

The MSU Denver [Student Care Center](#) provides case management support for students experiencing challenges and barriers which may include food or housing insecurity, family emergencies, and other unexpected events that risk disrupting their semester of study.

Central to SCC operations is the CARE referral process. (Consultation-Assessment-Referral Education) [CARE referrals](#) are meant to provide a mechanism for community members to report a student engaging in concerning behavior or needs additional support related to life circumstances:

- Students are welcome to refer themselves if they are experiencing an inability to meet their basic needs (food, shelter, etc.), or other challenges which may pose barriers to their wellbeing or academic success.
- Faculty and staff members may consider submitting a referral when a student shares an experience of current/ongoing hardship and requests support, displays a significant change in behaviors or exhibits behaviors that are unusual, unpredictable or concerning.
- Students and community members may consider submitting a referral for a student that appears to be in difficult circumstances.
- **SNAP benefit support** – Continuing through 2025-2026 academic year, MSU Denver students and staff with questions about food security and nutrition support needs can reach out to the Student Care Center's [Basic Needs Coordinator](#) to discuss SNAP benefit eligibility specific to students circumstances, and gain some guidance on navigating the SNAP process as well as identifying additional food and nutrition resources in their local communities.

### **Health Center at Auraria (HCA) –**

The [Health Center at Auraria](#) provides a number of types of medical care to students and staff including preventative services. These services include on-campus emergency response through the Emergency Response Team (ERT), during business hours, and non-emergency services such as immunizations, skin evaluations and mole removal, substance abuse prevention, women's health, dietetics, sports medicine, routine medical care and more.

Additionally, the Health Education and Outreach team engages in non-clinical prevention and harm reduction programming which includes opioid overdose response training, Naloxone and Fentanyl testing distribution as well as other educational and awareness programs.

A list of currently available [medical services available](#) at HCA is included here, as well as information on [health insurance](#) types accepted.

### **Housing Resources –**

The MSU Denver [Housing Resources](#) page includes **Things to Know** in an FAQ-format to aid students, staff, and faculty with knowledge and tips to orient to housing concerns in the Denver region, such as things to consider when searching for an apartment, and orientation to renter's rights and tenant laws in the state. Contact information for the Student Housing Project Manager is available through the Housing Resources page.

**Note regarding campus-based housing:** Throughout 2024 and continuing for 2025-2026 academic year, MSU Denver has a partnership with CU Denver to offer student housing on Auraria Campus for some MSU Denver students through CU Denver property [Lynx Crossing](#). Additionally, MSU Denver students have the opportunity to live in the CU Denver property City Heights in Emergency situations. City Heights is not owned or operated by MSU Denver, or any MSU Denver affiliate, and throughout the calendar year of 2024, no students lived in City Heights, thus that property did not fall within the MSU Denver Clery Geography for the calendar year of 2024.

### **Phoenix Center at Auraria (PCA) –**

[The Phoenix Center](#) is the campus expert and resource center to implement campus response services, provide education, and facilitate dialogue related to interpersonal violence in the Auraria community. The PCA is able to support students, faculty, and staff members who directly experience interpersonal violence and loved ones of the people who experience interpersonal violence (family members, friends, co-workers, etc.).

Phoenix Center also provides a [list of services](#) available throughout the Denver area and throughout the state of Colorado for any Auraria community members that may be supporting loved ones experiencing violence or at risk of violence.

### **The LGBTQ Resource Center –**

[LGBTQ Resource Center](#), established in 1992 as Colorado's first campus LGBTQ+ support organization, is a tri-institutionally serving and supporting resource center for all students, staff, and faculty of all genders and sexualities of Auraria campus, particularly as resource for those experiencing issues with sexuality, gender identity, and discrimination or harassment. The center's social space and library – open to all students of MSU Denver, CU Denver, and CCD – are available during regular office hours.

### **MSU Denver Counseling Center –**

The MSU Denver [Counseling Center](#) is available for students to approach with concerns or issues that they may be dealing with throughout their academic terms.

The Counseling Center helps students accomplish tasks essential to their personal and educational development. The Center's programming is designed to facilitate students' retention and graduations by providing quality, time-effective services through individual, couples, and group counseling; outreach services; individual, organizational, and departmental consultation; crisis intervention; clinical case management; training; and research.

**Among concerns and issues the Counseling Center supported students with during 2024:**

- Anxiety
- Depression
- Trauma

- Loneliness
- Attention or adjustment concerns with intersecting issues that could include financial strain, housing insecurity, family or intimate partner conflict, and grief
- Sexual harassment or sexual assault
- Bullying or intimidation, in personal life, in employment, or experienced on campus or within academic programs

The Counseling Center also assists with supporting and being a resource for those who have problems related to psychoactive substance use.

If a student's immediate concerns were significant enough to need additional services beyond the Counseling Center sessions, or higher level of care was recommended, the Counseling Center clinicians and staff seek out and help students connect with external provider options.

## **Auraria Campus-based Counseling, Treatment, and Support Group Programs**

The following overview and summary of mental health counseling resources, as well as psychoactive substance use treatment resources on campus that were available in 2024 (and which continue to be available in 2025 unless otherwise noted).

Following these resources specific to MSU Denver community members, a review of external resources available in the wider community are presented to help inform community members of additional resources available to themselves and to their loved ones in the area as well.

### **MSU Denver Counseling Center**

Individual counseling session support during 2024:

MSU Denver provided access to individual counseling services to all MSU Denver students as part of their enrollment, as the Counseling Center is funded collectively through student fees. Students can access up to 12 sessions over the Fall and Spring semesters and up to 4 sessions in the Summer, with no payment for service during the care.

If student clients felt they needed additional support or the Counseling Center clinician felt that they may need additional care through community partners with more scheduling capacity, referral support was offered to the student client to connect with a community-based clinician.

Among MSU Denver group therapy and support groups available during 2024:

- Relationally Strong: Interpersonal Process Group (In-Person)
- Acceptance and Commitment Therapy Group (In-Person)
- Stress Management Skills Group (In-Person)
- Survivor Group (In-Person)
- Trans Experience Process Group (In-Person)
- Dealing with Social Anxiety Group (In-Person)

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- Men's Process Group (In-Person)
- Relationally Strong: Non-Traditional Interpersonal Process Group (In-Person)
- Mindfulness Workshops
- Woman of Color Support Group
- Grief group
- Anxiety group
- Friendship toolbox
- Boundaries Group

### **Health Center at Auraria (HCA)**

Among programs that the Health Center continued to provide the MSU Denver community during 2024 calendar year included:

#### **Patient-specific care, including psychiatric evaluation and medication management**

HCA has been equipped to support Auraria community patients with services including psychiatric assessments, medication management, mental health consultations, crisis interventions and referrals to outside providers and treatment centers.

#### **Monthly Naloxone Trainings**

In-person and remote/online trainings were offered to improve recognition and identification of the signs of an opioid overdose and administer the opioid overdose reversal drug Naloxone.

#### **On-demand Webinar Roadrunner 3R Trainings**

Professional development opportunity through 3R Training for MSU Denver staff to recognize and identify student behaviors and actions that would indicate student may be benefited by an appropriate referral to one of the University's sponsored agencies.

#### **Opioid Overdose Awareness Expo**

#### **Auraria Recovery Community**

Established in the Fall of 2018, Auraria Recovery Community (ARC) provides outreach and education around the topic of substance use and recovery to students, faculty and staff of the Auraria community (including Community College of Denver, MSU Denver and CU Denver). In January of 2023, ARC came under the administrative oversight of the Health Center at Auraria, providing more supervision, financial stability, and personnel towards tri-institutional services and supports.

ARC E-mail: [recoverycommunityinfo@gmail.com](mailto:recoverycommunityinfo@gmail.com)

ARC website: [www.aurariarecoverycommunity.com](http://www.aurariarecoverycommunity.com)

ARC Instagram: @aurariarecoverycommunity

ARC YouTube: @aurariarecoverycommunity6289

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All Recovery Meetings held 2x per week offering a student peer support space for students in active recovery or sober-curious. All of these structured meetings are proceeded by an hour of community building time or time to use for studying/schoolwork.

## MSU Denver Hazing

In an effort to comply with the Stop Campus Hazing Act, MSU Denver Staff and Faculty have worked diligently with the MSU Denver community to develop a plan to accurately report, investigate, and ideally prevent Hazing incidents across campus.

### **Historical Hazing Context in Reference to MSU Denver**

The Center for Multicultural Engagement and Inclusion has been hosting Hazing prevention training for student organizations across campus. Moving forward, to accommodate for the Stop Campus Hazing Act, this training will be revamped and revised and will have additional penalties for non-compliance.

While hazing has always been a violation of the student code of conduct and thus been required to be reported by community members on campus, hazing incidents will be individually distinguished through the updated Campus Hazing Policy as incidents that need to be reported. Through the new hazing policy, there will be additional penalties for non-compliance (i.e. failing to report) as well as incentives for reporting hazing incidents (reporting being a mitigating factor in a potential hazing case). This should ensure that community members on campus are further encouraged to report potential incidents of hazing.

### **Hazing Definition**

MSU Denver aligns its definition of Hazing with that of Colorado Statute §18-9-124. As defined in Colorado Revised Statutes, hazing is: In Colorado, hazing is defined as any activity that recklessly endangers the health or safety of an individual or creates a risk of bodily harm as part of initiation, admission, or affiliation with a student organization. This includes forced physical activity, excessive consumption of substances, or deprivation of basic needs like sleep, food, or drink.

Hazing is a form of power-based violence. Hazing can occur with power differentials in all types of relationships, regardless of membership status, including initiates, individuals seeking reinstatement, current members, or students with inactive status. Hazing often involves exerting control or influence over another person. What constitutes hazing requires a situational response and analysis.

### **Department Responsibility**

The departments primarily responsible for the new Campus Hazing Policy will be the Dean of Students office, CMEI, Campus Recreation and the Health Center. MSU Denver has tasked these departments with the main responsibility of overseeing the anti-hazing policy. Incidents of Hazing will be reported to the MSU Denver Dean of Students Office.

Regarding the creation of the Anti-Hazing Policy, in an effort to encompass health and safety efforts, the Dean of Students Office is working with CMEI, and the Health Center at Auraria to create the policy, and additional education and prevention materials. Additionally, this policy will be vetted and confirmed through the University Policy Committee, which oversees all new policy creation for MSU Denver.

In response to changing legislation, MSU Denver is working on Hazing prevention training for all student organizations across campus. The format of this training is currently being determined and will grow and evolve as the requirement for Hazing prevention training gets closer. Elements of this training will include what hazing is, and what hazing can look like, bystander intervention training, and more.

MSU Denver seeks to promote a safe environment where students may participate in activities and organizations without compromising their health, safety, or welfare. It will therefore be the University's policy

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that hazing is prohibited. Prevention of hazing is the responsibility of every member of the University community. Each organization, as well as each individual, must accept the personal obligation to uphold the basic community values.

Under the Hazing policy every member of our university community will have an obligation to report and act on information regarding hazing.



## Safer Crisis and Emergency Response Support

MSU Denver provides this section to better serve and support the communities of students and staff that comprise the MSU Denver community, and in hopes that in reaching beyond traditional annual security report compliance under Clery Act to the spirit behind it, the wider families and communities of MSU Denver will be further supported as well.

MSU Denver is aware that not everyone may feel that it is appropriate or comfortable to call 911 as a first step. The below resources highlight additional options for crisis and emergency response support.

### **Non-law enforcement response programs in Denver and around the metro area –**

**Denver STAR Program – [Support Team Assisted Response](#)** (City of Denver website) /

STAR responds to low risk calls where individuals may not be actively experiencing an imminent safety risk. Some examples of STAR response calls include trespass calls, welfare checks, intoxicated parties, and mental health crisis.

When the STAR mobile unit arrives, the individual in crisis can be assured that the interaction is grounded in a harm reduction, trauma-informed philosophy. The team, dressed in street clothes, provides direct clinical de-escalation and community service connections, as well as on-demand resources such as water, food, clothing and basic living support.

### **Details about other emerging alternative response programs for non-violent concerns in Metropolitan Denver area –**

At the time of 2024 ASR drafting, additional municipalities in Metropolitan Denver were exploring alternative response programs/teams after initial, positive results from Denver STAR program. This includes the cities of [Aurora](#), [Englewood](#), [Boulder](#), and [Colorado Springs](#).

### **Crisis Intervention Team (CIT) law enforcement responder programs –**

Crisis Intervention Team (CIT) programs exist in varying levels in many regional city police departments and county sheriff departments, with first responder law enforcement officers trained in mental health crisis intervention knowledge and responses.

Additional introduction to these programs can be found through the State of Colorado [Behavioral Health Administration](#) and links to the [Crisis Intervention Teams Association of Colorado](#), where contacts for city police departments and county sheriff's offices can be found to inquire about current status of mental health trained first responder options available in the community of concern.

## **Laws and Policies Related to Possession or Use of Psychoactive Substances**

The following section includes summary information about MSU Denver policies related to psychoactive substances including alcohol, cannabis, and other federally controlled substances, as well as State of Colorado and US federal laws and penalties possible for convictions as required of it for administrative compliance.

### **MSU Denver Alcohol and Controlled Substance Prohibitions and Disciplinary Options for Students and Staff:**

MSU Denver prohibits the unlawful use, possession, distribution, manufacture, or sale of alcohol and illegal controlled substances by all students (regardless of age) and staff while on Auraria Campus or as part of the activities of the University.

The University shall take action when its policies on the use, possession, distribution, manufacture, or sale of illegal drugs appear to have been violated that can include referral to ACPD. MSU Denver will cooperate, if necessary, with local, State, and federal authorities in the detection and prosecution of alcohol or drug offenses.

Students and staff who violate the MSU Denver standards of conduct relating to alcohol and controlled substances shall be subject to disciplinary sanctions which may include, without limitation, completion of an appropriate rehabilitation program, reprimand, probation, suspension from the University, expulsion from the University, corrective action, a fine, temporary adjustment of pay to a lower step in the assigned pay grade, demotion, reassignment with or without a salary adjustment, suspension with or without pay, and termination.

Disciplinary sanctions shall be consistent with local, State, and federal law and shall be administered in accordance with applicable student disciplinary procedures, state personnel system rules and procedures, and University policies.

MSU Denver finds it useful to mention that aside from Degree Brewpub, there is no other place on MSU Denver's campus where students, staff, or the local community can legally consume alcohol (aside from occasional events hosted on campus).

### **MSU Denver Psychoactive Substance Use Prohibitions and Disciplinary Options Specific to Staff**

Pursuant of the Drug-Free Workplace Act of 1988 and 41 U.S. Code § 8102, MSU Denver upholds its [Drug-free Workplace Policy](https://www.msudenver.edu/policy/drug-free-workplace/free-Workplace-Policy).

The Policy states that the unlawful manufacture, distribution, sale, dispensation, possession, or use of a controlled substance in the workplace or state-owned vehicle by employees of the University is prohibited. Employees shall notify the appropriate personnel officer of any criminal drug statute conviction for a violation occurring in the workplace or a state-owned vehicle no later than 5 days after such conviction. Any employee who violates the provisions of the [Drug-free Workplace Policy](https://www.msudenver.edu/policy/drug-free-workplace/free-Workplace-Policy) shall be subject to appropriate disciplinary action, which may include termination.

### **Note regarding cannabis legalization in State of Colorado laws and MSU Denver policies for students and staff**

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 one ounce of marijuana by persons twenty-one years of age or older is legal, the possession and use of marijuana

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remains prohibited on the Auraria Campus and at all University-sponsored activities. In addition, federal law, particularly the Controlled Substances Act of 1970, Drug-Free Workplace Act, and the Drug Free Schools and Communities Act, prohibits the use and/or possession of marijuana while a student or staff or faculty member is on campus.

The possession or use of federally defined controlled psychoactive substances, including cannabis, remains prohibited under federal laws. Strict penalties are enforced for drug convictions, including mandatory prison terms for many offenses.

### **Relating to controlled substances in the community that have been known to be used covertly by attackers in sexual assaults and attempted sexual assaults:**

MSU Denver community students and staff are encouraged to reach out to the [Phoenix Center at Auraria](#) and the [Health Center at Auraria](#) for local, direct support about prevalence and perceived risks at any given time, as well as review resources and links through the [Office of Women's Health](#) at the US Department of Health and Human Services.

MSU Denver wants to make clear the concerns for drug-involved sexual assault and date rape is not a concern strictly for community members that identify as women.

The link is provided for the ease of access to the resources that can help inform all members of the MSU Denver community and their friends and family to be aware of and vigilant about these concerns, and to aid one another through improved [bystander intervention](#) should suspicious behavior possibly indicate presence of a would-be assailant, or detecting concerning behavior in a friend who may be beginning to feel under the influence of an unintended substance and needs immediate intervention.

In instances where controlled substances have been utilized by an attacker for sexual misdeeds, PCA now regularly houses anti controlled substance measures to assist those who have been the target of sexual acts through the use the controlled substances. In addition to measures that address sexual misdeeds through the use of controlled substances, PCA actively supports the MSU Denver campus through housing affordable general sexual health measures in-office for those who need them. This includes measures designated to address unwanted or unplanned sexual activities that could have negative, unwanted or unplanned future impacts. Resources designated to combat sexual misdeeds through the use of controlled substances can be found within the PCA office and are accessible during all working office hours. Pertaining to general sexual health, these resources can be accessed in the office as well, also any time during office operational hours.

### **MSU Denver Policies on Regulated or Controlled Psychoactive Substances**

#### **Student Code of Conduct – Article III, Section A, List Item 18**

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.

#### **Student Code of Conduct – Article III, Section A, List Item 19**

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19. Public intoxication, and/or the use, possession, or distribution of alcoholic beverages or cannabis, 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.



## Annual Fire Safety Report

Metropolitan State University of Denver has not historically managed or maintained any of its own owned or controlled on-campus student housing facilities, including through the 2024 calendar year. However, enabled by the institution's growth, informed by its [2030 Strategic Plan](#), MSU Denver is establishing an on-campus student residential living experience to open in 2027.

Currently, MSU Denver has established a partnership with University of Colorado Denver through a Memorandum of Understanding (MOU) for a set number of MSU Denver students to be able to reside in a CU Denver residential building on the Auraria Campus, Lynx Crossing. Through this partnership MSU Denver Dean of Students Office shares communication with and has access to applicable policies and procedures for Lynx Crossing from the CU Denver Dean of Students and Housing and Dining Services departments. Accordingly, MSU Denver receives and reviews Fire Safety Report policies and reports for Lynx Crossing.

MSU Denver includes Fire Safety Report and Missing Persons Policy information here including links to CU Denver's site [of Emergency Management and Campus Safety](#) and directly to the [CU Denver 2024 Annual Security Report](#). Fire Safety and Missing Persons Policy elements are presented in that report, to aid in current and prospective MSU Denver students and staff to examine.

### Lynx Crossing Fire Reports

The CU Denver Housing & Dining department-maintained Fire Log for residential buildings including Lynx Crossing for 2024, which was shared with MSU Denver.

CU Denver confirms in its Annual Security Report that its Fire Log is actively maintained, with reported fires added to log within two (2) business days of the report. Additionally, CU Denver states to most recent 60 days Fire Report being available at front desk of residential facilities and is available for public review upon request during normal business hours.

Additionally, CU Denver Housing and Dining notifies that it will provide any portion of its report older than 60 days within 2 business days of request for public inspection.

Specific data relating to any fires, unplanned alarms during 2024 calendar year:

- Collection and review of CU Denver Housing & Dining Fire Log records indicate Six (6) unplanned/unintentional testing fire alarms, and 1 fires (Arson causing no listed damage) at Lynx Crossing (381 Walnut St, Denver CO 80204) during calendar year 2024. The nature of the unintentional alarms reported include dust from cleaning, setting off the smoke detector, an overloaded washer, and a malfunctioning smoke detector.

### Fire Safety Information

The below excerpts have been taken from CU Denver's Fire Safety report. Because Lynx Crossing is owned by CU Denver, CU Denver owns and operates the Fire Safety policy associated with the building. In order to comprise the necessary fire safety information, we have taken the below experts that pertain to Fire Safety in Lynx Crossing.

#### Fire Safety Systems

Residential facilities have two fire detection systems in place. The first is a BRK Smoke Detector. These smoke detectors are AC powered (hardwired) with battery back-up. Smoke detectors are located in common spaces and in all bedrooms of each apartment. Batteries of the smoke detectors are inspected during quarterly inspections of the building completed by

the Maintenance Staff. Residents may notify the Maintenance Staff when a battery needs to be replaced as well. In addition to the smoke detectors, enunciator panels are located in apartments and hallways throughout the building. The location of the enunciator panels is in accordance with the Denver City Fire Code. The enunciator panels are electrically powered and have both an audible sound and strobe light to alert residents. In the event of an evacuation, exit signs are located throughout all hallways and at all exit areas on each floor. Placement of exit signs is in accordance with the Denver City Fire Code.

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

### **Drills**

There was a minimum of one fire drill during the fall semester and spring semester in Lynx Crossing. In the calendar year 2024, fire drills were conducted at Lynx Crossing on January 31, 2024, and August 29, 2024. These drills measured how long it took to evacuate and provided an opportunity to determine ways to improve communication. Each drill was determined to be successful.

### **Devices & Open Flames**

Space heaters, hot plates, grills, other combustibles, any burning materials, including candles and incense, explosives, fireworks, ammunition, gasoline, other highly flammable material, e-cigarettes, hookahs, pipes, vaporizers, bongs, other smoking devices. Smoking is strictly prohibited in all suites, hallways, breezeways, common rooms, the courtyard and within property gates. Smoking is permitted in the smoking pavilion, located in the South parking lot. Hookahs, bongs, and any other smoking paraphernalia items involving an open flame are strictly prohibited on residential properties, even when they are not in use.

### **Evacuation Procedures**

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

If there is a fire or the alarm sounds, feel your door with the back of your hand before exiting. If it is cool, exit the room, close the door, and proceed to evacuate the building. If the door is hot, don't open it; fill any cracks with wet towels, signal from your room by hanging a sheet out your window and wait to be rescued by the fire department. Upon leaving your suite, close your door. If smoke is present in the breezeways, lie down and crawl to safety; fresh air will be near the floor. All residents should proceed away from the building and meet in the parking lot at the furthest point from your building. After exiting, please be sure to move away from the building in order to avoid falling debris and to give the fire department personnel room to operate. Notify a member of the property staff upon exiting the building. The fire department will give an "all clear" when it is safe to re-enter the building.

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You are required by law to evacuate the buildings when the alarm sounds. Failure to do so is not only dangerous and illegal, but it also may result in criminal prosecution and the initiation of eviction proceedings. Failure to exit the property during a fire alarm or drill may result in fines up to \$1,000.

### **Fire Safety Training**

All Resident Assistants participate in fire safety training including how to use a fire extinguisher in a live burn. The training is completed in August during the Fall Semester RA Training. The session is hosted by the CU Anschutz Fire Marshal and Fire and Life Safety Division. All Resident Assistants also receive training in Fire Drill and Building Evacuation procedures during the Fall Semester RA Training. This training includes reviewing the CU Denver Housing & Dining Emergency Procedures Manual and identifying building/floor specific emergency exits and assembly points. All residents and student staff members are provided access to the CU Denver Housing & Dining Resident Handbook which details instructions for fire safety as well as emergency evacuation procedures.

For purposes of including a fire in the statistics in the annual fire safety report, a list of the titles of each person or organization to which students and employees should report that a fire occurred

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### Fire statistics 2022-2024

2022

<b>Fires Reported</b> <b>318 Walnut Street – Lynx Crossing</b>				
<b>Date</b>	<b>Nature/Cause of Fire</b>	<b>Number of fire related Injuries</b>	<b>Number of Deaths related to fire</b>	<b>Value of Property Damage</b>
2022	No reported fires	0	0	\$0
<b>Total</b>	<b>0</b>			

2023

<b>Fires Reported</b> <b>318 Walnut Street – Lynx Crossing</b>				
<b>Date</b>	<b>Nature/Cause of Fire</b>	<b>Number of fire related Injuries</b>	<b>Number of Deaths related to fire</b>	<b>Value of Property Damage</b>
2023	No reported fires	0	0	\$0
<b>Total</b>	<b>0</b>			

2024

<b>Fires Reported</b> <b>318 Walnut Street – Lynx Crossing</b>				
<b>Date</b>	<b>Nature/Cause of Fire</b>	<b>Number of fire related Injuries</b>	<b>Number of Deaths related to fire</b>	<b>Value of Property Damage</b>
2024	1 Arson – Intentional lighting pile of clothing on fire	0	0	\$515,702
<b>Total</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>\$515,702</b>

### **Missing Student Notification**

Under the MOU with CU Denver, summarized in the preceding section, Annual Fire Safety Report, MSU Denver student residents of Lynx Crossing are considered to be CU Denver students for the purposes of the Missing Residential Student Policy established by CU Denver for residents of its on campus residential buildings on Auraria Campus, including Lynx Crossing.

Included in the agreements that MSU Denver student residents of Lynx Crossing review and agree to in order to reside at the property, MSU Denver students register emergency contact information with the CU Denver Housing and Dining Services Department. Those emergency contacts will be utilized in attempt to locate a missing student should report be made concerning the student.

Under the effective policy for the 2024 calendar year, reviewed by MSU Denver Dean of Students, CU Denver deems a residential student will be missing:



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- a) If under the age of eighteen (18) years of age, and not considered a runaway: when the residential student's whereabouts cannot be determined by the student's associates including friends, family, or residential staff; or
- b) If eighteen (18) years of age or older: when the resident student's whereabouts cannot be determined, and the absence is both a deviation from normal behavior patterns and cannot be explained within a limited time frame and from accessible resources.

Subsequently, in event of CU Denver deeming a residential student missing, it shall notify Auraria Campus Police Department, the law enforcement department responsible for the Auraria Higher Education Center, supporting MSU Denver and CU Denver, along with the third institution of higher education based at Auraria, Community College of Denver. Additionally, MSU Denver, CU Denver, and ACPD shall coordinate to ensure that any and all other appropriate law enforcement agencies are notified of the residential student deemed missing.

In addition to following the CU Denver policies and procedures, the CU Denver Dean of Students or designee will notify and provide report of missing residential student to MSU Denver Dean of Students or designee in the event that a MSU Denver student is deemed missing under this CU Denver Missing Residential Student Policy. For additional information, please review the CU Denver site for [Annual Security Report](#) and associated campus safety information.

## Definitions of Clery Reported Crimes

**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 without 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 room, 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. (Classified as motor vehicle theft are all cases where automobiles are taken by persons not having lawful access even though the vehicle(s) are later abandoned, including joyriding).

**Sex Offense:** 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.

- I.     **Rape:** The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes rape of a person regardless of gender.
- II.    **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 their age or because of their temporary or permanent mental incapacity.
- III.   **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

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IV. **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 is collected and reported according to category of prejudice.

**Weapon Law Violations:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapon 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:** 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:** 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 cohabiting 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 of violence occurred

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party'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. 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.

**Stalking:** 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

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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.

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

**Note regarding Clery reportable crime statistics in Residential Housing –**

All Clery reportable crimes compiled by Auraria Police Department that took place at Lynx Crossing are included in the Residential Housing column, regardless of whether or not crime involved MSU Denver student.



**MSU Denver 2022-2024 Crime Statistics**

Criminal Offenses	On Campus			Public Property			Non-Campus			Residential Housing		
	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024
Murder & Non-Negligent	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	6	6	1	0	0	0	0	0	0	3	0	1
Fondling	5	3	1	0	0	1	0	0	1	1	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	1	2	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	3	4	6	3	1	0	0	0	0	1	0	2
Burglary	12	9	10	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	31	28	51	0	3	0	0	0	0	0	0	0
Arson	4	2	9	2	10	4	0	0	0	0	0	0
Arrests	On Campus			Public Property			Non-Campus			Residential Housing		
	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024
Liquor Law	1	6	18	0	13	0	0	0	0	0	0	0
Drug Law Violations	4	20	22	2	20	4	0	0	0	0	0	0
Illegal Weapons	3	7	10	4	2	1	0	0	0	0	0	0
Referrals	On Campus			Public Property			Non-Campus			Residential Housing		
	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024
Liquor Law	16	1	0	0	0	0	0	0	0	5	1	0
Drug Law Violations	1	4	0	1	0	0	0	0	0	1	8	2
Illegal Weapons	0	0	0	0	0	0	0	0	0	0	0	0
Vawa Offenses	On Campus			Public Property			Non-Campus			Residential Housing		
	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024
Domestic Violence	3	5	4	2	2	1	0	0	0	0	0	1
Dating Violence	5	7	0	0	1	3	1	0	0	2	1	1
Stalking	11	9	6	0	0	0	0	0	0	2	4	3
Hate Crimes	On Campus			Public Property			Non-Campus			Residential Housing		
	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024
Intimidation-Sexual Orientation &	0	2	0	0	1	0	0	0	1	0	1	0
Intimidation - National Origin	0	1	1	0	1	0	0	0	0	0	0	0
Intimidation - Religion	0	1	1	0	0	0	0	0	0	0	0	0
Unfounded	On Campus			Public Property			Non-Campus			Residential Housing		
	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024
	0	1	1	0	0	0	0	0	0	0	0	0



## Conclusion

Reiterating the statement in the Setting of ASR in Service of the MSU Denver Community at the beginning on this Annual Security Report:

MSU Denver is committed to the rationale that campus safety not only encompasses having a low crime rate, but also being a safe, supportive, and inclusive environment for all students, staff, faculty, and visitors to campus.

MSU Denver provides the additional knowledge and resources offered in this ASR threading between often intersecting concerns as part of that commitment, and through its Dean of Students Office will continue to ensure the ASR is both a direct support to current and prospective academic and professional community members, and to be among the corrective and restorative tools helping MSU Denver leadership to improve the University's vision, safety, and inclusivity.

