

2021



# University of Colorado Anschutz Medical Campus

## 2021 ANNUAL SECURITY & FIRE SAFETY REPORT

THIS REPORT CONTAINS STATISTICS FOR THE 2020 CALENDAR YEAR IN COMPLIANCE WITH THE JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTIC ACT.

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## MESSAGE FROM THE CHIEF OF POLICE

CU Anschutz is committed to providing a safer environment for students, faculty and staff. This publication is prepared in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, more commonly known as the “Clery Act,” 10 U.S.C. §1092(f) et. seq. The report is designed to inform students, faculty, staff and other interested campus community members about policies, procedures, practices and programs that CU Anschutz uses to keep the campus safe and our facilities secure.

This report also contains statistics for certain crimes occurring on campus, public property located on campus or adjacent to the campus, as well as certain non-campus properties for the calendar years 2018, 2019 and 2020.

The Clery Act requires all colleges and universities that participate in federal financial aid programs to maintain and disclose information about crime on and near their respective campuses for the last three years. This information must be published and distributed by October 1 each year to current students and employees. A copy must also be provided to prospective students and employees upon request. The United States Department of Education monitors compliance.

CU Anschutz does not have on campus student housing, therefore, the requirements for a Fire Safety Report and fire safety disclosures are not applicable to CU Anschutz. Missing student notification policies and procedures are also not applicable to CU Anschutz.

The information contained in this report is intended to be specific to the CU Anschutz Medical Campus in Aurora, Colorado. For information specific to the CU Denver Campus (downtown), visit <https://www.cuanschutz.edu/police/police/annual-security-report> .

This report was prepared and distributed to all current students, faculty and staff by the Clery Compliance Manager for the University Police Department. The information contained in this report is provided to you as part of the University’s commitment to safety and security on campus. To request a hardcopy of this report, please contact the Clery Compliance Manager at 303-724-2215 or [frances.norton@cuanschutz.edu](mailto:frances.norton@cuanschutz.edu).

Sincerely,



Randy Repola  
Chief of Police  
12454 E. 19<sup>th</sup> Place, Building 407  
Mail Stop F409  
Aurora, CO 80045



## University of Colorado Anschutz Medical Campus Police Department Mission Statement

The University of Colorado Anschutz Medical Campus Police Department supports the educational, research, and patient care missions of the University by providing a prepared, safe and secure campus environment.

### Values

We value the following:

- **Ethics, honesty, and integrity**  
We act honorably in all we do and believe that honest and integrity are the cornerstones of our profession.
- **Rule of Law**  
We perform our duties in a lawful manner and in accordance with the tenants of the United States Constitution, the Constitution of the State of Colorado, the laws of the State of Colorado, and the rules of the University of Colorado Board of Regents.
- **Fair and equitable treatment**  
We embrace the diversity and culture of the community we serve. We do not tolerate discrimination of any kind.
- **Dignity**  
We treat people with courtesy and respect at all times.
- **Technical competence**  
We constantly strive to improve our job performance through continuous education and on-going training.
- **Prevention**  
We act proactively to prevent criminal activity. We work collaboratively with the University community to ensure a safe campus environment in which to work, learn, and exchange ideas.

### Philosophy

The University of Colorado Anschutz Medical Campus Police Department's philosophy is to support the mission of the University through community partnerships, teamwork, technology, and police authority to prepare and sustain an environment where people feel safe and secure.

## THE CLERY ACT

**Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act** as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA), including the Campus Sexual Violence Elimination Act (SaVE Act), more commonly known as the “**Clery Act**”, is a federal law that requires colleges and universities, both public and private, participating in federal student aid programs to disclose campus safety information, and imposes certain basic requirements for handling incidents of sexual violence and emergency situations. Disclosures about crime statistics and summaries of security policies are made once a year in an Annual Security Report (ASR), and information about specific crimes and emergencies is made publicly available on an ongoing basis throughout the year.

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



## Compliance

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

- Collecting, classifying, and counting crime reports and crime statistics;
- Issuing campus alerts;
- Issuing emergency notifications;
- Publishing an Annual Security Report;
- Submitting crime statistics to the US Department of Education via a web-based data collection to disclose crime statistics by type, location, and year;
- Maintaining a daily crime log;
- Missing student notification procedures\*; and
- Fire safety information, including a fire log and an annual fire safety report\*;
- The tracking and submission of fire statistics for submittal to the US Department of Education\*.

\*Because CU Anschutz does not have on-campus student housing, the following requirements do not apply:

- Missing student notification procedures;
- Fire safety information, including a fire log and an annual fire safety report; and
- The tracking and submission of fire statistics for submittal to the US Department of Education.

CU Anschutz does not have non-campus student organization locations (fraternities nor sororities) or non-campus housing facilities; thus, the obligation to report on such is non-applicable.

## UNIVERSITY POLICE DEPARTMENT

### Overview

The University Police Department maintains a full-service Police Department, staffed by 29 full-time law enforcement officers, to respond to reports of criminal acts and emergencies on the CU Anschutz Medical Campus. These officers are certified by the Colorado the Peace Officers' Standards and Training board (P.O.S.T) and hold police commissions that authorize them to enforce state laws and municipal ordinances. The Police Department also employs 6 security officers, and 12 full-time Emergency Communications Center personnel in addition to administrative staff. Police services are provided 24 hours a day, 7 days a week.

When a student, faculty or staff becomes aware of criminal actions or other emergencies affecting or involving the Campus Community, it is essential the incident is reported to University Police immediately. **University Police can be reached at 303-724-4444.**

### Enforcement Authority

In accordance with Colorado Revised Statute (C.R.S.) § 24-7.5-101, state institutions of higher education are authorized to employ Police Officers to provide law enforcement and property protection for the institution employing the officers and to perform other police, emergency planning, community safety, and administrative functions as may be deemed necessary. The Board of Regents has delegated authority to the University Police Department to enforce University rules and regulations, as well as state laws. University Police Officers have full police authority on all properties owned or controlled by the University, and may exercise their police authority while off campus, pursuant to C.R.S. § 16-3-110, and by Intergovernmental agreement with the City of Aurora Police Department. The City of Aurora has authorized University Police to issue summons and complaints for any violation of the Aurora Municipal Code.

### Arrest Authority

In accordance with C.R.S. § 16-2.5-102, peace officers, to include Police Officers employed by a state institution of higher education shall meet all of the standards imposed by law on a peace officer and shall be certified by the Peace Officers' Standards and Training board P.O.S.T.

Pursuant to C.R.S. § 16-3-102, University Police are granted all the powers conferred by law upon peace officers to carry weapons and make arrests. The arrest authority within the jurisdiction of the CU Anschutz Medical Campus includes:

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

Security Officers employed by the University of Colorado | Anschutz Campus Police Department do not carry weapons and may only make an arrest as a private citizen under the provisions of CRS § 16-3-201.

### Police Jurisdiction

All University Police Department sworn law enforcement officers act in accordance with the authority granted by the Colorado Constitution, Colorado Revised Statutes, and the Board of Regents of the University of Colorado. Officers are charged with the primary responsibility to provide police and security services to property owned or controlled by the University of Colorado and specifically the CU Anschutz Medical Campus.

The primary patrol boundaries of the CU Anschutz Medical Campus are:

- South of the south curb line of 21<sup>st</sup> Avenue on the north
- North of the north curb line of Colfax Avenue on the south



- East of the west curb line of Quentin Street on the west
- West of the east curb line of Wheeling Street on the east (excluding property owned by the City of Aurora at 13328 Montview Blvd.)

In accordance with current Intergovernmental Agreements with the City of Aurora and the Aurora Police Department, the Department's expanded patrol boundaries are the far curb lines of:

- Fitzsimmons Parkway
- Colfax Avenue
- Peoria Street

Non-sworn Security Officers normally provide limited services and assistance within the primary patrol boundaries listed above.

### **Inter-Agency Relationship and Intergovernmental Agreements**

The University Police Department recognizes the importance of maintaining a close and cooperative working relationship with the City of Aurora Police Department, the Adams County Sheriff's Department, the City of Denver Police Department, the Auraria Higher Education Center Police Department, Federal Bureau of Investigations Denver Division, Department of Defense, and other municipal, state, and federal law enforcement agencies. The University Police Department meets with representatives from these agencies on a formal and informal basis and cooperates in law enforcement matters of mutual investigation, concern, and interest to monitor and record criminal activity by university affiliates at non-campus locations.

An intergovernmental agreement exists between the Regents of the University of Colorado and the City of Aurora regarding their mutual desire to cooperate in providing police and public safety services. The University Police Department and the City have concurrent jurisdiction over criminal matters that occur on the University campus.

Crimes occurring on the CU Anschutz campus are typically investigated by University Police. Crimes occurring inside of University of Colorado Hospital and Children's Hospital Colorado are typically responded to, and investigated by, the Aurora Police Department. Law enforcement services for the Veterans Hospital (corner of Colfax Avenue and Fitzsimons Parkway) are provided by the Department of Veterans Affairs.

Alleged criminal offenses occurring within the University Police Department's jurisdiction are investigated by sworn University Police Officers.

CU Anschutz does not have owned or controlled non-campus student organization facilities. If any law enforcement agency in the Aurora area is contacted about criminal activity occurring off-campus involving CU Anschutz students, that agency is encouraged to notify the University Police Department.

### **REPORTING CRIMES, EMERGENCIES AND SAFETY CONCERNS**

#### **Duty to Report Criminal Behavior**

Under Colorado Law, "It is the duty of every person who has reasonable grounds to believe that a crime has been committed to report promptly the suspected crime to law enforcement authorities" (C.R.S. § 18-8-115). Students, faculty and staff are encouraged to accurately and promptly report all crimes to University Police and appropriate police agencies, when the victim of a crime elects to, or is unable to, make such a report.

University Police take all reports seriously. Reports will be accepted in any manner, including in person, in writing and at the University Police Department located on the CU Anschutz Campus in Building 407 (12454 E. 19<sup>th</sup> Place).

Criminal actions or other emergencies occurring on campus should be reported to the University Police Department 24-hours a day, 365 days a year. For immediate, direct access, call 9-1-1 from any campus phone for emergencies or call x4-2000 for other police

assistance. For cellphones and off-campus calls dial 303-724-4444. University Police have access to campus emergency protocol and departmental emergency contact numbers.

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

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

Criminal offenses reported to the sources that follow will assist the University in keeping accurate records regarding the number of reported incidents on campus, and on property owned or controlled by the University, and determine where there is a pattern of crime and evaluate if an alert (e.g., Timely Warning) to the Campus Community is warranted. Reports filed in this manner are counted and disclosed in the University’s annual crime statistics without identifying information.

### Reporting Crime and Emergencies on Campus

The University Police Department Emergency Communications Center is open 24/7.

Campus telephones (desk phones, red phones, yellow phones, etc.) ..... 9-1-1  
Or ..... 4-4444  
Cellular Phones on Campus ..... 303-724-4444

### Reporting Non-Life-Threatening Incidents and Safety Issues

University Police Non-Emergency..... 303-724-4444  
Campus Phones (desk, red, yellow, etc.) ..... 4-4444  
University Police Comment Line..... 303-724-0800

Voice messages left at the University Police Comment Line are checked several times each week by the Chief of Police or designee. Concerns are routed to the appropriate responsible parties.

Comments may also be emailed to [University.Police@ucdenver.edu](mailto:University.Police@ucdenver.edu).

### Voluntary Confidential Reporting

#### CU Ethics Line Link

<https://secure.ethicspoint.com/domain/en/default/reporter.asp>. *This site does not require your name or other identifying information. It does not track the identity of the computer you use. Use “CU” as the organization name.*

**You may also call 800-677-5590. For more information regarding CU Ethics Line, please visit: <http://www.cu.edu/internalaudit%20/frequently-asked-questions>.** *This reporting method’s goal is to ensure you can communicate issues and concerns associated with unethical or illegal activities safely and honestly with University leadership while maintaining your anonymity and confidentiality.*

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

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

The University Police Department does not have policies or procedures allowing for voluntary, confidential reporting of crimes for the purpose of inclusion in the annual disclosure of crime statistics.

## Blue Light Poles

There are 16 emergency "Blue Light" call stations located in various areas on campus. These emergency call stations may be used to report crimes in progress, suspicious persons, medical emergencies, or to request personal safety assistance. Pressing the call button on the emergency call station initiates a direct call to the University Police Emergency Communications Center.

Activation of the "Blue Light" alert also activates the blue light strobe to help police locate you more quickly. These phones may be used in emergencies or to request other assistance.

## Reporting Suspicious Activity

Report all suspicious activity to police. Examples include, but are not limited to:

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

## Response

When contacting University Police by telephone, campus phone, cellphone, or blue light pole, you will be connected to the Emergency Communication Center ("dispatch"). Dispatchers are available 24 hours a day to answer your calls. The Emergency Communications Center will obtain as much information as available and will typically send a police response, as appropriate, to the location of the incident being reported. Officers may request additional assistance when it is reasonably believed there is an imminent threat safety, or assistance is needed to prevent imminent serious harm, to a citizen or an officer.

## Reporting Concerning Behavior

The Campus Assessment, Response & Evaluation (CARE) Team and the Faculty and Staff Threat Assessment and Response Team (FaST) address the health and safety needs of students, faculty and/or staff. Disruptive or concerning behaviors should be reported immediately. CARE and FaST intervene, when necessary, and more generally, to identify and provide assistance to those in need. The teams take a preventative approach to risk assessment by offering resources, referrals and support to both the concerning individual and those impacted by their behavior.

To report a concern regarding faculty or staff, contact: FaST:  
[FacultyStaff.Assessment@ucdenver.edu](mailto:FacultyStaff.Assessment@ucdenver.edu) or  
 303-315-0182

If you encounter a **student** who appears to be exhibiting concerning behavior, contact CARE Team: [shareaconcern@ucdenver.edu](mailto:shareaconcern@ucdenver.edu) or  
 303-724-8488

## Campus Security Authorities

It is important for the Campus Community to report criminal incidents that occur on campus directly to University Police. However, some victims of crimes may be more inclined to report a crime to someone other than the University Police. Under the Clery Act, a crime is "reported" when it is brought to the attention of a Campus Security Authority (CSA). If a CSA receives crime information and believes it was provided in good faith, he/she shall document it as a crime report and report it to University Police for the purpose of making Timely Warning reports and for inclusion in the annual statistical disclosure and inclusion in the daily crime log.

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

- Police department employees;

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

Individuals may be designated as CSAs based on whether they perform the following functions:

- Their official job responsibilities involve significant interaction with students and/or campus activities;
- They serve as informal or unofficial mentors to students;
- They serve as a member in an office or of a committee to whom students are instructed and informed to report or discuss crimes, allegations of crime, and other troubling situations, and/or;
- They have oversight for disciplinary procedures.

### Examples of Campus Security Authorities

- Law Enforcement Officers
- Security Officers
- Emergency Communications Staff
- Deans of Students
- Faculty Advisors to Student Groups
- Program Directors
- International Studies Staff
- Disability Resources and Service Staff
- Department Chairs
- Financial Aid Advisors
- Multicultural/Diversity Staff
- Office of Inclusion and Outreach Staff
- Title IX Coordinators

### Confidential Reporting Exemption for Pastoral and Professional Counselors

There are two types of individuals who, although they may have significant responsibility for student and campus activities, are not Campus Security Authorities under the Clery Act who can provide confidential assistance:

**Pastoral counselor:** A person who is associated with a religious order or denomination is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

**Professional counselor:** A person whose official responsibilities include providing mental health counseling to members of the institution’s community and who is functioning within the scope of the counselor’s license or certification. This definition applies even to professional counselors who are not employees of the institution, but are under contract to provide counseling at the institution.

CU Anschutz does not currently have any pastoral counselors available on campus. Resources for confidential professional counselor services are:

CU Anschutz Student Mental Health  
 Services..... 303-724-4716  
 After Hours..... \*303-370-9127

\*Identify yourself as a CU Anschutz student and ask for the on-call psychiatrist

A professional counselor is an employee of the University of Colorado whose official responsibilities include providing mental health counseling to members of the institution’s community and who is functioning within the scope of his or her counseling license or certification. Professional Counselors, who work with Student Mental Health Services, or Campus Health Center, when acting as such, are not considered a Campus Security Authority. As a matter of policy, they are encouraged, if and when they deem it

appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics. Although it is encouraged, pastoral and professional counselors who receive confidential reports of crime are not required to report these crimes to CUPD for inclusion into the annual disclosure of crime statistics or for the purpose of a timely warning.

**Advocates**

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

CU Anschutz Advocates:

The Phoenix Center at Anschutz..... 303-724-9120  
 24/7 Helpline ..... 303-556-2255



**Reporting Crimes Occurring at Non-Campus Properties**

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

**Aurora Police Department**

Emergency ..... 9-1-1  
 Non-Emergency ..... 303-627-3100

**Adams County Sheriff**

Emergency..... 9-1-1  
 Non-Emergency..... 303-288-1535

**Arapahoe County Sheriff**

Emergency..... 9-1-1  
 Non-Emergency..... 303-795-4711

**Denver Police Department**

Emergency..... 9-1-1  
 Non-Emergency..... 720-913-2000

**Denver County Sheriff**

Emergency..... 9-1-1  
 Non-Emergency..... 720-913-2000

**EMERGENCY COMMUNICATION PLAN**

Communication plays a critical role before, during, and after any emergency or disaster. CU Anschutz will immediately notify the Campus Community upon confirmation of a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students, faculty, staff, or visitors. This notification can be disseminated through a variety of communications methods as dictated by the incident.

The University of Colorado Anschutz Medical Campus Emergency Notification System, is commonly referred to as ***CU Anschutz Alerts!***

University Police will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the *CU Anschutz Alerts!* emergency notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or contain and respond to or otherwise mitigate the emergency.

Emergency messaging (Timely Warning and Emergency Notifications) content may be developed and disseminated by the Chief of Police, Deputy Chief of Police, Patrol Operations Commander, Operations Support Commander, Emergency Management Director, Clery Compliance Manager, or their

designees. Emergency Communications Technicians, or their designees, may also develop and disseminate notifications. The determination of the appropriate segment or segments of the Campus Community to receive the notification is considered and determined in conjunction with the messaging content.

CU Anschutz may utilize one or more of the following methods to disseminate emergency messaging to the Campus Community:

- *CU Anschutz Alerts!* notification system, which includes:
  - Text
  - Email
  - Social media
- CU Anschutz web page [www.ucdenver.edu/alerts](http://www.ucdenver.edu/alerts)
- CU Denver | Anschutz Campus Information Line 877-INFO-070 (877-463-6070)
- In-building public address systems
- Posted notices in key locations throughout the campus

The CU Anschutz Chancellor has mandated all student, faculty, and staff university-issued email be registered to receive emergency alerts and campus closure notifications via the *CU Anschutz Alerts!* system. This method cannot be opted out of.

In order to receive text alerts from *CU Anschutz Alerts!* students, faculty, and staff should text “CUAnschutzAlerts” to 226787.

The larger community (e.g., non-affiliated persons with CU Anschutz, such as hospital employees, vendors, neighbors, parents, etc.) who would like to receive emergency notifications as a text message may also opt-in to receive *CU Anschutz Alerts!* Local media, CU Anschutz web alerts, the information line, in-building public address system announcements, scrolling message boards, posted notices and social media may also be sources of emergency information for the larger community.

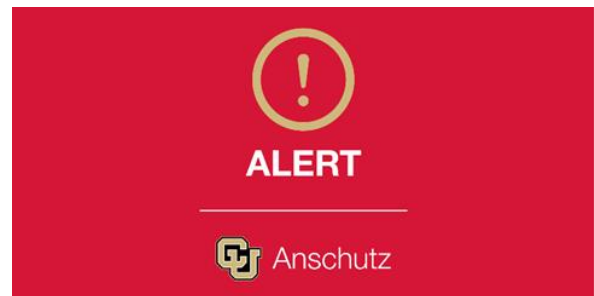
In an effort to keep information current during an evolving situation, e-mail and text emergency notifications will be brief and may direct the reader to the CU Anschutz toll-free emergency information line, 877-463-6070 or [cuanschutz.edu/alerts](http://cuanschutz.edu/alerts). Follow up information will be disseminated by the

forementioned methods for emergency messaging, as necessary.

## Emergency Notifications

CU Anschutz will immediately notify the Campus Community upon confirmation of a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students, faculty, staff, or visitors. The following are examples of significant emergencies and dangerous situations that may occur on campus:

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



Prior to emergency notifications, the significant emergency must be confirmed. Confirmation may come from a number of sources, including University Police Department staff, campus constituents and/or partner agencies, depending on the type of emergency. To evaluate the significance of the threat, the University may consult with subject matter experts, for example: Aurora Police Department, Aurora Fire Department, Federal Bureau of Investigations, World Health Organization, Colorado Department of Public Health and Environment, University Health and Safety, National Weather Service, etc. Due to the time sensitivity of emergency alerts, the decision to initiate the *CU Anschutz Alerts!*

system will be determined as quickly and thoroughly as possible.

Once a significant emergency is confirmed, the University may utilize the *CU Anschutz Alerts!* to communicate to the Campus Community.

Follow-up incident information and end of the threat declaration will be disseminated to the Campus Community, as appropriate. Follow-up information may be made by any of the emergency messaging methods as listed above (e.g., e-mail, text, information line, etc.).

### Timely Warnings

Timely Warnings notify the Campus Community to potentially dangerous criminal situations so that students, faculty and staff have the time and information necessary to take appropriate personal protection measures. Timely Warnings are issued as soon as possible after pertinent information is available to aid in the prevention of similar occurrences.

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

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

A Timely Warning may be issued for non-Clery Act crimes if it is believed the crime poses a serious or continuing threat to the Campus Community. Timely Warnings may be issued to the Campus Community by any of the emergency messaging methods, but most commonly are disseminated by e-mail. The University withholds the names of victims as confidential. Crimes reported to a pastoral or professional counselor are exempt from reporting requirements.

The intent of a Timely Warning is to enable members of the Campus Community to protect themselves. Typically, a Timely Warning will include the following information:

- Reported offense;
- Date/time of crime (if known);
- Suspect information (if known);
- Solicitation of witness or suspect information; and,
- Information that would promote safety and that would aid in the prevention of similar crimes.

Typically, a Timely Warning message is not regularly issued for incidents reported more than two weeks (fourteen days) after the date of occurrence, as such a delay may not provide an opportunity to react or respond in a timely manner that would aid in the prevention of similar crimes.

#### **The Family Educational Rights and Privacy Act (FERPA) and the Timely Warning Requirement**

An institution may, in appropriate circumstances, include personally identifiable information in a Timely Warning. Although personally identifiable information is generally protected from disclosure under FERPA, such information may be released in an emergency situation. The Department's FERPA regulations, at 34 CFR 99.36, describe the rule relating to the disclosure of information in health and safety emergencies.

### Public Safety Information

An informational notification that may be sent to the Campus Community for general safety purposes is called Public Safety Information. These alerts are not generally time sensitive or considered to be an on-going threat, but the information is important and informs the campus of events occurring on, around, or even off campus that do not meet the requirements or specifications for distribution of an Emergency Notification or Timely Warning.

## EMERGENCY RESPONSE AND EVACUATION PROCEDURES

### Campus Emergency Response

Emergency communication and law enforcement services are available 24-hours a day to respond to calls for service, both emergent and non-emergent. Department policies require an immediate response to emergency calls that occur on the Anschutz Medical Campus. Typically, University Police are not primary responders to emergencies occurring inside Children’s Hospital of Colorado or University of Colorado Hospital. Emergency Communications staff have the ability to notify City of Aurora Police, Adams County Sheriff, and other campus emergency officials (Fire and Life Safety, Facilities, etc.) as needed based on the incident.

CU Anschutz maintains an all-hazards, comprehensive emergency management plan for the campus. The University of Colorado Anschutz Medical Campus Comprehensive Emergency Management Plan (CEMP) establishes the basis for providing emergency response resources and assistance to the Campus Community if impacted by emergencies or disasters. The CEMP and its supporting annexes may be activated by the on-scene incident commander or University Crisis Leadership Team (UCLT) or designees.

The CEMP covers all five phases of emergency management: Prevention, Protection, Response, Recovery, and Mitigation.

In support of the campus CEMP, University affiliates and stakeholders develop and implement internal response standard operating procedures for their departments, schools, colleges, etc. The procedures define and express how tasks, functions and activities are accomplished as they relate to the CEMP. The procedures may be administrative, routine, or tactical in nature.

Copies of the plan are available on the University of Colorado Anschutz Medical Campus Emergency Management Division office and Emergency Management Website (base plan only).

*More than 1500 emergency preparedness quick-reference guides (above) have been posted near exits in classrooms, conference rooms and other high traffic areas.*

### Evacuation

The Chief of Police will ensure that the University Police Department establishes procedures for immediate emergency response and evacuation, including the use of electronic devices and testing of these procedures in coordination with the Campus Fire and Life Safety Officer (20 USC § 1092 (f)(1)(J)(i) and (iii)).

During campus emergencies, it may become necessary to evacuate and or close one or more buildings or facilities on campus. In order to ensure the safety of the Campus Community and University facilities, the University Police Department has developed an



emergency evacuation plan to address these emergencies. Therefore, it is the policy of the University Police Department to control key ingress and egress routes of University buildings and facilities during emergency situations in order to safeguard the Campus Community and ensure continuity of operations for areas that are not affected by the emergency.

The initial decision to close all or a part of the campus emergently will be made by the on-scene Incident Commander or University Chancellor/designee after receiving and confirming information regarding the seriousness of the emergency or incident.

The decision should be based on one or more of the following factors:

- The need to take immediate action to protect life or property;
- The amount of time elapsed between the occurrence and the notification;
- The threat to the Campus Community; and,
- The danger posed to the public if non-emergency services personnel are allowed to enter a facility or building.

In the event that a campus or building evacuation is required on the University of Colorado Anschutz Medical Campus, occupants will be required to move quickly, but in an orderly fashion to the nearest exit. **DO NOT USE ELEVATORS.** When available, use of the overhead public address system will announce the need to evacuate. Information may be made by any of the emergency messaging methods.

It is University policy that all persons shall be allowed to evacuate the building when a fire alarm sounds.

Once outside of the building:

- Continue to a safe distance (a minimum of 100 feet or more as directed by emergency personnel);
- Keep clear of emergency vehicles;
- Gather at your pre-determined safe location and try to account for all persons who were in your area; If you know of persons who are injured, trapped, or unaccounted for, report that information to emergency responders; and,

- Do not leave the campus without notifying your supervisor.

The Emergency Management Division will conduct an annual review of the Campus Emergency Management Plan and responses, incorporating a full or partial exercise, tabletop or command staff discussion.

The University Police Department's Emergency Management Division will test emergency response and evacuation procedures on at least an annual basis during drills and other exercises. These are normally announced and publicized in advance of the drill or exercise. The Emergency Management Division maintains records of all tests, drills and exercises that include a description of the exercise, the date, time, and whether it was announced or unannounced.



## SEXUAL MISCONDUCT PROCEDURES FOR CU ANSCHUTZ

In accordance with federal law, CU Anschutz does not discriminate on the basis of sex/gender in its education programs and employment. Sexual Assault, Dating Violence, Domestic Violence and Stalking are forms of sex/gender discrimination and, in addition to being violations of criminal law, are prohibited offenses by CU Anschutz.

For additional information regarding relevant policies at CU Anschutz, see:

- Office of Equity (OE) [university policies and procedures](#);
- APS 5014 Sexual Misconduct, Intimate Partner Abuse, and Stalking Policy;
- Policy 3054 [-Nondiscrimination Policy and Procedures](#)
- Appendix A

### Definitions Regarding Sexual Assault, Domestic Violence, Dating Violence and Stalking

Sexual assault, domestic violence, and stalking are criminal offenses in the state of Colorado. Dating violence is not a criminal offense under Colorado Revised Statutes. Definitions of these crimes are included below in an effort to provide a better understanding of what actions constitute violations of the law in Colorado.

**Domestic Violence** – Colorado Revised Statute § 18-6-800.3 (1)-(2) means an act or threatened act of violence upon 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.

**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.

(Note that “dating violence” in Colorado is included within the broader definition of domestic violence)

**Sexual Assault** – Colorado Revised Statute § 18-3-402 (1) - Any actor who knowingly inflicts sexual intrusion or sexual penetration on a victim commits **sexual assault** if:

- (a) The actor causes submission of the victim by means of sufficient consequences 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 appointing/disciplinary authority over the victim and uses this position of authority to coerce the victim to submit, unless 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.

**Unlawful Sexual Contact** – Colorado Revised Statute § 18-3-404 (1) - Any actor who knowingly subjects a victim to any sexual contact commits unlawful sexual contact if:

- (a) The actor knows that the victim does not consent; or
- (b) The actor knows that the victim is incapable of appraising the nature of the victim's conduct; or
- (c) The victim is physically helpless and the actor knows that the victim is physically helpless and the victim has not consented; or
- (d) The actor has substantially impaired the victim's power to appraise or control the victim's conduct by employing, without the victim's consent, any drug, intoxicant, or other means for the purpose of causing submission; or
- (e) The victim is in custody of law or detained in a hospital or other institution and the actor has supervisory or appointing/disciplinary authority over the victim and uses this position of authority, unless incident to a lawful search, to coerce the victim to submit; or
- (f) The actor engages in treatment or examination of a victim for other than bona fide medical purposes or in a manner substantially inconsistent with reasonable medical practices.

(1.5) Any person who knowingly, with or without sexual contact, induces or coerces a child by any of the means set forth in section 18-3-402 to expose intimate parts or to engage in any sexual contact, intrusion, or penetration with another person, for the purpose of the actor's own sexual gratification, commits unlawful sexual contact. For the purposes of this subsection (1.5), the term "child" means any person under the age of eighteen years.

**Stalking** – Colorado Revised Statute § 18-3-602 (1)(a)-(c)

A person commits **stalking** if directly, or indirectly through another person, the person knowingly:

- (a) Makes a credible threat to another person and, in connection with the threat, repeatedly follows, approaches, contacts, or places under surveillance that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship; or
- (b) Makes a credible threat to another person and, in connection with the threat, repeatedly makes any form of communication with that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing

relationship, regardless of whether a conversation ensues; or

(c) Repeatedly follows, approaches, contacts, places under surveillance, or makes any form of communication with another person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship in a manner that would cause a reasonable person to suffer serious emotional distress and does cause that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship to suffer serious emotional distress. For purposes of this paragraph (c), a victim need not show that he or she received professional treatment or counseling to show that he or she suffered serious emotional distress.

**Consent** - Colorado Revised Statute § 18-3-401 (1.5) for sexual activity means cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A current or previous relationship shall not be sufficient to constitute consent. Submission under the influence of fear shall not constitute consent. Nothing in this definition shall be construed to affect the admissibility of evidence or the burden of proof in regard to the issue of consent under this part 4.

**University's Definition of Consent** - Means **affirmative consent**, which is unambiguous and voluntary agreement to engage in a specific sexual activity.

**Consent** is clear, knowing, and voluntary words or actions that create mutually understandable clear permission of willingness to engage in, and the conditions of, sexual activity. Consent must be active; silence by itself cannot be interpreted as consent.

**Consent** is not effectively given if it results from the use of force, including threats or intimidation, or if it is from someone who is incapacitated:

- Force is the use of physical violence or imposing on someone physically to gain sexual access.
- Threats exist where a reasonable person would have been compelled by the words or actions of another to give permission to sexual contact they would not otherwise have given. For example, threats to kill or harm someone, kill or harm

themselves, or kill or harm someone for whom a person cares constitute threats.

- Intimidation occurs when someone uses physical presence to menace another, although no physical contact occurs, or where knowledge of prior violent behavior by an assailant, coupled with menacing behavior, places someone in fear as an implied threat.



**Consent** will be determined using both objective and subjective standards. The objective standard is met when a reasonable person would consider the words or actions of the parties to have manifested an agreement between them to do the same thing, in the same way, at the same time, with one another. The subjective standard is met when a party believes in good faith that the words or actions of the parties manifested an agreement between them to do the same thing, in the same way, at the same time, with one another. The following standards also apply to consent:

- A person who does not want to consent to sex is not required to resist.
- Consent to some forms of sexual activity does not automatically imply consent to other forms of sexual activity.
- Silence, previous sexual relationships, or the existence of a current relationship do not imply consent.
- Consent cannot be implied by attire or inferred from the giving or acceptance of gifts, money, or other items.

- Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly.
- Withdrawal of consent can be manifested through conduct and need not be a verbal withdrawal of consent.
- In order to give effective consent, the person giving consent must be of legal age under Colorado law for the purposes of determining whether there was a sexual assault.
- A respondent's intoxication resulting from intentional use of alcohol or drugs will not function as a defense to engaging in sexual activity without an individual's consent.

**Incapacitation** - Incapacitation may result from alcohol or other drug use, unconsciousness, or other factors. The use of alcohol or drugs, in and of itself does not render a person incapacitated. Incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and drugs varies from person to person. Incapacitation is a state where a person cannot make a rational, reasonable decision because they lack the capacity to give consent (to understand the who, what, when, where, why or how of sexual interaction). Incapacity can also result from illness, sleep, mental disability and other circumstances. Engaging in sexual activity with a person whom you know to be mentally or physically incapacitated, or reasonably should know to be incapacitated, violates this Policy.



## Violence Against Women Act (VAWA) Offenses Definitions

**Domestic Violence** is defined as a felony or misdemeanor crime of violence committed—

- by a current or former spouse or intimate partner of the victim;
- by a person with whom the victim shares a child in common;
- by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Dating Violence** is defined as 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 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

**Stalking** is defined as engaging in a 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.

For the purposes of this definition—

- Course of conduct means two or more acts, including, but not limited to, acts 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.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

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

- 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.
- Fondling: The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

## Safe and Positive Options for Bystander Intervention and Risk Reduction

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

CU Anschutz's educational programming includes information on safe and positive options for bystander intervention. Bystanders play a critical role in preventing harm for crimes like domestic violence, dating violence, sexual assault, or stalking.

We are all functions of the system we live in; a system that has taught us how to think about ourselves and others, how to interact with others, and how to understand what is expected of us. These thought processes and expectations are based on the specific set of social identities we were born into that predispose us to unequal roles that allow us to access (*or deny access*) to resources.

The information here provides a *basic* overview of important considerations related to *Bystander Intervention*.

### Steps for Intervention: The 5 D's

It is important to remember we all have our own personality styles and personal comfort levels when it comes to intervention. Please note that the 5 D's do not need to be used in chronological order. We often gravitate more naturally to one of the D's over the others. You can also use multiple D's at once; they tend to have a lot of overlap. [If you have additional questions regarding the 5 D's please email the Office of Equity at \[equitytraining@ucdenver.edu\]\(mailto:equitytraining@ucdenver.edu\)](#). *If you observe a situation that appears to be an emergency, or someone's safety is in imminent danger, please call 9-1-1.*

**Direct:** Intervene directly by confronting/calling out the individual(s) to notify them of their inappropriateness.

Examples of this can look like telling the person, "*What you just said made me feel uncomfortable, and here's why...*" or asking the person, "*Do you realize how problematic that is? Can you tell me why you said/did that?*"

**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*.

Examples of this can look like spilling a drink on someone or asking the person/people involved for directions.

**Delegate:** Empower other allies to become accomplices as active bystanders by asking for assistance, finding a resource, or receiving help from a third party. Do your best to get yourself and the victim into more of a public place. *If you observe a situation that appears to be an emergency, or someone's safety is in imminent danger, please call 9-1-1.*

Examples of this can look like asking someone to join you, utilizing the "*fake friend*" tactic, or notifying authorities. \*

**Note\*:** *Some people may not be comfortable or feel safe with the intervention of law enforcement. For many communities and people, the history of mistreatment at the hands of law enforcement has led to fear and mistrust of police interventions. If it is safe to do so, before notifying authority, use your distract techniques (if possible) to see if the impacted party desires this.*

**Delay:** Follow up with those impacted. Comfort the person(s) and provide reassurance that it isn't their fault; accountability is on the person(s) enacting the inappropriate/violent behavior. Be sure to assess when it is safe to check-in with the person experiencing the harm.

Examples of this can look like following up after the fact, making sure they are connected to resources, remaining a visible support system for the person(s), or asking for directions.

**Document:** Record inappropriate behavior or violence so there is a record available from a third-party witness to provide as evidence if necessary. Use this option **only** if there are folks already assisting the impacted party. If the impacted party is not receiving other assistance, use the other 4 D's first.

Important Considerations:

- Assess your own safety prior to recording.
- Keep a safe distance, film landmarks, state the date and time of the film clearly.
- Hold the camera steady and shoot important shots for at least 10 seconds.
- **ALWAYS** ask the person (if possible) who was impacted what THEY want to do with the recording.
- **NEVER** (if possible) post it online or use it without their permission.



Remember, there are safe ways for you to intervene that may be helpful; you don't have to solve the whole problem or aggressively confront someone for your actions to change the situation. Sometimes little things like acting covertly or being a distraction can be as effective as more direct action.

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

Prevention of sexual violence is often framed as an issue of risk reduction rather than true prevention.

Risk reduction generally refers to the idea that it is the survivor or potential survivor's responsibility to prevent or mitigate the behavior of a person who would perpetrate violence against them. We, as a community, actively reject this idea. As such we

provide these tips primarily focused on community prevention through active by-standing.

Trauma may manifest with each of us differently. It is critical to realize it can be disempowering for someone to have a personal event documented and/or broadcasted. Please be intentional and respectful with any documentation you have and always operate based on the wants/needs of the impacted party.

By recognizing precursors that may lead to dangerous situations, like seeing a drunk person being aggressively pursued at a party or seeing someone engaging in risk-taking behaviors, a bystander can take safe and positive steps to intervene and reduce the risk of harm. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

**PRIMARY PREVENTION AND AWARENESS**

CU Anschutz Office of Equity engages in comprehensive educational programming to prevent and bring awareness about sexual assault, domestic violence, dating violence, and stalking. These programs and training are culturally relevant, inclusive of diverse communities and identities, and are sustainable. The Office of Equity works to develop trainings that are responsive to community needs and informed by research, we strive to assess these programs for value, effectiveness and/or outcome.

CU Anschutz training and prevention programs include both primary prevention and awareness programs which are delivered through new student orientation for incoming first year, transfer and graduate students. The Office of Equity also provides prevention and awareness presentations during new employee orientation for all new employees. Additionally, CU

Anschutz requires that all new employees complete an online training about the Sexual Misconduct and nondiscrimination policies, information about the office of equity, which includes reporting options and responsibilities, supportive measures and campus resources, and bystander intervention.

The University of Colorado Anschutz Medical Campus is committed to providing a safe and non-discriminatory environment for all members of the University community. The University prohibits all forms of Sexual Misconduct, including all conduct prohibited by Title IX and other sexual misconduct. These forms of misconduct and Related Violations are defined in APS 5014, Sexual Misconduct, Intimate Partner Violence, and Stalking Policy (Appendix A). This document identifies the procedures the University follows when it receives a report alleging Sexual Misconduct. The University uses these procedures to investigate and resolve any such allegations and to impose disciplinary sanctions against individuals found responsible for violating the policy.

The University’s Office of Equity strives to stop, prevent, and remedy discrimination, harassment, sexual misconduct, and any related retaliation; provide education on these topics; design policy to make our campus safer and more inclusive; and ensure all people are treated with dignity, compassion, and respect.

The Office of Equity’s administration of the Policy is conducted in accordance with Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and other applicable federal and state laws.

CU Anschutz will, upon written request disclose to the alleged victim of a crime of violence (as defined in section 16 of title 18, United States Code), or a non-forcible sex offense (i.e., incest or statutory rape) the report on the results of any disciplinary proceeding conducted by CU Anschutz against a student who is the alleged perpetrator of such a crime or offense. If the alleged victim is deceased as a result of the crime or offense, the next of kin of such victim shall be provided with the results if requested.

**Office of Equity Training Index**

Title	Length	Intended Audience	Topics Covered
Equity 101: What We Do	1-1.5 hours	All	<ul style="list-style-type: none"> <li>• Office of Equity’s role on campus</li> <li>• Reporting Process</li> <li>• Discrimination, Harassment, Sexual misconduct policies</li> <li>• Intro to consent</li> <li>• Intro to Inter-Personal Violence</li> <li>• Intro to Bystander Intervention</li> <li>• Responsible Employees</li> <li>• Case studies</li> <li>• Mandatory training requirements</li> <li>• Contact information</li> </ul>
No Longer on Standby: Bystander Training	1.5 hours	All	<ul style="list-style-type: none"> <li>• Intro to identity and bias</li> <li>• Intro to microaggressions</li> <li>• Bystander effect history and theory</li> <li>• Bystander effect cognitive and behavioral processes</li> <li>• Resistance/Allyship</li> </ul>



Title	Length	Intended Audience	Topics Covered
(continued) No Longer on Standby: Active Bystander Training	1.5 hours	All	<ul style="list-style-type: none"> <li>• Impact and importance of bystander intervention</li> <li>• Bystander intervention strategies</li> <li>• Experiential learning (scenarios/role-play)</li> <li>• Responsible employees</li> <li>• Contact information</li> </ul>
Discrimination & Sexual Misconduct Employee Training	2 hours	Faculty/Staff	<ul style="list-style-type: none"> <li>• Office of Equity’s role on campus</li> <li>• Reporting process</li> <li>• Discrimination, Harassment, Sexual Misconduct Policies</li> <li>• Discrimination and harassment case studies</li> <li>• Retaliation and related violations</li> <li>• Interpersonal violence</li> <li>• Consent</li> <li>• Gender Construction</li> <li>• Pregnancy</li> <li>• Responsible employee requirements</li> <li>• Trauma and support</li> <li>• Mandatory training requirements</li> <li>• Contact information</li> </ul>
Prevention Together	1 hour Online at own pace	Students	<ul style="list-style-type: none"> <li>• Office of Equity’s role on campus</li> <li>• Sexual Misconduct Policy</li> <li>• Prohibited behavior</li> <li>• Techniques for safely intervening as a bystander</li> <li>• How to support a survivor</li> <li>• Reporting options</li> </ul>
CU Discrimination and Sexual Misconduct	1 hour Online at own pace	Faculty/Staff/Students Volunteers/Affiliates	<ul style="list-style-type: none"> <li>• Sexual Misconduct and Nondiscrimination Policies</li> <li>• Conflict of Interest in Amorous Relationships Policy</li> <li>• Office of Equity’s role on campus</li> <li>• Reporting options</li> <li>• Mandatory Training obligations</li> <li>• Retaliation</li> <li>• Resources</li> <li>• Affirmative Consent</li> <li>• Incapacitation</li> <li>• Supportive Measures</li> </ul>

**PROCEDURES FOR SURVIVORS AFTER EXPERIENCING VIOLENCE:**

**Sexual Assault**

Students on the CU Anschutz campus who have experienced sexual assault or harassment can attain

services, guidance, and intervention through an appointment with the Phoenix Center at Anschutz (PCA). The PCA can be reached at **303-724-9120** during business hours, after hours on their 24/7 Crisis Line **303-556-2255**, or in Ed 2 North, Room 3101.

After an incident of sexual assault, the survivor may consider seeking medical attention as soon as they are able at **University of Colorado Hospital (720-848-8451)**. For a list of all SANE Locations in Colorado Please visit

<https://www1.ucdenver.edu/offices/equity/support-resources/sexual-misconduct-resources>.

In Colorado, physical evidence can be collected through a forensic exam even if you choose not to make a report to law enforcement. A survivor can choose one of three reporting options: law enforcement report, medical report, or anonymous report. Mandatory reporting laws prevent minors under 18 and adults over 70 from anonymously reporting a sexual assault.

It is recommended that a survivor of sexual assault avoid bathing, showering, using the restroom, combing their hair, douching or otherwise cleaning the vaginal or anal cavity, smoking, washing clothing or cleaning bed/linen/area where the assault occurred so that evidence may be preserved to substantiate their report. **If a survivor has done any of the above things, they can still obtain a forensic exam.** Evidence collection may be possible up to 120 hours after the assault. If a forensic exam is not elected, a health care provider can still treat any injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. No survivor of sexual assault is responsible for the costs associated with obtaining a forensic exam or medical treatment related to experiencing violence. If help is needed navigating costs, please contact the PCA.

It is normal for a survivor of violence to be hesitant about engaging law enforcement for a number of reasons. That being said, it is important to know that, as time passes, evidence may dissipate, become lost or unavailable, and make any investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident

more difficult. If a complaint is not the right avenue at the time, a survivor may still consider speaking with University Police or other law enforcement to preserve evidence in the event that a formal report and investigation of the incident by law enforcement or the University at a later date is possible.

Students, faculty, or staff who have experienced sexual violence can access free and confidential services, guidance, and intervention through the CU Anschutz Health Center or the Phoenix Center at Anschutz during normal business hours. If, after meeting with either of these agencies, a student would like to obtain a forensic exam, transportation to University of Colorado Hospital will be arranged at no cost to the individual.

### Medical Assistance

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

The [CU Anschutz Campus Health Center](#), located in the Anschutz Health and Wellness Center (corner of Racine and Montview) provides physical and behavioral health care, but does not provide forensic exams. The Campus Health Center can be reached at 303-724-6242. Students can drop in or set an appointment. To accommodate students' varied and tight academic and clinical schedules, Physical Health hours are 8 AM-1 PM and 2 PM-5 PM. Same-day appointments available. Behavioral Health Providers 8AM-1 PM and 2 PM - 5 PM. Walk in hours are 3 PM - 4 PM. Members of the CU Anschutz Medical Campus (e.g. faculty and staff and the surrounding Anschutz community (e.g. CU Medicine, Fitzsimons Redevelopment Authority) can access physical health services.



**What is a SANE exam?**

Also, sometimes referred to as a "rape kit" or "forensic exam", this exam may be performed at a hospital or other healthcare facility by a Sexual Assault Nurse Examiner (S.A.N.E.), Sexual Assault Forensic Examiner (SAFE) or another medical professional. *See below for a list of S.A.N.E. facilities in the metro Denver area.* The exam will take about 3-4 hours and will involve collecting medical history, conducting a detailed medical examination, and speaking to you about treatment options for things such as sexually transmitted infections (STIs), prophylaxis and about follow-ups, counseling, community resources and other resources. The survivor always has the right to accept or decline any or all parts of the exam.

SANE exams can be completed at a variety of local area locations:

- Denver Health Medical Center .....303-602-8100
- Littleton Adventists.....303-778-2407
- Medical Center of Aurora .....303-671-4945
- Porter Adventist Hospital .....303-778-2407
- St. Anthony (Lakewood).....720-321-4103
- St. Anthony North .....303-426-2121
- St. Anthony 84th Avenue.....303-426-2121
- UC Health Aurora.....720-848-8451

Additional Colorado SANE locations can be found [here](#) or at <https://cdpsdocs.state.co.us/ovp/sexual-assault-programs/SANELocations2018.pdf>.

**How do I prepare for the exam?**

*If you can*, it's best to avoid using the restroom, changing clothes, combing your hair, cleaning up the place where the assault happened or even showering

or bathing before arrival. Preserving DNA evidence can be key to identifying the perpetrator in a sexual assault case. If you have anything by way of evidence you want to show the police or your health care provider, place it in a paper, not plastic, bag. If you are able, bring a change of clothes with you to the health facility or hospital.

**If I go to the hospital, do I have to report to the police?**

No, unless you are under the age of 18. If you are 18 or older, in the state of Colorado, you have the option to receive the exam without making a police report. A victim may elect to obtain a medical forensic exam, but at the time of the exam choose to not participate with law enforcement. Any evidence collected is given to law enforcement without the victim's contact information. With this option, victims cannot choose to have their evidence tested. Instead, law enforcement will store the evidence kit for at least two years. Victims can call the law enforcement agency at a later date should they decide to pursue criminal justice options.

**How long after the assault can I get the exam?**

Evidence collection as well as pregnancy and STI prevention are most effective soonest. Getting your exam within 48 hours of the assault is the ideal time frame. *However*, evidence can be collected over a week later in some cases. What is most important is you getting the medical care that you need, so even if it has been longer than a week you can still get an exam.

**How much will the exam cost?**

Nothing! Under the Violence Against Women and Department of Justice Reauthorization Act of 2005, victims of sexual assault have access to an exam free of charge or with a full reimbursement, even if the victim decides not to report to the police. (If you do report to the police, they will cover the cost of your exam).

**What else should I know about the exam?**

Included in your exam will be medications to prevent sexually transmitted infections (STIs). If you know that the person assaulted you has an STI, be sure to tell your medical provider. If you aren't sure, you will be

offered treatment against a variety of infections. If you are capable of becoming pregnant, most **but not all** hospitals with SANE programs can offer you Plan B included in the exam. (Some religious hospitals do not carry Plan B, but you can still request a prescription).

### Preservation of Evidence

Regardless of whether or not a complainant wants to report an incident(s), it is important to preserve any evidence of the sexual assault, so that if a complainant decides at any point in time to report the incident, that evidence is still available. Examples of evidence to preserve include, but are not limited to: the clothing the individual was wearing, bedding, text message correspondence discussing the assault (either with the respondent or with friends or family), photographs, screenshots, emails, social media correspondence/posts (Facebook, Tinder, Snapchat, Instagram, Grindr, etc.), correspondence via other messaging applications (WhatsApp, Kik, GroupMe, WeChat, etc.).

Regardless of whether an individual wants to report the assault to the police, a medical exam can be done to preserve evidence. Sex Assault Nurse Examiner (SANE) programs at the Emergency Department at Denver Health Medical Center, University of Colorado Hospital, Children's Hospital, Porter Adventist Hospital, Medical Center of Aurora – South Campus, Saint Anthony North Hospital, Saint Anthony Hospital 84th Avenue Location, Littleton Adventist Hospital, are available to conduct a SANE exam, ideally within five days of the sexual assault. It is best if an individual does not bathe, shower, eat, drink, douche, or change clothes. However, evidence can be collected if you have done any or all of these things. More information about the SANE can be located on the hospital's respective websites. Contact information and addresses for these and other locations within the state of Colorado can be found on the Office of Equity website under the tab Sexual Misconduct Resources.

When an individual notifies the Office of Equity (either directly or through a responsible employee, advocate, third party, or other) they have experienced conduct prohibited by the Sexual Misconduct, Intimate Partner Violence and Stalking Police, including but not limited to sexual assault, dating violence, domestic violence

and stalking, the Office of Equity will provide referral information as needed (whether or not there is a formal complaint or participation in a formal grievance process, formal adjudication process, or other resolution process) in accessing on- and off-campus services, including but not limited to counseling, academic assistance, housing, mental health services, victim advocacy, legal assistance, visa and immigration services, assessments for no contact orders, and/or forensic sexual assault nurse examiner (SANE) exams. For a written summary of options and resources available to any person reporting Prohibited Conduct, please refer to the Office of Equity website: <https://www1.ucdenver.edu/offices/equity>.

### Domestic Violence and Dating Violence

Victims of domestic violence and/or dating violence should go to a safe place, seek medical attention, and contact law enforcement. It is NOT your fault and you should tell someone. No one deserves to be battered or abused. Seek the support of caring family or friends. Too often victims become accustomed to denying the danger they live with. It is hard to accept that their abuser will never change often focusing on what is good in the relationship. After time, "normal" is completely skewed in the mind of a victim of domestic violence or dating violence. Contact the **National Domestic Violence Hotline at 800-799-7233**. You may wish to seek a protection order.

*If you have or currently are experiencing dating or domestic violence, here are some options for what you can do next:*

**If you aren't ready to leave the relationship:** The University understands there are a lot of reasons why you may not be able to leave your relationship. However, your safety is the top priority. You are encouraged to speak with the Office of Equity at 303-724-9120 or the Phoenix Center at Anschutz to create a safety plan. Whether or not the person who hurt you is part of the CU Anschutz community, the Office of Equity and Phoenix Center are here to help you.

If the person who hurt you is a CU student, faculty, or staff member, the Office of Equity can initiate an investigation to formally resolve your incident. This

means that if, after an investigation, it is determined the individual has engaged in behavior which violates the University's [Sexual Misconduct Policy](#), the Office of Equity can issue disciplinary sanctions up to and including expulsion from school (for students) or termination of employment (for staff, faculty). The Office of Equity will work with you to determine any interim or supportive measures, and to address any safety concerns, with the hope that you will be able to continue your academic pursuits, or employment (if you choose to) with as little interruption as possible. The Office of Equity can offer a number of interim remedies and will work with you to determine which ones you wish to utilize. Some examples of interim remedies that may be offered are:

- no-contact orders;
- alternative arrangements for classes, extensions on assignments (with faculty approval);
- access to classes online;
- offering incomplete (with faculty approval) or withdrawal (with faculty approval);
- and/or safety escorts around campus.



The Office of Equity will consider all requests and make the determination as to whether or not the request is reasonable, and whether or not the University is able to accommodate the request considering the individual circumstances. In cases where serious or imminent threat to you or the Campus Community exists, the Office of Equity may consider taking actions such as building, location or campus exclusions.

If the person who hurt you is **not** a CU student, faculty, or staff member (or you aren't sure), the Office of Equity can still help you. If you need support around missed classes, late assignments, time off from work, or other campus related needs to help you feel safe moving forward, the Office of Equity wants to help.

*You do not need to initiate an investigation to access our support resources or interim measures.* However, if the information you share with the Office of Equity leads to the belief that others may be in immediate danger, there may be an obligation by law to move forward with an investigation whether or not you want to, with or without your participation. In these rare cases, the Office of Equity will work with you and notify you when there is an obligation to move forward, and will continue to inform you of the steps moving forward. The Office of Equity can also work with you to address any potential safety concerns or interim measures.

### Stalking

Victims of stalking often fear the unknown. Impact to victims may include, anxiety, insomnia, social dysfunction, and severe depression. A stalker could be someone you know well or not at all. Victims should contact law enforcement immediately if they have any concerns that they might be in danger. Trust your instincts and take threats seriously.

Develop a safety plan, including things like changing your routine and having a friend with you when you go places. Do not communicate with the stalker. Keep all evidence. Maintain a log recording date/time of calls, keep e-mails, texts, and letters, and photograph any damage and/or injuries. Ask witnesses to document what they saw. It is NOT your fault. You deserve to be safe and free from fear. Visit [www.victimsofcrime.org](http://www.victimsofcrime.org) for additional tips and information. You may wish to seek a protection order.

*If you have or currently are being stalked, here are some options for what you can do next:*

**Keep documentation:** Even if you are unsure you want to report to the school or police, it can be very helpful to keep documentation of the stalking taking place.

Save text messages, voicemails, emails, and other contact from the stalker. You can also keep a log of in-person contact- include the date, time, location, and type of contact.

It may be very stressful to have to keep track of all of this. Be creative in coming up with the most productive way of making a log but still taking care of yourself. For instance, rather than tracking all of the messages in real time, you may choose to add to your log only once per day, and then do a self-care activity afterward.

**File for a protection order:** A protection order is issued by a court to restrict a person from certain behaviors. In this case, you could request a protection order telling your stalker to no longer contact you. Often a protection order can include certain locations that the person is not allowed to go to, such as your home, work, or school. If you are interested in learning more about protection orders and/or getting help to file one, please contact the Office of Equity, the Phoenix Center at Auraria or Anschutz or one of the resources listed in this report.

If the person who is stalking you is a CU student, faculty, or staff member, the Office of Equity can launch an investigation to formally resolve your incident. This means that if after an investigation it is determined that the individual has engaged in behavior which violates the University's [Sexual Misconduct Policy](#), the Office of Equity can issue disciplinary sanctions up to and including expulsion from school (for students) or termination of employment (for staff, faculty). The Office of Equity will work with you to determine any interim measures, and to address any safety concerns, with the hope that you will be able to continue your academic pursuits, or employment (if you choose to) with as little interruption as possible. Some examples of interim remedies the Office of Equity may offer are:

- no-contact orders;
- alternative arrangements for classes, extensions on assignments (with faculty approval);
- access to classes online;
- offering incomplete (with faculty approval) or withdrawal (with faculty approval);
- **and/or safety escorts around campus.**

In cases where serious or imminent threat to you or the Campus Community exists, the Office of Equity may consider taking actions such as building, location or campus exclusions.

If the person who is stalking you is **not** a CU student, faculty, or staff member (or you aren't sure), the Office of Equity can still help you. If you need support around missed classes, late assignments, time *off* from work, or other campus related needs to help you feel safe moving forward, the Office of Equity wants to help. *You do not need to initiate an investigation to access our support resources or interim measures.* However, if the information you share with the Office of Equity leads to the belief that others may be in immediate danger, there may be an obligation by law to move forward with an investigation whether or not you want to, with or without your participation. In these rare cases, the Office of Equity will work with you and notify you when there is an obligation to move forward, and will continue to inform you of the steps moving forward. The Office of Equity can also work with you to address any potential safety concerns or interim measures.

## REPORTING OPTIONS

The procedures set forth below are designed to provide a prompt response to charges of sexual assault, domestic violence, dating violence, stalking, and hate crimes: to maintain confidentiality and fairness in accordance with legal requirements; and to impose appropriate sanctions on individuals who are found to be in violation of the University of Colorado Sexual Misconduct, Intimate Partner Violence and Stalking Policy.

### Confidential Reporting

If a victim is not sure about making a police report or initiating a University investigation, the individual can receive free, confidential information, advocacy, and support by calling the CU Anschutz Phoenix Center at 303-724-9120 to make an appointment. The CU Anschutz Phoenix Center also has a free and confidential helpline available 24/7 at 303-556-CALL (2255).

## Office of Equity

To notify the University of any instance of sexual assault, domestic violence, dating violence or stalking, or to initiate an Office of Equity resolution process, please contact the Office of Equity directly via email at [equity@ucdenver.edu](mailto:equity@ucdenver.edu) or via phone at 303-315-2567.

For a full list of reporting options, please refer to the Office of Equity's website:

(<https://www1.ucdenver.edu/offices/equity/resolutions/make-a-report>).

## Law Enforcement

Individuals who have experienced sexual assault, domestic violence, dating violence and stalking are not required, but do have the right, to file a criminal complaint with law enforcement and the University/Office of Equity simultaneously. The Office of Equity can assist individuals in making a report to law enforcement.

In some instances, the Office of Equity is obligated to report the alleged conduct to the appropriate law enforcement agency. In those instances, the Office of Equity will make a reasonable effort to notify potential complainants prior to reporting to law enforcement.

Individuals may contact law enforcement to report the incident independently at any time. If an individual wishes to contact law enforcement on their own, they should contact the law enforcement agency where the incident took place; below is information on how to contact law enforcement agencies who may have jurisdiction over the CU Anschutz campus.

- 9-1-1 (for emergencies)
- CU Anschutz Campus Police (for non-emergencies) 303-724-4444
- Aurora Police (for non-emergencies) 303-627-3100

Reporting to the University Police will constitute notice to the University Office of Equity and may result in an Office of Equity resolution process subject to applicable state law.

## Involvement of Law Enforcement and Campus Authorities

Although the University strongly encourages all members of its community to report violations to law enforcement (including campus law enforcement or local police), it is the victim's choice whether or not to make such a report. Furthermore, victims have the right to decline to notify law enforcement. However, the University Title IX Coordinator and Office of Equity Staff will assist any victim with notifying law enforcement if the victim so desires. Aurora Police Department may also be reached directly in person at 13347 East Montview Boulevard, Aurora. Additional information about the Aurora Police department may be found online at:

<https://www.auroragov.org/residents/public-safety/police>



### Can I report to both the Office of Equity and Police simultaneously?

Absolutely! You may let the Office of Equity know that you'd like to also report to the police, and the Office of Equity can reach out to the appropriate law enforcement unit on your behalf. The Office of Equity may be able to set up a shared meeting to coordinate your reporting to both the University and law enforcement. The Office of Equity knows it can be hard to talk about what happened, so often the Office of Equity and the police will work together in an attempt to make things easier on you.

## Orders of Protection, Restraining Orders, or Similar Lawful Orders

A protection order is only one part of a safety plan. Having a protection order does not ensure safety. A protection order is only as good as the abuser's or assailant's willingness to obey it. A protection order should not give a victim a false sense of safety.

Individuals who are interested in obtaining an Order of Protection, or any other order issued by a court, must pursue those options on their own behalf. Such orders are obtained through the court with applicable jurisdiction. More information on obtaining a Protection Order can be obtained from the Colorado Judicial Branch at:

[https://www.courts.state.co.us/Forms/Forms\\_List.cf m?Form\\_Type\\_ID=24](https://www.courts.state.co.us/Forms/Forms_List.cf m?Form_Type_ID=24)

Staff members in the Phoenix Center at Anschutz can assist individuals free of charge with the process of obtaining a restraining order. CU Anschutz complies with Colorado law in recognizing orders of protection. Any person who obtains an order of protection from Colorado or any other state should provide a copy to the University of Colorado Anschutz Medical Campus Police Department and the Title IX Coordinator or designee.

Some steps in the Protection Order process include:

- Contacting the county or district court in your area about procedures for obtaining protection orders (many jurisdictions have specific court rooms or times when protection order petitions are heard).
- Appear at the appropriate time without the person to be restrained (ex-parte) and explain to the judge why you want a protection order. You must show there was a threatened, attempted or completed assault, or bodily harm against you, your employee(s), or your client(s)/customer(s). It is required that you tell the court about the most recent incident. You can also tell the court about other incidents. You must also state that you, your employees, and/or your clients/customers are fearful that future assaults or bodily harm will take place. If the judge finds that *imminent danger* exists to you, your employees, or your clients/customers,

the judge will issue a *temporary protection order*. You will receive a copy for yourself and one to have *served* on the restrained person.

- Once a temporary protection order is issued, you must have it *personally served* on the restrained party. The Sheriff's office will serve the protection order (usually for a fee). Once the restrained party is served, they must follow the protection order and stay away from you, your business and follow any other condition the judge ordered.
- The temporary protection order will be effective until the *permanent protection order hearing*. The hearing will usually take place within 14 days. If after hearing evidence (mostly presented by witnesses) from both parties, the judge believes that the restrained party threatened, attempted, or completed assault, or bodily harm, and if not restrained will continue to do so, the judge will issue a *permanent protection order*. (In Colorado, the protection order is effective forever unless the court vacates – cancels - the protection order.)
- If the restrained person does not appear for the permanent protection order hearing, the judge will issue a permanent protection order if you wish them to do so. If you fail to appear for a permanent protection order hearing, the temporary protection order will be dismissed and you will have to start over. The judge can grant continuances of the hearing if you show up and explain why you need a continuance, e.g., a witness is sick or the restrained party could not be served.
- If the restrained person ever wants to vacate or modify the conditions of the protection order, they must notify you (if they can find you) and come back to court for another hearing. They would claim that the protection order is no longer needed. It would be up to you to say otherwise.

## Supportive and Safety Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent that are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the



University’s educational or work environment, or deter Prohibited Conduct. Supportive measures should be individualized and appropriate based on the information available to the Title IX Coordinator or designee.

Some safety measures involve restricting a respondent’s access to University programs and activities and may not become available until after the completion of Formal Grievance Process, unless emergency removal action is determined appropriate.

Whether supportive or safety measures are appropriate is determined after an individualized assessment by the Title IX Coordinator or designee and every effort should be made to avoid depriving any student of educational access. Supportive or safety measures may be kept in place, lifted, or modified as additional information is obtained, or may be extended permanently, as appropriate.

Complainants and respondents may request supportive or safety measures from the Title IX Coordinator or designee. Supportive measures should be provided to complainants or respondents whether or not the complainant files a formal complaint or engages in another resolution process. Witnesses or other participants in a Formal Grievance Process may also request supportive or safety measures. The Title IX Coordinator or designee will maintain oversight of these requests and the provision of any such measures.

The University will keep confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality will not impair the University’s ability to provide the supportive measures.

Types of supportive and safety measures:

- Academic support measures (arranging for a party to retake a course, excuse related absences, request extensions on assignments or exams, change sections when available or withdraw from a class without penalty)
- Accessing medical services
- Accessing counseling services
- Employment modifications

- Transportation changes
- No-contact orders enforced by the University
- Discussing options for obtaining criminal or civil protection or restraining orders
- Residential relocations in CU Denver Housing and Dining and/or offering resources for housing off-campus
- Changes to, or interim exclusion from, classes
- Interim exclusion orders (for parts of or entire campus)
- Interim student suspension.
- Administrative leave for employees in consultation with Associate Vice Chancellor and Chief Human Resources Officer or designee and appointing/disciplinary authority
- Temporary suspension of supervisory or evaluative authority for employees in consultation with Associate Vice Chancellor and Chief Human Resources Officer and appointing/disciplinary authority

## Written Explanation of Rights

When a student, faculty, or staff member reports a possible incident of Sexual Misconduct, whether it occurred on or off campus, the campus shall provide the complainant with written notification of the following:

1. Reporting rights and options, including:
  - a. To whom and how to report an alleged offense, including campus authorities and local law enforcement authorities;
  - b. How to file a formal complaint;
  - c. To be assisted by campus authorities in making a report; and
  - d. To decline to notify such authorities.
2. The importance of preserving evidence that may assist in proving that an alleged criminal offense occurred or may be helpful in obtaining a protection order;
3. The method by which the individual can seek orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a court or other competent authority;
4. Counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, availability of forensic nurses to

administer forensic sexual assault nurse exams (“SANE”), and other services available for victims within the campus and the community; and

5. Options for, and available assistance in, obtaining supportive measures, including changing transportation and working situations, in addition to any available academic and residential accommodations. This notification shall be made and supportive measures afforded if they are reasonably available, regardless of whether the person who reported experiencing Sexual Misconduct chooses to participate in any campus grievance process or report the alleged crime to law enforcement.

**Privacy and Information Disclosure**

The university will not disclose the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of Sexual Misconduct, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by law, or to carry out an investigation, hearing, or judicial proceeding related to this Policy. This may require sharing information, including identification information, between internal university offices.

CU Anschutz will complete publicly available recordkeeping, including Clery Act reporting and disclosures without inclusion of personally identifying information about the victim.

These recordkeeping protections are also applicable to any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the accommodations or protective measures.

CU Anschutz students may request that directory information be withheld from public release by contacting the Office of the Registrar by email [Registrar@cuanschutz.edu](mailto:Registrar@cuanschutz.edu) or by calling 303-724-8000. The Office of the Registrar is located in Education 2 North, Campus Box A054, 13120 East 19<sup>th</sup> Ave, Aurora, CO 80045.

**Resources**

Following are several resources victims/survivors may find helpful after experiencing instances of Sexual Assault, Domestic Violence, Dating Violence and Stalking. The Office of Equity can assist victims in connecting with resources on campus and in the greater community.



*Note\*:* Confidential resources are identified by an asterisk.

**CU Anschutz Campus Resources**

[Office of Campus Student Services](#)

The Office of Campus Student Services’ mission is to enhance student life at the CU Anschutz campus by providing excellence in specific non-academic and academic student services.

Phone .....303-724-2866

Location.... Education II North, 3rd Floor, Room 3200

[Office of Professional Excellence](#)

The CU Anschutz Office of Professionalism provides a resource to obtain a fair and equitable process and resolution for all matters pertaining to professionalism concerns regarding students, residents, fellows, staff members, and faculty in any school or college on the Anschutz Medical Campus.

Phone .....303-724-4776

Location..... Fitzsimons Building, 1st floor

[Student Mental Health Service\\*](#)

CU Anschutz provides comprehensive and confidential mental health services for all students enrolled in the schools located at the Anschutz Medical Campus, as

well as Graduate Medical Education (GME) residents and fellows (including Denver Health residents and fellows).

Phone ..... 303-724-4716  
 Location ..... Fitzsimons Building, Level 2

*For acute crisis care after-hours, on weekends or during holidays call 1-844-8255, or text "TALK" to 38255.*

**Anschutz Police Department**

Emergency ..... 9-1-1  
 Phone ..... 303-724-4444  
 Location ..... Building 407, 12454 E. 19th Place

**CU Anschutz Faculty and Staff Mental Health Clinic**

Phone ..... 303-724-4940  
 Location ..... Fitzsimons Building

**Resources Serving both CU Denver and CU Anschutz Campuses**

**CARE (Campus Assessment, Response, and Evaluation) Team**

The CARE Team provides a preventative approach to risk assessment by offering resources, referrals, and support to both concerning individuals and those impacted by their behavior.

CU Anschutz Campus CARE Team..... 303-724-8488  
 CARE Team Dual-Campus Email  
 ..... shareaconcern@ucdenver.edu

**Offices of Case Management**

The Offices of Case Management services include; providing intervention, advocacy, resources and referrals for CU Denver Students.

CU Denver Campus ..... 303-315-7306  
 Location .....Tivoli Student Union, Room 309

CU Anschutz Campus ..... 303-724-8488  
 Location ..... Education 2 North, Room 3200

**The Ombuds Office\***

The Ombuds Office is an independent resource, which will provide informal, confidential and neutral services to members of the university community in resolving conflicts, complaints, and disputes.

*CU Anschutz Campus*

Phone .....303-724-2950  
 Location ..... Fitzsimons Building, Room 7005C

*CU Denver Campus*

Phone .....303-315-0046  
 Location ..... Lawrence Street Center, Room 1003

**The Phoenix Center at Auraria | Anschutz\***

The Phoenix Center at Auraria (PCA) provides free and confidential advocacy to survivors of interpersonal violence and their families and friends.

24/7 Helpline .....303-556-2255

CU Denver Campus

Phone ..... 303-315-7250  
 Location ..... Tivoli Student Union, Room 227

*CU Anschutz Campus*

Phone .....303-724-9120  
 Location .....Education 2 North, Room 3101

**Employee Relations and Performance**

Phone .....303-315-2700

CU Denver

Location ..... Lawrence Street Center 10<sup>th</sup> floor

*CU Anschutz*

Location ..... Fitzsimons Building ground floor

**Employee Real Help Hot Line**

Phone .....833-493-8255

**Faculty and Staff Threat Assessment and Response Team (FaST)**

Phone .....303-315-0182

Email ..... [FacultyStaff.Assessment@ucdenver.edu](mailto:FacultyStaff.Assessment@ucdenver.edu)

**State Employee Assistance Program CSEAP**

Phone .....303-866-4314

Location ..... 1525 Sherman Street Ste. 117  
 ..... Denver, CO 80203

**Off-Campus Sexual Assault Resources**

**The Blue Bench**

Phone .....303-329-9922

24/7 Sexual Assault Hotline.....303-322-7273

**Moving to End Sexual Assault (MESA)**

24/7 Phone ..... 303-443-7300

**WINGS Foundation**

Phone ..... 303-238-8660

**Sexual Assault Nurse Examination (SANE) Programs**

**[Click for a list of all Colorado SANE Locations](#)**

**Off Campus Dating and Domestic Violence Resources**

**211**

211 is a comprehensive source of social services information in the U.S. and most of Canada; helpful resource if you are not sure where to turn but are experiencing a crisis or are worried about someone who might be.

24/7 Phone ..... 211

**Rose Anom Center**

Phone ..... 720-337-4400

Location ..... 1330 Fox St. Denver, CO 80204

**Deaf Overcoming Violence through Empowerment (DOVE)**

24 Hour Crisis Line ..... 303-831-7874

Email ..... [hotline@deafdove.org](mailto:hotline@deafdove.org)

**Violence Free Colorado**

Phone ..... 303-831-9632

Location ..... 1330 Fox Street, Suite 3  
..... P.O. Box 40328 Denver, CO 80204

Toll-Free ..... 888-778-7091

Email ..... [info@violencefreeco.org](mailto:info@violencefreeco.org)

**National Domestic Violence Hotline**

Phone ..... 800-799-SAFE (7233)

TTY ..... 800-787-3224

**Other Related Resources**

**Colorado Legal Services**

Phone ..... 303-866-1019

**The Center for Trauma and Resilience**

Phone (English) ..... 303-894-8000

Phone (Spanish) ..... 303-718-8289

Phone (Deaf/Hard of Hearing)

.....711 for Relay Colorado Access  
*Translation and interpretation services available.*

**Colorado Network to End Human Trafficking**

24/7 Phone .....866-455-5075

**Cyber Civil Rights Initiative**

Phone .....844-878-2274

**State and Federal Civil Rights Compliance Offices**

(Report Complaints of Harassment or Discrimination)

**Colorado Civil Rights Division**

Phone .....303-894-2997

**U. S. Department of Education, Office for Civil Rights**

Phone .....303-844-2024

**U.S. Department of Justice**

Phone .....202-514-2000

**United States Equal Employment Opportunity Commission**

Phone .....303-866-1300

**EXPLANATION OF CU ANSCHUTZ  
PROCEDURE FOR DISCIPLINARY ACTION**

The University does not tolerate and will be responsive to any report or complaint of Sexual Assault, Domestic Violence, Dating Violence, and Stalking as they are outlined in the University of Colorado Sexual Misconduct Policy (Appendix A), and is committed to providing prompt, fair, impartial, and equitable resolutions of any complaint that the University knows, or in the exercise of reasonable care should have known, about. The primary concern is the safety of all University community members. The University, through the Office of Equity, will take steps to prevent the recurrence of any Prohibited Conduct and remedy any discriminatory effects on the complainant and others if appropriate. These proceedings are conducted by officials who receive training at least annually on issues related to sexual assault, domestic violence, dating violence and stalking, and how to conduct an investigation to ensure a process that protects the safety of victims and promotes

accountability. The proceeding will be overseen by officials who do not have a conflict of interest or bias for or against complainants or respondents generally. An official shall recuse themselves from any role in the grievance process in those instances where the official believes that their impartiality might be reasonably questioned by an independent, neutral observer due to the official's personal bias or prejudice against the complainant or respondent, or against complainants or respondents generally, or where the official has a personal or professional relationship with one of the parties that would adversely affect the official's ability to serve as an impartial finder of fact.

The following procedures will apply to resolution of all reports of complaints of Prohibited Conduct:

The University has authority to conduct at least a preliminary inquiry upon receiving a report or complaint alleging Prohibited Conduct. A preliminary inquiry may include, but is not limited to, evaluating whether the report or complaint implicates a policy enforced by the Office of Equity, whether the complaint and parties are within the jurisdiction of the Office of Equity, and whether the report or complaint presents a safety threat such that the Office of Equity must report the concern to law enforcement. The Office of Equity shall then determine the most appropriate means for addressing the report or complaint. Options include, but are not limited to:

1. Formal Grievance Process.
2. Policy Education Remedies.
3. Determining that the facts of the complaint or report, even if true, would not constitute a violation of the Policy and closing the matter following a preliminary inquiry.
4. No limitation on existing authority: Referring the matter to an employee's appointing/disciplinary authority or supervisor. These Procedures do not limit the authority of a disciplinary authority to initiate or impose disciplinary action as necessary.
5. Other referral: Determining a complaint does not fall within the jurisdiction of the Policy and referring the complaint to appropriate office(s) on campus best suited to address the reported concerns.

### **Initiation of the Grievance Process, Including Filing and Evaluation of a Formal Complaint**

An individual (referred to as the complainant) or Title IX Coordinator or designee must file a document alleging a violation of misconduct under the Policy against an individual (referred to as the respondent) for the University to initiate a formal grievance. The formal complaint must contain the complainant's or Title IX Coordinator's physical or digital signature. The formal complaint form is available on the Office of Equity's website. A complainant who reports allegations of misconduct with or without filing a formal complaint may receive supportive measures.

### **Who May File a Formal Complaint?**

To initiate the grievance process under the Policy, either the complainant or the Title IX Coordinator or designee must file and sign a formal complaint.

1. Title IX Sexual Misconduct: To file a formal complaint, a complainant must be participating in or attempting to participate in the University's education program or activity. "Attempting to participate" can include a complainant who (1) is applying for admission or employment; (2) has graduated from one program but intends to apply to another program and/or intends to remain involved with the University's alumni programs or activities; or (3) has left school because of Sexual Misconduct but expresses a desire to re-enroll. A complainant who is on a "leave of absence" may also be participating or attempting to participate in a University education program or activity.
2. Sexual Misconduct: To file a formal complaint, a complainant may or may not be a member of the University community who alleges to be a victim of conduct that would violate the Policy. Complainants are encouraged to meet with an investigator(s) prior to filing a formal complaint, but are not required to do so.

### **Evaluation of a Formal Complaint**

Once a formal complaint has been filed, the Title IX Coordinator or designee will evaluate whether the conduct alleged in the formal complaint, if proved, would constitute a violation of the Policy. If additional

information is needed to evaluate jurisdiction, the Title IX Coordinator or designee will make reasonable efforts to obtain that information.

The Title IX Coordinator or designee will notify the complainant if additional time is needed to consider the complaint, such as when gathering additional information is necessary to determine whether dismissal is appropriate.

The Office of Equity may, but is not required to, dismiss a formal complaint at any time during the investigation if the complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein, if the respondent is no longer enrolled or employed at the University, or if specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or the allegations therein (discretionary dismissal).

1. **Title IX Sexual Misconduct:** The Title IX Coordinator or designee must dismiss a formal complaint, subject to appeal, if the alleged conduct would not constitute Title IX Sexual Misconduct or the University lacks jurisdiction under the requirements of Title IX. If the Title IX Coordinator or designee dismisses a formal complaint pursuant to these Procedures, the Title IX Coordinator or designee will consider whether the conduct alleged in the formal complaint violates other provisions of the Policy and any other University or campus policies, procedures, or conduct codes.
2. **Sexual Misconduct:** The Title IX Coordinator or designee must dismiss a formal complaint, subject to appeal, if the alleged conduct would not constitute Sexual Misconduct or the University lacks jurisdiction to pursue the matter. If the Title IX Coordinator or designee dismisses a formal complaint pursuant to these Procedures, the Title IX Coordinator or designee will consider whether the conduct alleged in the formal complaint constitutes a violation of any other university or campus policies, procedures, or conduct codes.

If the alleged conduct would not violate the Policy, the Title IX Coordinator or designee will dismiss the formal

complaint with regard to that conduct (mandatory dismissal).

The Title IX Coordinator or designee will notify both the complainant and the respondent of the complaint either by issuing a Notice of Allegations and Investigation, or a Notice of Complaint and Dismissal, which will include a summary of the allegations reported and an explanation as to the reason for the dismissal from the Formal Grievance Process.



### **Appeal of Dismissal of Formal Complaint**

If a formal complaint is dismissed, either party may appeal. To file an appeal of the dismissal, the complainant or respondent must submit the written appeal to the Title IX Coordinator or designee within five business days of the Notice of Complaint and Dismissal. The appeal must include an explanation as to why the alleged misconduct, if true, would violate the Policy and why the formal complaint should not be dismissed.

An administrator within the Office of Equity, separate from the Title IX Coordinator or decision-maker for the initial dismissal, will consider the appeal and issue a determination in writing to both parties either upholding the appeal or overturning the dismissal within five business days.

### **Notice of Allegations and Investigation**

If a formal investigation is commenced, the respondent and complainant shall receive a Notice of

Allegations and Investigation. The written notice may be sent to the respondent and complainant by email or via U.S. mail to the permanent address appearing in the University's information system or the address appearing in a police report, or may be physically delivered. Notice will be considered furnished on the date of physical delivery or on the date emailed. For employee respondents, the employee's supervisory up-line may receive a copy of the written Notice of Allegations and Investigation. This may include the Chancellor and the employee's appointing/disciplinary authority, as well as Human Resources.

The Office of Equity requests that the respondent contact the investigator(s) within five business days of the issuance of the notice to schedule a meeting.

If, in the course of an investigation, a complainant alleges additional violations or the Title IX Coordinator or designee decides to investigate additional allegations about the complainant or respondent that are not included in the initial Notice of Allegations, the Office of Equity will issue an Amended Notice of Allegations to both parties.

The Notice of Allegations and Investigation (and any Amended Notices of Allegations and Investigation) will include:

1. The identity of the parties involved in the incident;
2. The specific section(s) of the Policy allegedly violated;
3. The conduct allegedly constituting Prohibited Conduct;
4. The date and location of the alleged incident, to the extent known and available;
5. Information about the University's grievance process;
6. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
7. Information about the provisions that prohibit knowingly making false statements or knowingly submitting false information during the grievance process;
8. Information that the parties have equal opportunity to inspect and review evidence; and

9. Information that the complainant and respondent may have an advisor of their choice, including an attorney. The advisor may not engage in any conduct that would constitute harassment or retaliation against any person who has participated in an investigation and may be denied further participation for harassing or retaliatory conduct.

The Notice of Allegations and Investigation may also include information concerning any interim protective measures, which may include no-contact orders or location or campus exclusions, as well as other supportive measures.

### **General Investigation Process**

The Office of Equity's grievance process and Procedures provide for equitable resolution of any formal complaint of Prohibited Conduct within an average of 90 calendar days, except that such time frame may be extended for good cause with prior written notice to the complainant and respondent of the delay and reason for the delay. The Office of Equity will also provide the complainant and respondent with regular written updates on the status of the investigation throughout the process until conclusion.

1. A formal grievance process includes four major stages: filing and evaluation of the formal complaint,
2. investigation, investigative report,
3. hearing and determination regarding responsibility (including sanctions, if applicable), and
4. appeal, if applicable and described below.

### **Formal Investigative Process**

The formal Investigative process is the procedure the Office of Equity uses to investigate allegations of Prohibited Conduct and to determine whether an individual more likely than not engaged in conduct that violates the Policy. Individuals found responsible for violating the Policy are subject to sanction, up to and including expulsion or termination of employment.

*Information Gathering During Investigation*

After the Notice of Allegations and Investigation has been issued to the parties, the Office of Equity's investigator(s) will seek to obtain all available evidence directly related to the allegations at issue.

During the course of the investigation, investigator(s) interview the complainant(s), respondent(s), and witnesses separately.

The parties and witnesses may have an advisor of their choosing, including an attorney, advocate, or other person, to provide support and advice throughout the formal investigation process, including but not limited to, being present for any meetings with the Office of Equity personnel. The advisor is not authorized to participate instead of the complainant or respondent. The advisor may not engage in any conduct that is disruptive to the meeting or interview, or that would constitute harassment or retaliation against any person who has participated in an investigation. Advisors may be denied further participation for harassing or retaliatory conduct.

The complainant, respondent, and witnesses are expected to respond to the investigator(s) request to schedule an interview or to provide other evidentiary materials within a timely manner, generally within five business days of the investigator's request. If a party or witness fails to respond within a reasonable time, the investigator may continue the investigation without the benefit of information the party or witness might have provided.

The Office of Equity will provide, to a complainant, respondent, or witness whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

Parties may suggest questions to be posed by the investigator(s) during interviews to other parties and/or witnesses during the course of the investigation. The investigator(s) may decline to ask a question when the question is not reasonably calculated to lead to the discovery of probative

evidence, when the probative value is outweighed by the danger of unfair prejudice, or in consideration of undue delay or needless presentation of cumulative evidence. Questions about a complainant's prior sexual history are normally not probative and will be asked only when directly relevant to the incident where the alleged Prohibited Conduct occurred.

The University, and not the parties, holds both the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility for Prohibited Conduct.

Both parties may present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Neither party is restricted from discussing the allegation under investigation or from gathering or presenting relevant evidence. The Office of Equity will also contact individuals who may have potentially relevant information related to allegations under investigation even if these individuals are not proposed by the parties.

The Office of Equity will not use any party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent to do so for a grievance process.

The investigator(s) will prepare a written summary of each interview taken to include complainant(s), respondent(s), and witnesses. The investigator will send the summarized interview to the individual party or witness for a review of accuracy. Unless the complainant(s), respondent(s), and witness requests additional time, the summarized interview will be deemed accurate if the party or witness does not provide feedback on the statement within two business days of the investigator emailing it to the party or witness.

Information may be developed during the course of the investigation that indicates additional Policy violations to those initially identified in the Notice of



Allegations and Investigation. In such circumstances, the investigator shall review such additional potential violations with the Title IX Coordinator or designee, who shall assess whether reasonable cause exists to believe the respondent engaged in the newly-discovered Prohibited Conduct. If so, the Title IX Coordinator or designee shall send a written Amended Notice of Investigation which includes relevant additional information.

*Preliminary Investigative Report*

When the investigator determines that the investigation is reasonably complete, the investigator will prepare a preliminary investigation report that includes the directly related evidence. The evidence subject to inspection and review in an electronic or a hard copy, along with the preliminary investigation report will be available for review by the complainant(s), the respondent(s), and each party's advisor. The preliminary investigation report will include:

- A description of the incident;
- Procedural history and jurisdiction;
- Factual agreements and disputes;
- Summaries of the interviews conducted;
- Summaries of other information.

The complainant(s) and respondent(s) will have the opportunity to respond to the information in the preliminary investigation report with further information, but only as it pertains to factual disputes or clarifying information they provided. Parties are unable to change the information provided by other parties or witnesses; rather, they may respond to the information. If either the complainant(s) or respondent(s) are reminded of further evidence they have, they may provide this to the investigator(s). Additionally, the parties may:

- Provide any additional information that they believe is relevant to the investigation or to seek clarification from the investigator on aspects of the draft investigation report;
- Identify any new witnesses who should be interviewed (including a description of what topics/issues the witness should be asked to

address and why this is necessary for the investigation);

- Identify any additional evidentiary materials that should be collected and reviewed to the extent that such items are reasonably available (e.g., text messages, social media postings, etc.), understanding that the investigator lacks the power to subpoena evidence; and,
- Identify any information that they believe was inappropriately included or excluded in the draft report.

While the University will not restrict the ability of the parties to discuss the allegations or gather evidence, the University will seek to ensure that the parties and their respective advisors, advocates or support persons as applicable maintain the privacy of disclosed information, particularly in electronic and/or hard copy format. Parties receiving such private information should only distribute it to those individuals with a legitimate need to know. The University will continue to enforce prohibitions against harassment and retaliation.

The parties will have at least 10 business days to submit a written response to the preliminary investigation report to the investigator(s). The investigator(s) will consider the parties' responses, if any, prior to completing the final investigative report. Where the investigator(s) receive information that warrants further investigation or review, the investigator(s) may extend the investigation in order to collect additional information. If an investigation is extended for this purpose, the parties will be notified in writing. Following such an extended investigation, the investigator(s) will issue an amended preliminary investigation report to include newly gathered information being considered.

The decision to extend the investigation shall be at the discretion of the investigator(s) and made in consultation with the Title IX Coordinator or designee.

*Extension Request – Response to Preliminary Investigation Report*

Should a complainant or respondent, intending to provide a response to the preliminary investigation

report, believe they do not have adequate time to prepare their written response, a written request for extension of time may be submitted to the investigator(s). The request must be submitted within the 10 business day deadline for responding to the preliminary investigation report, and should include the rationale for requesting the extension along with the proposed date by which all response documents will be submitted. Requests for extension of time will be considered on their merits and will not automatically be granted. When an extension is granted, other parties will be notified and provided the same extension, if granted.

*Requests to Inspect the Investigative File*

Requests to inspect directly related information gathered by the investigator(s) can be made at any time during the investigative process. The opportunity to inspect the investigative file will be provided equally to both parties. Requests must be made in advance and in writing (via email) to the investigator(s). The investigator(s) will arrange for the viewing of information contained in the file within a reasonable amount of time following receipt of such a request. Access to information contained in the investigative file shall be made available in person or via electronic means.

**Hearing and Determination Regarding Responsibility**

A trained Hearing Officer will preside over a live hearing. Nothing precludes the Office of Equity from utilizing a single decision-maker (Hearing Officer) or a panel of decision-makers (including the Hearing Officer) for the hearing and determining responsibility.

Each party may bring one advisor of their choosing to the live hearing to conduct cross examination, with prior notice to the Office of Equity that the advisor will attend and the advisor’s name. The Office of Equity will inform both parties of the identity of the other party’s advisor. If a party does not have an advisor present at the live hearing, the Office of Equity will provide that party an advisor, without fee or cost.

Upon notice that a party needs an advisor, the Office of Equity will endeavor to assign an advisor at least ten

business days prior to the scheduled pre-hearing conference so the advisor may prepare. The advisor provided by the Office of Equity to conduct cross-examination on behalf of that party may be, but is not required to be, an attorney.

Live hearings will be conducted virtually, with parties (and their respective advisors) located in separate locations. Technology will enable the Hearing Officer or panel of decision-makers and parties to simultaneously see and hear the party or witnesses answering questions. Hearings are closed to the public.

The Hearing Officer must create an audio or audiovisual recording, or transcript, of any live hearing and the University must make it available to the parties for inspection and review.

**Pre-Hearing Conference**

To effectuate an orderly, fair, and respectful hearing, the Hearing Officer will convene a prehearing conference with each party and party’s advisor to plan for the hearing. Attendance is required, at minimum, by each party’s advisor. The parties will be provided the name(s) of the Hearing Officer and panelists, if applicable, prior to the pre-hearing conference.

Prior to the pre-hearing conference, the parties will provide the Hearing Officer with a list of witnesses they may call and evidence they may use during the hearing.

At the pre-hearing conference, the Hearing Officer and the advisors will discuss, at minimum, the following topics:

- Identification of each party’s advisor who will be attending the live hearing;
- The procedures to be followed at the hearing;
- Identification of witnesses who will appear at the hearing;
- Identification of exhibits that will be presented for the cross-examination process.



### **Cross-Examination Procedure**

At the live hearing, the Hearing Officer must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Each party's advisor must ask questions directly, orally, and in real time. A party's advisor may only ask a party or witness relevant questions.

A relevant question seeks information that has any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the information sought in the question.

Before a complainant, respondent, or witness answers a cross-examination or other question, the Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

### **Submission to Cross-Examination**

Any individual (complainant, respondent or witnesses) may choose to not participate in the live cross-examination hearing. If a complainant or respondent declines to submit to cross-examination, the party's advisor may still ask questions on their behalf. The Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

- The Hearing Officer may consider any relevant prior statement of a party or witness, whether or not they submit to cross-examination at the live hearing. The Hearing Officer and may decide how much weight to give the prior statements, weighed in light of all the evidence in the case and the issues to be decided.

### **Determination Regarding Responsibility**

Consistent with the standard of proof in other conduct proceedings, the Hearing Officer and panelist, if applicable, must apply the preponderance of the evidence standard when making findings and conclusions as to whether the Policy violation has occurred. A preponderance of the evidence exists when the totality of the evidence demonstrates that an allegation of Prohibited Conduct is more probably true than not. If the evidence weighs so evenly that the Hearing Officer and panelists, if applicable, is unable to say that there is preponderance on either side, the Hearing Officer and panelists, if applicable, must determine that there is insufficient evidence to conclude there has been a violation of the Policy.

In applying the preponderance of the evidence standard, the Hearing Officer and panelists, if applicable, may consider both direct and circumstantial evidence. The Hearing Officer and panelists, if applicable, may determine the credibility of parties and witnesses and the weight to be given their statements, taking into consideration their means of knowledge, strength of memory and opportunities for observation, the reasonableness or unreasonableness of their statements, the consistency

or lack of consistency of their statements, their motives, whether their statements are contradicted or supported by other evidence, any evidence of bias, prejudice or conflict of interest, and the person's manner and demeanor when providing statements.

It is the responsibility of the Hearing Officer, not the parties or the investigators, to make a determination based on the totality of the available information to determine whether or not the preponderance of the evidence has been met. Neither party bears a burden of proof. The ultimate determination of factual findings and responsibility rests with the Hearing Officer after full consideration of all available evidence.

The Hearing Officer must issue a written determination regarding responsibility that will be sent to the Office of Equity. The written determination regarding responsibility may be submitted to the Office of University Counsel to review for legal sufficiency prior to being issued to the parties.

The written determination must include:

- Identification of the allegations potentially constituting Prohibited Conduct;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the University imposes on the respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided by the University to the complainant; and
- The University's Procedures and permissible bases for the complainant and respondent to appeal.

In cases resulting in no Policy violation, the Office of Equity will provide the written determination to the

parties simultaneously after it is prepared by the Hearing Officer. Both parties have the opportunity to appeal the written determination regarding responsibility.

In cases resulting in a Policy violation, prior to the issuance of the written determination to the parties, the Hearing Officer will refer the matter to the appropriate sanctioning authorities (for either a student or employee respondent) for a disciplinary sanction to be determined. See Section VI(F) and Section VI(G) below. After the sanction has been incorporated into the written determination regarding responsibility, the Office of Equity will provide the written determination and sanction to the parties simultaneously. Both parties have the opportunity to appeal the written determination, including the sanction, if applicable.

If the respondent is a student employee and the alleged misconduct occurs outside the employment capacity, the Office of Equity may determine that the respondent's supervisory up line has a legitimate need to know information related to the grievance process.

The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The Office of Equity will also provide any applicable notices to the complainant following the conclusion of any subsequent corrective or disciplinary action pursuant to the State Personnel Board Rules for respondents who are classified employees and the Professional Rights and Duties procedure and Privilege and Tenure process for respondents who are faculty.

In the event no Policy violation is found, there is no preclusion of discipline for other student or employee misconduct under applicable University policies, procedures, or codes of conduct.

### Sanctioning Process for Student Respondents

In cases where the Formal Grievance Process results in a determination that a student respondent is responsible for a Policy violation, the matter will be referred, with the written determination (prior to the inclusion of the sanction), to the Sanctioning Board prior to the issuance of a final written determination.

### Student Sanctions

The Sanctioning Board is composed of three members who are collectively authorized to impose sanctions for student respondents and to remedy the effects of the Prohibited Conduct. The Board shall decide by majority decision. For the grievance process, the Board will notify the Hearing Officer of the determined sanctions so that the Hearing Officer can include them within the written determination.

The Office of Equity Coordinator of Remedies and Protective Measures or designee is a member and the Chair of the Sanctioning Board for student respondents and will appoint two additional University employees who are not affiliated with the Office of Equity to serve on the Sanctioning Board. University employees who serve on the Sanctioning Board will have received appropriate training regarding the applicable policies and factors pertinent to the sanctioning decision.

### *Factors Considered in Sanctioning*

The Sanctioning Board members conduct an individualized review, including review of the Hearing Officer's written Determination Regarding Responsibility, similarly situated cases, assessment of the factors below, and may review the entire file and consult as necessary with Office of Equity staff, Student Conduct and Community Standards, or any other University staff as needed in making a sanctioning determination.

Factors pertinent to a sanctioning decision may include, as applicable:

- Severity and/or pervasiveness of conduct and whether it escalated during the incident;

- The impact of separating a student from their education;
- Whether the complainant was incapacitated at the time of the conduct;
- Relationship between the parties, including degree of control of one party over another;
- Whether there was force/violence, weapons, or threats of force/violence;
- Any prior history of related criminal, conduct, or policy violations; including but not limited to the University Code of Conduct and any active disciplinary sanctions in place at time of the conduct;
- Impact of incident on complainants;
- Acceptance of responsibility by respondent; and
- On-going safety risk to complainant or community.



### *Possible Sanctions*

Sanctions may include one or more of the following:

- **Warning/Written Reprimand:** A warning/written reprimand is a written statement from the Board or designee that the behavior was inappropriate and that more serious action will be taken should subsequent infractions occur.
- **Educational Sanctions:** The student may be required to attend a class, evaluation, or program (e.g., alcohol or anger management classes or training on sexual misconduct or protected-class discrimination and harassment). This is not an exhaustive list but should serve as a reference for the types of educational sanctions that may be imposed.

- Meeting with the Office of Equity Coordinator of Remedies and Protective Measures or designee: The student may be required to meet with a University official to review the terms of the sanction and ensure compliance prior to eligibility to apply for readmission, as applicable.
- Residence Hall Reassignment: A student who resides in a residence hall is assigned to a different residence hall room or floor.
- Residence Hall Termination: A student's residence hall agreement is terminated through the Office of Equity process, and the student is prohibited from residing in any University residence on either a permanent or temporary basis. Specific exclusion from the residence halls may also be imposed.
- Probation: A student is placed on probation. Probation lasts for a specific period of time, and is implemented by semesters. Any violation of University policies or the conditions of probation committed during the probationary period will result in further disciplinary action.
- Restriction or Denial of University Services: The student is restricted from using or is denied specified University services, including participation in University activities.
- Delayed Conferral of Degree: The issuance of a student's diploma is delayed for a specified period of time.
- Suspension: The student is required to leave the University for a specific period of time. A suspension notation appears on the student's transcript until the period of suspension has expired and all other sanctions are complete. The student is required to apply for readmission to the University after their suspension period. Suspension from the University includes an exclusion from University property during the period of suspension. A suspension decision results in the student being suspended from all campuses of the University of Colorado system. Upon completion of the suspension, if the student wishes to return to the University, they must complete the re-admission process through the Office of Admissions.
- Exclusion: The student is denied access to all or a portion of University property. When a student is excluded from University property, that student may be permitted on University property for limited periods and specific activities with the permission of the Office of Equity Coordinator of Remedies and Protective Measures or designee. Should the student enter University property without permission, the police may charge the student with Trespass.
- Expulsion: The student is required to permanently leave the University. A notation of expulsion remains permanently on the student's transcript. Expulsion from the University includes an automatic exclusion from University of Colorado property. An expulsion decision results in the student being expelled from all campuses in the University of Colorado.
- Disciplinary Stop and Disciplinary Hold: A disciplinary stop shall be placed on a student's record if they are suspended as the outcome of the Office of Equity proceedings. A disciplinary stop is honored by all University of Colorado campuses and prohibits a student from being admitted to any of the campuses and from registering for classes until the suspension period is over and the student has reapplied and has been re-admitted. A disciplinary hold may also be placed if a student fails to complete assigned sanctions, which has the same impact on a student's records and registration as described above. The disciplinary hold will not be removed until all sanctions are completed.
- Additional Sanctions: The Board has the discretion to impose any additional sanctions that may be warranted and appropriate given the circumstances of the case.

### **Sanctioning Process for Employee Respondents**

In cases where the Formal Grievance Process results in a determination that an employee respondent is responsible for a Policy violation or acted inappropriately or unprofessionally, the matter will be referred, with the written determination (prior to the inclusion of the sanction), to the appointing/disciplinary authority. If the respondent is a student employee and the alleged misconduct occurs outside the employment capacity, the Office of Equity may determine that the respondent's supervisory up line has a legitimate need to know information related to the case resolution.

Any applicable sanctioning meeting pursuant to these Procedures does not replace any additional meetings that may be required under other applicable personnel processes (e.g., State Personnel Board Rules for classified employees; Professional Rights and Duties procedure and Privilege and Tenure process for faculty).

**Office of Equity’s Formal Recommendation to Disciplinary Authority**

The Title IX Coordinator or designee will provide a formal recommendation to the appointing/disciplinary authority as to applicable sanctions. A formal recommendation will be consistent with the factors set forth below.

*Factors Considered in Sanctioning*

Factors pertinent to a sanctioning decision may include, as applicable:

- Severity and/or pervasiveness of conduct and whether it escalated during the incident;
- Whether the complainant was incapacitated at the time of the conduct;
- Relationship between the parties, including degree of control of one party over another;
- Whether there was force/violence, weapons, or threats of force/violence;
- Any prior history of related criminal, conduct, or policy violations; including but not limited to the University Code of Conduct and any active disciplinary sanctions in place at time of the conduct;
- Impact of incident on complainants;
- Acceptance of responsibility by respondent; and
- On-going safety risk to complainant or community

**Sanction Required**

In order to remediate the effects of Prohibited Conduct, the appointing/disciplinary authority will impose sanctions. Sanctions for classified staff in the written determination may include either a corrective action or a notice of disciplinary action, issued pursuant to the State Personnel Rules.

The appointing/disciplinary authority will determine the type of sanctions in consultation with the Associate Vice Chancellor & Chief Human Resources Officer or designee, the Title IX Coordinator or designee, and any other administrative staff with a need to know.

The appointing/disciplinary authority may have access to the formal grievance process records and may consult with the adjudicative staff in order to determine action.

The Title IX Coordinator or designee will notify the Hearing Officer of the determined sanctions so that the Hearing Officer can include the sanction within the written determination.

*Potential sanctions include:*

- Letter of Expectation/Reprimand: A warning/written letter of expectation or reprimand is a statement from the disciplinary authority that the behavior was inappropriate and that more serious disciplinary action will be taken should subsequent infractions occur.
- Mandatory Training: The employee may be required to attend a training, class, or program as relevant to the misconduct.
- Demotion: The employee is demoted from their current position.
- Job Duty Modifications: The disciplinary authority may modify the employment responsibilities of the employee.
- Reduction in Salary/Ineligibility for Merit Increases: The employee’s salary is reduced either permanently or temporarily, or the employee is not eligible for merit increases either permanently or temporarily
- Ineligibility for Rehire: The employee is no longer eligible for employment at the University.
- Exclusion: The employee is denied access to all or a portion of University property. When an employee is excluded from University property, that employee may be permitted on University property for limited periods and specific activities with the permission of the University official or designee who imposed the exclusion. Should the employee enter University property without permission, police may charge the employee with Trespass.

- Termination of Employment Contract or Termination of Employment: Pursuant to applicable laws and policies specific to the employee's status, the disciplinary authority recommends or terminates employment.
- Additional Sanctions: The disciplinary authority has the discretion to impose any additional sanctions that may be warranted and appropriate given the circumstances of the case.

## Appeals

Either the complainant or respondent may file a written appeal of the determination regarding responsibility. All appeals must be made in accordance with the Procedures outlined in this section.

Basis for appeal of a determination regarding responsibility:

- To determine whether there were procedural irregularities that affected the outcome of the matter;
- If new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter;
- The Title IX Coordinator, investigators, or Hearing Officer, and panelists, if applicable, 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.

In the appeal, both parties must have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

The decision-maker(s) for the appeal (Appeal Board) may not be the same Hearing Officer that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator. All Appeal Board members must be trained.

The Appeal Board will issue a written decision describing the result of the appeal and the rationale for the result. The appeal decision must be provided simultaneously to both parties.

## How to File an Appeal

Appeals must be submitted in writing to the Title IX Coordinator or designee within 10 business days after the determination regarding responsibility is issued. The appeal should indicate the specific basis for the appeal (see above), supporting arguments and documentation, and any other relevant information the appealing party wishes to include. The appealing party should be aware that all appeals are documentary reviews, and no interviews are conducted. Generally, appeals are determined solely on the merits of the documents submitted. Appeal documents therefore should be as complete and succinct as possible. All sanctions imposed in the case will not go into effect until either the deadline for filing an appeal passes and no appeal is filed or, if a timely appeal is filed, the appeal is decided, whichever comes first.

The appealing party may not present any new evidence unless the party can demonstrate that it could not, with reasonable diligence, have been discovered or produced during the course of the investigation.

## Extension Request

Should an appealing party, intending to provide a response to the preliminary investigation report, believe they do not have adequate time to prepare their written response, a written request for extension of time may be submitted to the Title IX Coordinator or designee. The request must be submitted within the 10 business day deadline for responding to the preliminary investigation report, and should include the rationale for requesting the extension along with the proposed date by which all response documents will be submitted. Requests for extension of time will be considered on their merits and will not automatically be granted. When an extension is granted, other parties will be notified and provided the same extension, if granted.

## Appeal Process and Appeal Board

The Title IX Coordinator or designee will notify the other party to the original complaint (complainant or



respondent) in writing, and the party will be provided five business days to respond in writing to the appeal. The response should be sent to the Title IX Coordinator or designee. Neither party is required to respond to an appeal. Not responding to an appeal does not imply agreement with the appeal.

After the submission of all documentation related to the appeal, or the passage of the five-day deadline for response has passed, the Title IX Coordinator or designee will appoint University employees (who may include staff from the CU Boulder and Colorado Springs campuses) who are not otherwise affiliated with the Office of Equity at CU Anschutz to serve on the Appeal Board.

### Appeal Decision

Upon review of the appeal, the Appeal Board may:

- Uphold the initial decision in its entirety;
- Direct that there be reconsideration by the Hearing Officer (or a new Hearing Officer) based on the existing evidence; or
- Direct that there be re-investigation (by the same or different investigators) followed by a second live cross-examination hearing process conducted in accordance with the process outlined above.

The Board members shall not make new findings of fact. The Board shall review all documentation submitted, make the final decision upon appeal, and concurrently provide the parties with a written Notice of Appeal Decision within 15 business days of its receipt of all final documentation.

### Policy Education Remedies

The Office of Equity may determine that the most prompt and effective way to address a concern is through a Policy Educational Meeting. For example, the Office of Equity may resolve a report or complaint through a Policy Education Meeting if the alleged conduct, even if true, would not be considered prohibited conduct under the Policy.

The primary focus during a Policy Education Meeting remains the welfare of the parties and the safety of the

campus community, but this process does not involve a written report or a determination as to whether the Policy has been violated. This type of approach provides the University with a “remedies-based” resolution option that allows the University to tailor responses to the unique facts and circumstances of an incident, particularly in cases where there is not a broader threat to individual or campus safety. In these cases, the Office of Equity may do one or more of the following:

- Provide interim or long-term supportive measures to the complainant and the respondent;
- Provide a referral to other campus-based resolution processes as appropriate for the specific facts of the case;
- Provide targeted or broad-based educational programming or training; and/or
- Conduct a Policy Education Meeting with the respondent to (1) discuss the behavior as alleged and provide an opportunity to respond; (2) review prohibited conduct under the Sexual Misconduct, Intimate Partner Violence, and Stalking Policy; (3) identify and discuss appropriate future conduct and behavior as well as how to avoid behavior that could be interpreted as retaliatory; (4) inform the complainant of the respondent’s responses if appropriate; and (5) notify Student Conduct and Community Standards or the respondent’s appointing or disciplinary authority of the allegations and responses if necessary, who will determine whether any other disciplinary action is appropriate.

The Office of Equity retains discretion to conduct a Policy Education Meeting. Additionally, the Office of Equity retains discretion to proceed with a Formal Grievance Process for allegations that, if proven true, would violate the Sexual Misconduct, Intimate Partner Violence, and Stalking Policy.

For allegations that would warrant a Formal Grievance Process, but the Office of Equity proceeded with a Policy Education Meeting because the complainant requested privacy or that no investigation or disciplinary action be taken and that request could be honored consistent with the factors and obligations of the Office of Equity as set forth in Section III, the Office

of Equity will notify the complainant of the ability to end the Policy Education Meeting process at any time and to commence or resume a Formal Grievance Process.



## THE PHOENIX CENTER AT ANSCHUTZ

### What is the Phoenix Center at Anschutz?

The Phoenix Center at Anschutz (PCA) is a CU Anschutz office that serves students, faculty, staff, and residents affiliated with the campus who are experiencing or have experienced interpersonal violence. Interpersonal violence (IPV) includes relationship violence, sexual violence, and stalking as its three main

components. The PCA trains and maintains a team of confidential advocates pursuant to CRS § 13-90-107(k). This means that the advocates working for the PCA are legally prohibited from sharing information shared with them by a survivor seeking support. In addition to our advocacy and support resources, the Phoenix Center at Anschutz also provides prevention education and awareness activities.

### Where is the Phoenix Center at Anschutz?

The Phoenix Center at Anschutz is conveniently located in Education 2 North, Room 3101. The office is open Monday to Friday from 8am-5pm. The PCA operates on the same schedule as the CU Anschutz campus and is open during most breaks including summer, winter, spring, and fall break. When not physically open, you can reach a trained advocate 24/7 through our free and confidential helpline, jointly managed through the Phoenix Center at Auraria.

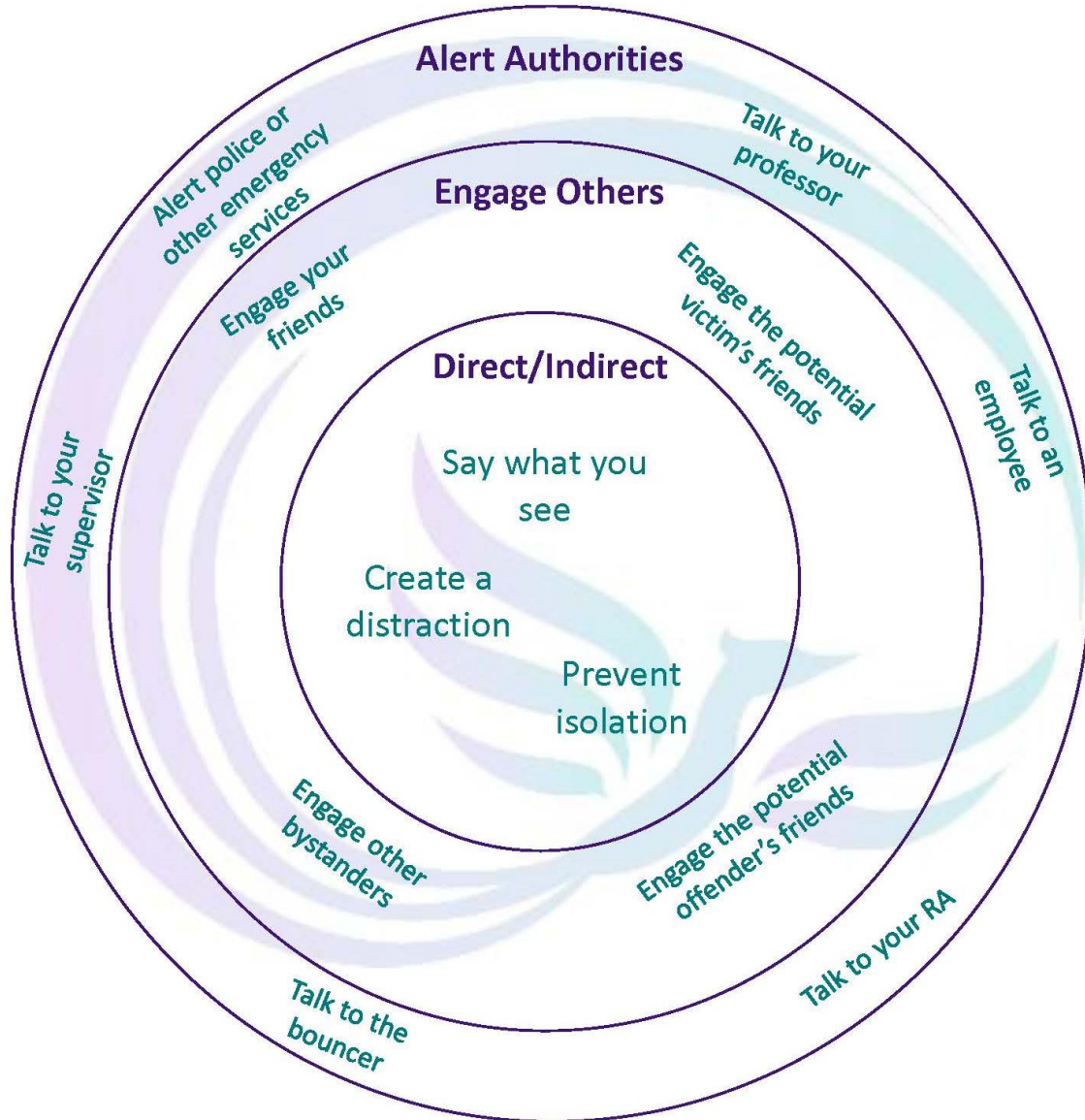
## Trainings, Outreach and Education

The PCA is committed to preventing instances of relationship or intimate partner violence, sexual violence (including sexual harassment), and stalking through comprehensive education and awareness programming. The available curricula offerings are:

Title	Length	Intended Audience	Description
PCA Overview	15 – 30 minutes	All	The PCA Overview presentations review the services available to students, faculty, staff and residents of CU Denver, CU Anschutz, Metro State University-Denver and Community College of Denver.
Supporting Survivors	1.5-2 hours	All	This skill-building session breaks down myths about survivorship, discusses the origins of victim blaming, and dives into how to respond when receiving a disclosure. This workshop can also be combined with the Office of Equity’s Responsible Employee training.
Interpersonal Violence 101	1-1.5 hours	Students	This session provides a general overview of all aspects of interpersonal violence and includes activities to help participants think about the dynamics of violence and issues such as consent, healthy relationships, and how to help a friend.

Title	Length	Intended Audience	Description
Interpersonal Violence 301	2 hours	Graduate students, faculty, staff	Interpersonal Violence (IPV) 301 is a graduate-level curriculum addressing interpersonal violence in our society through collaborative discussions regarding identity and privileges, and the intersections with interpersonal violence, effective bystander intervention, media literacy, and developing professional and empowering responses to survivor disclosures
Healthy Relationships: What's healthy? What's hurting?	1-1.5 hours	Students	An interactive discussion in which facilitators and participants work to create a shared definition of healthy relationships (intimate or otherwise) by placing emphasis on the importance of our personal values, boundaries and needs. The group also explores healthy ways love is expressed, harbingers of relationships in trouble, and power and control dynamics. In this way, the course works to empower participants with the knowledge and ability to differentiate among healthy, unhealthy and abusive relationships.
Bystander Intervention	1 – 1.5 hours	All	This workshop discusses bystander intervention and works to develop strategies to intervene in difficult situations. The focus of this workshop is on incidents of stalking, sexual violence (including harassment) and relationship violence; but these principles can be applied to almost any situation requiring active bystanding.
Media Literacy	1 – 1.5 hours	All	This workshop provokes discussion about what interpersonal violence is, and how media and pop-culture messages contribute to the normalization of it in our culture. Through activities, images and video clips, the concepts of sexual objectification and gender construction in the social-media age will be illustrated. The discussion also looks at intersections of race, class and power as they relate to interpersonal violence. This workshop is intended to help participants think critically about media heavy society and how it can affect views on interpersonal violence and what individuals and groups can do to create social change.
Gender Construction	1 – 1.5 hours	All	This workshop is designed to highlight how language and societally constructed gender roles can contribute to sexism and interpersonal violence. Facilitators lead an exploration of how and why a binary gender system contributes to interpersonal violence and how we can help disarm and shift harmful gender stereotypes. This workshop aims to deconstruct the social construction of gender and help attendees think critically about gender privilege, inequality and interpersonal violence.

## Circles of Safe Intervention



The Phoenix Center at Anschutz is a 24/7 free and confidential resource for any Anschutz community member who has been impacted by relationship violence, sexual violence, and/or stalking. If you or someone you know is in need of assistance, please stop by our office at **Education 2 North, 3rd floor, Room 3101** or call **(303)724-9120**. For 24/7 crisis support, please call our free and confidential helpline at **(303) 556-CALL (2255)**.

## Victim Assistance Program

Many times a victim’s healing process is helped with the intervention of a professional. If you would like the talk to someone about your victimization, you may also contact the City of Aurora Victim Services Unit at 303-739-6087.

After Hours: A victim’s advocate is available 24 hours a day, 7 days a week. To contact the on-call advocate, call the Aurora Police Department non-emergency dispatch center at 303-627-3100.

## Victim/Survivor Rights, Options and Assistance

When a student, faculty, or staff member reports they have experienced sexual misconduct (dating violence, domestic violence, sexual assault, and stalking), whether it occurred on or off-campus, the University shall provide them with written notification of the following:

1. Reporting rights and options, including to whom and how they should report an alleged offense, including law enforcement authorities (any on-campus and local police) and to be assisted by campus authorities in doing so, but also of their option to decline to notify such authorities;
2. The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order;
3. Responsibilities for orders of protection, no-contact orders, restraining orders or similar lawful orders issued by a criminal, civil or tribal court, or by the campus;
4. Counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, availability of forensic nurses to administer forensic sexual assault nurse exams (“SANE”) and other services available for victims within the campus and in the community; and
5. Options for, and available assistance in, changing transportation and working situations, in addition to any available academic and residential accommodations. This notification shall be made

and accommodations afforded if they are reasonably available, regardless of whether the person who experienced sexual misconduct chooses to participate in any campus investigation or disciplinary proceeding or report the crime to law enforcement.

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

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

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



Coordinator/designee or the Police Department's Community Resource Officer.

## ANNUAL DISCLOSURE OF CAMPUS CRIME STATISTICS

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

CU Anschutz, in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. 1092(f)), publishes and distributes, to all current students and employees, and to any applicant considered for enrollment or employment, information on how to obtain the Annual Security Report. This report provides information regarding campus crime statistics and campus security policies for the CU Anschutz Medical Campus in Aurora. Institutions must disclose *reported* offenses, not the finding of a court, coroner, jury or the decision of a prosecutor.

The Annual Security Report is prepared by the Department's Clery Compliance Manager and in cooperation with the local law enforcement agencies surrounding the CU Anschutz main campus and non-campus locations. On an annual basis, the Clery Compliance Manager, or designee, will contact appropriate law enforcement agencies having jurisdiction over non-campus properties owned or controlled by the University to obtain crime statistics for inclusion in the Annual Security Report.

Campus crime, arrest and referral statistics include those reported to the University Police, by designated campus officials (including but not limited to directors, deans, department heads, designated employees, judicial affairs, and advisors to students/student organizations), and local law enforcement agencies. A procedure is in place to anonymously capture crime statistics disclosed at CU Ethics Line phone and web based anonymous reporting systems 800-677-5590 or [www.ethicspoint.com](http://www.ethicspoint.com).

Each year, an e-mail notification is made to all enrolled students, faculty and employees, which provides the

website address and a direct link to the Annual Security Report. Copies of the Annual Security Report may also be obtained at the University Police Department located at 12454 E. 19th Place, Aurora, CO 80045 or by calling 303-724-2215. All prospective employees may obtain a copy from Human Resources by calling 303-315-2700. The link to the [Annual Security Report](#) is provided at the University of Colorado careers website.

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



### Reports

CU Anschutz believes a well-informed community remains one that is safety conscious. Numerous efforts are made to keep members of the Campus Community informed about campus crime and crime-related problems. Written reports are made of all crimes reported to the University Police Department. Copies of these reports may be obtained through the University Police Department Records Section, Monday through Friday, 8:00 a.m. to 4:00 p.m.

Police reports are maintained by the University Police Department's Records Manager and are used to compile year-end statistics for the Colorado Bureau of Investigations Crime in Colorado report, and the FBI's Uniform Crime Report. In addition, the Police

Department prepares annual and daily reports of campus crime related information. Copies of these reports are available by contacting the University Police Department at 303-724-0261.

## Definitions of Clery Act Crimes

**Criminal Homicide:** These offenses are separated into two categories: Murder and Non-Negligent Manslaughter, and Manslaughter by Negligence.

- a. **Murder and Non-negligent Manslaughter** is defined as *the willful (non-negligent) killing of one human being by another*. **Count one offense per victim.**
- b. **Manslaughter by Negligence** is defined as the killing of another person through gross negligence.

**Sexual Assault:** Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

- a. **Rape** is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
- b. **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- c. **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.

**Robbery:** Robbery is 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:** Aggravated Assault is 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.

**Burglary:** Burglary is the unlawful entry of a structure to commit a felony or a theft.

**Motor Vehicle Theft:** Motor Vehicle Theft is the theft or attempted theft of a motor vehicle.

**Arson:** Arson is 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.

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

**Drug Abuse Violations:** The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics—manufactured narcotics that can cause true addiction (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.



## Hate Crimes

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

Qualification for the position and institutional need shall be the sole basis for hiring employees, and the criteria for retaining employees shall be related to performance evaluation, assessment of institutional

need, fiscal constraints, and/or, in the case of university staff, the rational exercise of administrative prerogative.

All students shall have the same fundamental rights to equal respect, due process, and judgment of them based solely on factors demonstrably related to performance and expectations as students. All students share equally the obligations to perform their duties and exercise judgments of others in accordance with the basic standards of fairness, equity, and inquiry that should always guide education.

In accordance with the Americans with Disabilities Act of 1990, no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of the University. Further, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the University or be subjected to discrimination by the University. (Regent Law, Article 10)

Statistics for Hate Crimes must also be included in the annual disclosure of crime statistics. A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

Although there are many possible categories of bias, under the Clery Act, only the following eight categories are included in the disclosure: race, religion, sexual orientation, gender, gender identity, ethnicity, national origin and disability.

For Clery Act crime disclosure purposes, in addition to the previously defined "Clery Act Crimes," Hate Crime identification must also include the crimes of Simple Assault, Larceny-Theft, Intimidation and Destruction/Damage/Vandalism of Property when committed due to a bias motivation.

2018: No hate crimes reported

2019: No hate crimes reported

2020: No hate crimes reported



CU Anschutz Medical Campus Crime Statistics

Criminal Offenses	On-Campus			Public Property			Non-Campus Locations		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
Murder and Non - Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	1	0	2	0	0	0	0	0	0
Fondling	1	2	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	1	1	1	0	1	0	0	0
Aggravated Assault	1	2	7	0	1	0	0	0	1
Burglary	1	4	9	0	0	0	2	0	0
Motor Vehicle Theft	15	17	48	0	0	0	0	0	0
Arson	0	0	2	0	0	0	0	0	0
Domestic Violence	16	10	8	1	2	0	0	0	0
Dating Violence	0	1	0	0	0	0	0	0	0
Stalking	14	7	2	0	0	0	1	0	0
Illegal Weapons Possession	4	1	0	1	1	0	0	0	0
Drug Law Arrests	6	14	2	6	11	2	0	0	0
Liquor Law Arrests	2	1	5	2	5	1	0	0	0
Illegal Weapons Possessions Referrals	1	0	0	0	0	0	0	0	0
Drug Law Referrals	1	0	0	0	0	0	0	0	0
Liquor Law Referrals	0	0	0	0	0	0	0	0	0

**Unfounded Crimes**

A crime is considered unfounded for Clery Act purposes only when sworn or commissioned law enforcement personnel make a formal determination the report is false or baseless.

2018: Two unfounded crimes  
 2019: Four unfounded crimes  
 2020: No unfounded crimes

## Clery Geography Definitions

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

The University of Colorado Anschutz Medical Campus is defined as those properties, private streets, retail operations and facility owned or controlled by the University of Colorado and used by students, faculty, staff, and visitors. On-campus is roughly bounded by Colfax Avenue, Wheeling Street, 21<sup>st</sup> Avenue Boulevard, and Quentin Street.

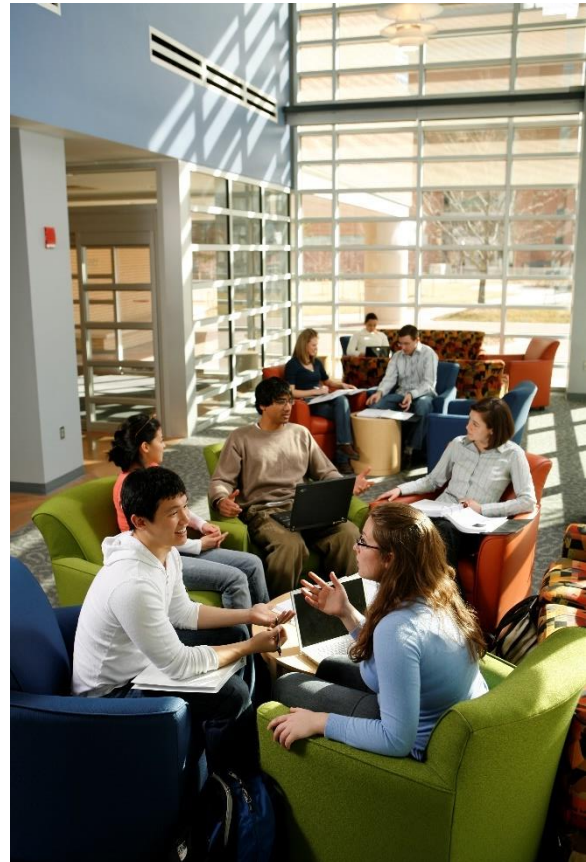
Statistical information for on-campus includes University of Colorado Hospital and Children's Hospital Colorado. The hospitals are not owned or controlled by the University, however, they are located on and surrounded by the CU Anschutz campus. Private security companies provide security to the hospitals.

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

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

## FIRE SAFETY AND MISSING STUDENT NOTIFICATIONS

CU Anschutz does not have on campus student housing. The requirements for a Fire Safety Report and fire safety disclosures are not applicable to CU Anschutz. Missing student notification policies and procedures are also not applicable to CU Anschutz.



## SELF-SECURITY AND CRIME PREVENTION

### Lighting, Vines, Trees and Shrubs

Exterior campus lighting is essential to creating a safe campus environment. Parking lots and parking structures are lighted after dark. Walkways and most campus building exteriors are lighted during the hours of darkness. Maintenance, custodial, police and parking personnel advise the Facilities Management office of any lighting outages that occur. University Facilities Management replaces lamps as required. You

are encouraged to report exterior or interior lighting problems for the CU Anschutz by calling the Facilities Management at 303-724-1777.

Campus groundskeepers trim trees, vines, shrubs, and other vegetation on a regular basis to enhance campus security. Obstructing vegetation is trimmed away from pedestrian walkways, building entrances, windows, and lighting fixtures. You are encouraged to report any specific concerns regarding vegetation on either campus to the Facilities Management at 303-724-1777 from an off-campus phone or x4-1777 from a campus telephone.

### **Access to Campus Facilities**

University Police Officers and Security Officers regularly patrol the exterior and interior of campus buildings during the day, night, weekends and holidays. Building patrols are conducted during normal business hours as well. University Police Officers and Security Officers regularly report lock and security hardware failures to University Facilities Management and/or the Electronic Security Division for repair.

Security Risk Assessments are completed by the Director of Electronic Security or designee to evaluate risks, threats, vulnerabilities, processes, alarm systems, security measures for key and cash control, and physical modifications to enhance the security of particular areas or buildings. University departments wishing to request a facility security survey should contact Electronic Security at 303-724-0014. This service is available for all CU Anschutz Medical Campus buildings.

### **Security Awareness**

Under normal operations, members of the Campus Community, as well as University guests and visitors, have access to most campus buildings and facilities during regular business hours (generally 6 a.m. to 6 p.m.), Monday through Friday. The University Police Department is responsible for securing designated University buildings and for patrols of the campus. CU Anschutz does not have any on-campus residences.

Students, faculty, and staff are issued a University Access Control card that has the capability of serving as an access card to allow entrance to certain locked buildings and areas on the campus outside of regular business hours. Security, department heads and school deans determine what, if any, level of access a student, faculty, or staff will be provided with after-hours.

Additional restrictions and precautionary measures are in place as a result of the on-going novel coronavirus pandemic. As part of a return to campus program, students, faculty and staff were required to be vaccinated by September 1, 2021. Students and employees may request medical or religious exemptions to the vaccination requirement per the CU Anschutz COVID-19 Vaccination Policy. Unvaccinated individuals with approved exemptions on file must take part in mandatory weekly COVID-19 testing.

The CU Anschutz Medical Campus is actively monitoring the spread of the novel coronavirus and taking proactive measures in accordance with local and national guidelines to ensure the health and safety of our community. Students and employees are kept up-to-date through weekly email messages. Any changes to the University's protocols will also be outlined on the university's website at [www.cuanschutz.edu/coronavirus](http://www.cuanschutz.edu/coronavirus).

### **Crime Prevention Programs**

The University Police Department offers a number of programs that promote security awareness and crime prevention. Students, faculty, and staff are encouraged to be responsible for their own security and the security of others. Efforts of the University Police Department are oriented toward crime prevention education. In addition to departmental programs, the University Police Department cooperates with other campus organizations to present security and safety programs.

CU Anschutz is operating a hybrid model, supporting remote and on-campus working and learning due to the novel coronavirus pandemic. As a result, some in-person prevention programs had to be temporarily suspended, while others were presented digitally.

### Weekly

**New Employee Orientation** - A healthy work and learning environment free from discrimination and harassment is a key value at CU Anschutz. To that end, it is required that employees (faculty and staff) be familiar with discrimination and harassment protections, the types of discrimination and harassment that occur in employment and education environments, understand reporting requirements, and the University employees who address discrimination and harassment. This presentation also includes an overview of the University Police Department, the services it provides, and how and when to call the police. Crime on campus is discussed, and personal safety and security information is presented to new students and employees. Employees are required to complete CU: Discriminations & Sexual Misconduct on-line course within 90 days of hire.

### Monthly

**Active Harmer presentation/discussion** - This presentation offers information about surviving an active harmer situation on campus. The discussion portion allows for questions and campus specific information.

### Semesterly

**New Student Orientation** –CU Anschutz colleges and schools conduct a new student orientation at the beginning of each school year and/or the start of a program. In addition to academic and school/college information, the orientation typically provides new students with information about the student code of conduct for their program which includes discrimination and harassment, an overview of the University Police Department, crime prevention, public safety, and campus security procedures and practices.

**Rape Aggression Defense (R.A.D.)** This class is designed to "Develop and enhance the options of self-defense, so that they may become viable considerations to the woman who is attacked". It is a 15 - 16-hour class of physical self-defense and personal

protection strategies taught several times through the year, by certified University Police R.A.D. instructors. Due to the in-person and close contact nature of this training, this course is on-hold at the time of this publication. It will be announced and offered when it is deemed safe to do so.

### On-Going and Upon Request

**Crime Prevention** – Under normal operation, University Police participate in numerous events on campus throughout the year. Officers present crime prevention and educational material, answer questions and discuss personal safety with participants. Examples include, Welcome Wednesday, Block Party, Safety Fair, Preparathon, etc.

Programs presented by the University Police Department may be requested by calling the main number to contact the Community Resource Officer.

- **Preventing Workplace Violence** - Critical to preventing violence from happening in your workplace is recognizing the warning signs and behaviors that can lead to it. This session provides understanding of the many forms those warning signs can take and the situations that can spawn them. Learn how to assess those indicators and how to appropriately respond to a crisis situation.
- **Alcohol Awareness Seminar** - This program emphasizes the legal ramifications of alcohol abuse.
- **Drug Awareness Seminar** - This program emphasizes the legal ramifications of the possession or use of illegal drugs.
- **Drug Information Seminars** - These talks cover recognition of controlled substances and recommend procedures if someone suspects illegal drug use or sales.
- **Rape Drugs Seminar** - This program covers the most commonly used drugs for drug-facilitated rape, their effects, and how to avoid becoming a victim. This program is presented upon request.
- **Office Watch** - Office complexes, health care areas, and research areas are given a security survey, and the staff is trained to recognize and confront suspicious persons and to notify University Police.
- **Personal Safety, Sexual Assault, Date Rape Awareness, and Prevention On-Campus** - This

program addresses ways to be aware of and avoid being a physical or sexual assault victim.

- **Robbery Prevention** - This seminar, given to cashiers, gives tips on how to survive an armed robbery and be a good witness.
- **Security Surveys** - Upon request, a University Police Officer in conjunction with the Electronic Security Division evaluates a facility's physical security and makes recommendations for improvements.
- **Stakeout Program** - When needed, undercover operatives are hired to watch high crime areas and report, by radio, suspicious activity to University Police.
- **Theft and Fraud Seminars** - These presentations are usually given to people working in an area where check and credit card fraud occurs (such as the University bookstore, bursar's office, etc.). The talk usually identifies commonly used scams, how to recognize them and what to do when they happen.
- **New Student/Employee Orientation** - This presentation includes an overview of the University Police Department, the services it provides, and how and when to call the police. Crime on campus is discussed, and personal safety and security information is presented to new students and employees. Topics related to work place violence are also covered.
- **Escorts** - This personal safety and crime prevention program is intended to improve campus safety for students, faculty, visitors, and staff. Students, faculty, visitors, and staff may request a safety escort to their cars in the campus parking lots or within a 4-block radius of the perimeter of campus (perimeter roads are Colfax Ave., Fitzsimons Parkway, Montview Blvd., and Peoria St.), on the CU Anschutz Medical Campus, during the hours of darkness by calling 303-724-4444.
- **Workplace violence education and prevention training.** This training defines workplace violence and outlines strategies to recognize, report and avoid incidents of workplace violence.

## POLICIES – ALCOHOL & OTHER DRUGS

As an academic community, the University of Colorado Anschutz Medical Campus is committed to

providing an environment in which learning, and scholarship can flourish. The possession or use of illegal drugs, or the abuse of those which may otherwise be legally possessed, seriously affects the university environment, as well as the individual potential of our students and employees. The university enforces state laws and related university policies, including those prohibiting the following activities on campus:

- A. Providing alcoholic beverages to individuals under 21 or possession or consumption of alcoholic beverages by individuals under 21.
- B. Distribution, possession, or use of illegal drugs or controlled substances.
- C. Possession of firearms or other dangerous weapons.

The abuse of alcohol and other drugs by students, regardless of age and of location (on-campus or off-campus), is prohibited by the Student Code of Conduct and Ethics and Professionalism codes on the University of Colorado Anschutz Medical Campus. This includes on- or off-campus activities sponsored by the university, such as officially sanctioned field trips, student-sponsored social activities, as well as activities of a student organization recognized by the institution. Professional meetings attended by employees and institution-sponsored activities abroad also fall under this code of conduct. The university can, and will, impose disciplinary sanctions for violations. Students are also subject to city ordinances and state and federal laws. A separate policy addresses violations by university staff.

The university strongly encourages students and staff members to voluntarily obtain assistance for dependency or abuse problems before such behavior results in an arrest and/or disciplinary referral, which might result in their separation from the institution. The use of, or addiction to, alcohol, marijuana, or controlled substances is not considered an excuse for violations of the Student Code of Conduct or staff expectations, and will not be a mitigating factor in the application of appropriate disciplinary sanctions for such violations.

Help is available both on campus and within the community for students and staff members who are dependent on, or who abuse the use of alcohol or other drugs. Services are available at the Student Mental Health Services (303-724-4716) for CU Anschutz students, and The Colorado State Employee Assistance Program (303-866-4314) for CU Anschutz employees. These resources as well as other professional agencies will maintain the confidentiality of persons seeking help for personal dependency and will not report them to institutional or state authorities. The Director of Student Health Promotion at the CU Anschutz Medical Campus, (303)724-7674, provides this programming for CU Anschutz students.

### Student Sanctions

Underage students confronted by the institution for the consumption of alcohol will face disciplinary sanctions including, but not limited to, a warning, bystander class, online class, face-to-face class, reflection paper, personal success plan, counseling referral, alcohol assessment, disciplinary probation, disciplinary probation with loss of good standing, suspension, and expulsion.

Students whose use of alcohol or drugs results in harm or the threat of harm to themselves or others, or to property, regardless of the location of the incident, may face disciplinary action by the university up to and including expulsion.

Testing for the presence of illegal substances may be a condition of any probationary status imposed by the University for violations of drug-related provisions of this policy

Students on the CU Anschutz Medical Campus will be sanctioned according to their individual school or college's professionalism/ethics or disciplinary codes. Any student with a positive result, as described above, may face disciplinary action by the University up to and including expulsion. CU Anschutz campus students must comply with their program, school or college and/or licensing agency's policies and protocols pertaining to drug testing.

As members of the university community, students are also subject to city ordinances and to state and federal law. Arrest and prosecution for alleged violations of criminal law or city ordinances may result from the same incident for which the university imposes disciplinary sanctions.

### Employee Sanctions

The University prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance (illicit drugs and alcohol). These prohibitions cover any individual's actions, which are part of university activities, including those occurring while on university owned or leased property or in the conduct of university business away from the campus.

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

### State Alcohol & Other Drug Laws

#### Colorado Sanctions for Unlawful Acts with a Fake ID

C.R.S. 42-2-309

- A. The unlawful possession or use of an identification card is a [class 3 misdemeanor](#). The unlawful use of an ID in Colorado includes:
- Display any surrendered, fictitious, fraudulently altered, or fraudulently obtained identification card
  - Possession of a fake ID card
  - Allowing another person to use your identification card;
  - To photograph, duplicate, or reproduce any identification card for the purpose of distribution, resale, reuse, or manipulation of the data or images

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C.R.S. 42-2-310

The unlawful use of a fake ID is a class 3 misdemeanor offense in Colorado, as provided in section 18-1.3-501, C.R.S. The penalties for use of a fake driver’s license include a fine between \$50 and \$750 and up to 6 months in jail.

**Colorado Sanctions for Driving Under the Influence**

C.R.S. 42-4-1301 (1)(a)

A person who drives a motor vehicle or vehicle under the influence of alcohol or one or more drugs, or a

combination of both alcohol and one or more drugs, commits driving under the influence. Driving under the influence is a misdemeanor, but it is a class 4 felony if the violation occurred after three or more prior convictions, arising out of separate and distinct criminal episodes, for DUI, DUI per se, or DWAI; vehicular homicide, as described in [section 18-3-106 \(1\) \(b\), C.R.S.](#); vehicular assault, as described in [section 18-3-205 \(1\) \(b\), C.R.S.](#); or any combination thereof.

This chart gives examples of penalties which may be imposed on individuals convicted of drinking and driving. ***The circumstances of the case and other factors affect whether or not these are the actual penalties imposed.***

Conviction	Type of Offense	Jail Term	Fine	Community Service	Driving Penalty
<b>Driving Under the Influence (42-4-1301 C.R.S)</b>	1 <sup>st</sup> offense: Misdemeanor	5 days – 1 year	\$600- \$1000	48-96 hours	9 months suspension, 12 DMV points, education classes
	2 <sup>nd</sup> offense: Misdemeanor	10 days-1 year	\$600- \$1500	48-120 hours	1 yr suspension, interlock device 2 yr, 12 DMV points, education classes
	3 <sup>rd</sup> offense: Misdemeanor	60 days – 1 year	\$600- \$1500	48-120 hours	2 yr suspension, interlock device 2 yr, 12 DMV points, education classes
	4 <sup>th</sup> offense: Class 4 Felony	2-6 years prison, 3 yrs parole	\$2000- \$500,000		
<b>Driving While Ability Impaired (42-4-1301 C.R.S)</b>	1 <sup>st</sup> offense: Misdemeanor	2 days-180 days	\$200 – \$500	24-48 hours	8 DMV points
	2 <sup>nd</sup> offense: Misdemeanor	10 days-1 year	\$600- \$1500	48-120 hours	8 DMV points
	3 <sup>rd</sup> offense: Misdemeanor	60 days-1 year	\$600- \$1500	48-120 hours	8 DMV points
	4 <sup>th</sup> offense: Class 4 Felony	2-6 years prison, 3 years parole	\$2000- \$500,000		
<b>Vehicular Assault (18-3-205 C.R.S)</b>	1 <sup>st</sup> offense: Class 4 Felony	2-6 years prison, 3 years parole	\$2000- \$500,000		
<b>Vehicular Homicide (18-3-106 C.R.S)</b>	1 <sup>st</sup> offense: Class 3 Felony	4-12 years prison, 5 years parole	\$3,000- \$750,000		

**Colorado Penalties for Drinking and Driving Under Age 21**

**C.R.S. 42-4-1301(2)(d)**

Under this section of the Colorado Revised Statutes (C.R.S.), it is unlawful for drivers under age 21 to drive with a BAC between .02% and .05%. This is referred to as Colorado's "zero tolerance" law for underage drivers. A first violation is treated as an infraction rather than a misdemeanor.

This chart gives examples of the penalties, which may be imposed on underage individuals convicted of drinking and driving. *The circumstances of the case and other factors affect whether or not these are the actual penalties imposed.*

Conviction	Type of Offense	Jail Term	Fine	Community Service	Driving Penalty
Underage Drinking and Driving (42-4-1301 C.R.S)	1 <sup>st</sup> Offense: Class A Traffic Infraction	5 days-1 year	\$150	24 hours	3 month suspension, 4 DMV points
	2 <sup>nd</sup> Offense: Class 2 Misdemeanor	10-90 days	\$150-\$300	48-120 hours	6 month suspension, 4 DMV points, Alcohol evaluation and treatment

**Colorado Marijuana Laws**

Persons must be at least 21 years of age to buy, possess or use retail marijuana. It is illegal to give or sell retail marijuana to minors. Adults 21 and older can purchase and possess up to 1 ounce of retail marijuana at a time.

Medical marijuana requires a state red card, which can only be obtained by Colorado residents with a recommendation from a doctor that a patient suffers from a debilitating medical condition that may benefit from medical marijuana. Medical marijuana patients can obtain marijuana from a licensed center, a primary caregiver or self-grow.

Retail marijuana is intended for private, personal use. Such use is only legal in certain locations not open or accessible to the public. Marijuana may not be consumed openly or publicly. This includes but is not limited to areas accessible to the public such as transportation facilities, schools, amusement/sporting/music venues, parks, playgrounds, sidewalks and roads and outdoor and rooftop cafes. It is also illegal to smoke at indoor-but-public locations like bars, restaurants, and common areas in buildings.

It is illegal to drive under the influence of marijuana and it can result in a DUI, just like alcohol. Anyone with 5 nanograms or more of delta 9-tetrahydrocannabinol (known as THC) per milliliter in whole blood (CRS 42-4-1301) while driving can be arrested for DUI. The consequences of DUI are dependent on the driver but they can include fines, jail time and a revoked license.

**Local Drug Laws**

**Aurora Municipal Laws:**

Sec. 94-218 Offenses Related to Marijuana

- a. For the purposes of this section, the term "marijuana" shall include all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or its resins, but shall not include fiber produced from its stalks, oil or cake made from the seeds of such plant or the sterilized seed of such plant which is incapable of germination, if these items exist apart from any other item defined as "marijuana" in this section.



- b. It shall be unlawful for any person under 21 years of age to possess two ounces or less of marijuana.
- c. Unless otherwise provided it shall be unlawful for any person 21 years of age or older to possess more than one ounce and less than two ounces of marijuana.
- d. Unless otherwise provided it shall be unlawful for any person to possess more than two ounces but less than 12 ounces of marijuana.
- e. It shall be unlawful for any person to openly and publicly, consume two ounces or less of marijuana.
- f. Except for a person who lawfully cultivates medical marijuana pursuant to the authority granted in Section 14 of Article XVIII of the State Constitution, it shall be unlawful for a person under 21 years of age to knowingly cultivate, grow or produce six or fewer marijuana plants or knowingly allow six or fewer marijuana plants to be cultivated, grown or produced on land that the person owns, occupies or controls.
- g. Penalties.
  - 1) Any person convicted of subsection (b) or (c) of this section shall be punished by a fine of not more than \$100.00.
  - 2) Any person who is convicted of subsection (e) of this section shall be punished, at a minimum, by a fine of not less than \$100.00 or, at a maximum, by a fine of not more than \$100.00 and 15 days in jail.
- h. It shall not be an offense under subsections (c) and (d) of this section for a person 21 years of age or older to possess, grow, process or transport six or fewer marijuana plants, with three or fewer being mature, flowering plants, and possession of the marijuana produced by the plants on the premises where the plants were grown, provided that the growing takes place in an enclosed, locked space, is not conducted openly or publicly, and is not made available for sale.

## Federal Drug Laws

The possession, use, or distribution of illicit drugs is prohibited by federal law. Strict penalties are enforced for drug convictions, including mandatory prison terms for many offenses. The following information, although not complete, is an overview of federal

penalties for first convictions. All penalties are doubled for any subsequent drug conviction.

### Denial of Federal Aid (20 USC 1091)

Under the Higher Education Act of 1998, students convicted under federal or state law for the sale or possession of drugs will have their federal financial aid eligibility suspended. This includes all federal grants, loans, federal work-study programs, and more. Students convicted of drug possession will be ineligible for one year from the date of the conviction of the first offense, two years for the second offense, and indefinitely for the third offense. Students convicted of selling drugs will be ineligible for two years from the date of the first conviction, and indefinitely for the second offense. Those who lose eligibility can regain eligibility by successfully completing an approved drug rehabilitation program.

### Forfeiture of Personal Property and Real Estate (21 USC 853)

Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. A warrant of seizure is issued and property is seized at the time an individual is arrested on charges that may result in forfeiture.

### Federal Drug Trafficking Penalties (21USC 841)

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The following list is a sample of the range and severity of federal penalties imposed for first convictions. Penalties for subsequent convictions are twice as severe. If death or serious bodily injury result from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces mandatory life sentence and fines ranging up to \$8 million.

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Persons convicted on federal charges of drug trafficking within 1,000 feet of a University (21 USC 845a) face penalties of prison terms and fines which

are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least 1 year.

<b>Federal Trafficking Penalties for Schedules, I, II, III, IV and V (except Marijuana)</b>				
<b>Schedule</b>	<b>Substance/Qty.</b>	<b>Penalty</b>	<b>Substance/Qty.</b>	<b>Penalty</b>
II	Cocaine 500-4999 grams mixture	<b>First Offense:</b> not less than 5 yrs., and no more than 40 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.	Cocaine 5 kilograms or more mixture	<b>First Offense:</b> Not less than 10 yrs., and not more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.
II	Cocaine base 28-279 grams' mixture		Cocaine base 280 grams or more mixture	
II	Fentanyl 40-399 grams' mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl analogue 10-99 grams' mixture		Fentanyl analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture	<b>Second Offense:</b> Not less than 10 yrs., and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	Heroin 1 kilogram or more mixture	<b>Second Offense:</b> Not less than 20 yrs., and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture		PCP 100 grams or more pure or 1 kilogram or more mixture	<b>2 or More Prior Offenses:</b> Imprisonment of not less than 25 years. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
<b>Substance/Quantity</b>		<b>Penalty</b>		
Any amount of other schedule I & II substances		<b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 years or more than life. Fine \$1 million if an individual, \$5 million if not an individual.		
Any drug product containing gamma hydroxybutyric acid		<b>Second Offense:</b> Not more than 30 years. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.		
Flunitrazepam (Schedule IV) 1 gram				
Any amount of other schedule III drugs		<b>First Offense:</b> Not more than 10 yrs. If death or serious bodily injury, not less than 15 years or more than life. Fine \$500,000 if an individual, \$2.5 million if not an individual. <b>Second Offense:</b> Not more than 20 years. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
Any amount of all schedule V drugs		<b>First Offense:</b> Not more than 1 yrs. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. <b>Second Offense:</b> Not more than 4 years. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.		

<b>Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances</b>	
Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants	<p><b>First Offense:</b> Not more than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 years or more than life. Fine \$10 million if an individual, \$50 million if not an individual.</p> <p><b>Second Offense:</b> Not more than 15 years. If death or serious bodily injury, life imprisonment. Fine \$20 million if an individual, \$75 million if not an individual.</p>
Marijuana 100 to 999 kilograms marijuana mixture or 100-999 marijuana plants	<p><b>First Offense:</b> Not more than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 years or more than life. Fine \$5 million if an individual, \$25 million if not an individual.</p> <p><b>Second Offense:</b> Not more than 10 years or more than life. If death or serious bodily injury, life imprisonment. Fine \$8 million if an individual, \$50 million if not an individual.</p>
Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants	<p><b>First Offense:</b> Not more than 5 yrs. If death or serious bodily injury, not less than 20 years or more than life. Fine \$250,000 if an individual, \$1 million if not an individual.</p>
Hashish More than 10 kilograms	<p><b>Second Offense:</b> Not more than 10 years. If death or serious bodily injury, life imprisonment. Fine \$500,000 if an individual, \$2 million if not an individual.</p>
Hashish oil More than 1 kilogram	<p><b>Second Offense:</b> Not more than 10 years. If death or serious bodily injury, life imprisonment. Fine \$500,000 if an individual, \$2 million if not an individual.</p>
Marijuana Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)	<p><b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250 thousand, \$1 million if other than individual.</p> <p><b>Second Offense:</b> Not more than 10 years. Fine \$500,000 if an individual, \$2 million if not an individual.</p>
Hashish 10 kilograms or less	
Hashish oil 1 kilogram or less	

## Counseling and Treatment

Short-term alcohol and other drug counseling is available at Student Mental Health Services 303-724-4716 for CU Anschutz students.

Campus services may refer students to other treatment programs for more intensive treatment if deemed appropriate. The University of Colorado Anschutz Medical Campus and the State of Colorado

Employee Assistance Program offer employees additional education and counseling, as well as appropriate referrals. Below is an abbreviated list of services and treatment centers. The list includes a brief summary of the agency name, services offered at various levels of treatment, and contact information.

## Treatment Resources

### Addiction Research and Treatment Services (ARTS)

University of Colorado Hospital Outpatient Psychiatry Office

3738 W. Princeton Circle, Denver, CO 80236

303-336-1600

[www.artstreatment.com](http://www.artstreatment.com)

Services: Inpatient and outpatient substance abuse treatment with specialized programs for adolescents, men, women, and the offender population. ARTS is the clinical program of the Division of Substance Dependence, Department of Psychiatry at the University of Colorado School of Medicine. ARTS is on the cutting edge of scientific research, medical education, and clinical care for the purpose of reducing death and dying from addictive disorders.

### CeDAR – Center for Dependency Addiction and Rehabilitation

1693 N. Quentin St., Aurora, CO 80045

(720) 848-3000

<https://www.cedarcolorado.org>

Services: Intensive Residential, Intensive Outpatient  
CeDAR provides a full continuum of care including:

- Intensive, medically managed detoxification and stabilization
- Intensive residential
- Extended residential
- Day treatment
- Intensive outpatient treatment
- Outpatient counseling
- Addiction psychiatry
- Integrated addiction medicine and primary care
- Recovery management and support services

### ACI Counseling Services

1301 E. 58<sup>th</sup> Ave., Unit F, Denver, CO 80216

720-641-9627

Service Type: Outpatient

Services: Offender programs, relapse prevention, groups/classes. Adults/Adolescents/Children

### Centennial Peaks Hospital

2255 S. 88th Street, Louisville, CO, 80027

303 673-9990

<https://www.centennialpeaks.com>

Service Type: Intensive Outpatient

Services:

- Adult psychiatric services
- Adult chemical dependency services
- Adult/adolescent chemical dependency including dual diagnosis
- Intensive outpatient treatment -IOP for adults and adolescents including dual diagnosis
- Adult/adolescent mental health intensive outpatient treatment
- Electroconvulsive therapy
- Inpatient detoxification

### West Pines (Chemical Dependency and Behavioral Health)

3400 N Lutheran Parkway, Wheat Ridge, CO 80033

(303) 467-4080

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

Services: Integrated treatment for people with co-occurring diagnoses who are affected by both chemical dependency and an emotional or psychiatric disorder. A holistic approach to treatment focuses on the physical, emotional, social, and spiritual well-being of each of our patients.

## Prevention and Education

As mandated by the Drug-Free Schools and Campuses Act, the Drug and Alcohol Abuse Prevention Program (DAAPP) is distributed to all students, staff and faculty on an annual basis, and during every even year, a biennial review of the comprehensive alcohol and other drug program is conducted. For more information concerning current programs, interventions and policies, contact the Director of Student Health Promotion 303-724-7674.

Alcohol and Drug education and prevention education at the Anschutz Medical Campus is managed within the individual schools and college. Each addresses these issues differently via orientation programs, licensing requirements, course work, and community based referral programs.

Clinical programs with the School of Medicine work with the Colorado Physician Health Program (CPHP) on diagnostic evaluation, treatment referral as well as treatment monitoring and support services.

In addition, other clinical programs (Dental Medicine, Nursing, Pharmacy) of Anschutz Medical Campus work with Peer Assistance Services (PAS), a non-profit agency that provides quality, accessible prevention and intervention services focused on substance use and related issues.

### **WEAPONS POLICY**

The Board of Regents recognizes that the unauthorized possession of firearms, explosives, and other dangerous and illegal weapons on or within any University of Colorado campus, leased building, or areas where such possession interferes with the learning and working environment of the University of Colorado is inconsistent with the academic mission of the university.

The Board of Regents further recognizes that the Colorado General Assembly, in passing the state laws regarding concealed carry, authorizes qualified citizens to obtain a permit to carry concealed handgun. The Colorado Supreme Court determined that the Colorado concealed carry laws apply to state institutions of higher education, including the University of Colorado, and that the concealed carry laws do not permit state institutions of higher education to prohibit the lawful carrying of concealed handguns in accordance with terms of the laws.

Article 14.B.3 of the Laws of the Regents authorizes the chancellors of each campus to adopt procedures governing the use of university grounds, buildings, and facilities. Regent Policy 1.C further recognizes that the possession of firearms, explosives, and other weapons on university premises compromises the safety of the university community.

In recognition of its obligation to both preserve the learning and working environment and to recognize the rights of citizens to exercise their rights under the Colorado concealed carry laws, the Board of Regents authorizes the enactment of rules lawfully regulating the possession of firearms, explosives, and other weapons. The President of the University of Colorado may enact such rules for system administration, and the chancellors of each campus may enact such rules for their respective campus. The carrying of a

concealed handgun in accordance with the requirements of the Colorado concealed carry laws shall not be deemed unauthorized by such rules.

Nothing in this policy limits the ability of the University of Colorado to enter into contracts for access to events or facilities that are not generally open to the public that limit the ability of students, employees, guests, or other visitors to the campus to carry a concealed handgun.

### **SEX OFFENDER REGISTRY**

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

Colorado Bureau of Investigation

<https://www.colorado.gov/apps/cdps/sor/search-agreement.jsf>

The CBI does not post information concerning (1) sex offenders only convicted of misdemeanor sex offenses, or (2) juveniles adjudicated for sex crimes.

According to the CBI website: You may contact your local Police Department, County Sheriff's office, or the CBI for a COMPLETE list of registered sex offenders that reside in your city, county or state. Some Police Departments and Sheriff's Offices maintain websites containing information about sex offenders in their jurisdiction, consistent with Colorado Revised Statutes (CRS) 16-22-112. The Information tab on Colorado Bureau of Investigation's website includes links to view specific Colorado Police and Sheriff sex offender websites.

## APPENDIX A – Title IX Policies

### **Sexual Misconduct, Intimate Partner Violence, and Stalking**

<https://www.cu.edu/sites/default/files/aps/79746-aps-5014-sexual-misconduct-intimate-partner-violence-and-stalking/aps/5014.pdf>

### **Nondiscrimination Policy and Procedures**

[https://www.ucdenver.edu/docs/librariesprovider102/default-document-library/2021-09-29\\_3054--nondiscrimination-policy.pdf?sfvrsn=8890d4ba\\_2](https://www.ucdenver.edu/docs/librariesprovider102/default-document-library/2021-09-29_3054--nondiscrimination-policy.pdf?sfvrsn=8890d4ba_2)



**ADMINISTRATIVE POLICY STATEMENT**

**Policy Title:** Sexual Misconduct, Intimate Partner Violence, and Stalking

**APS Number:** 5014

**APS Functional Area:** **HUMAN RESOURCES**

<b>Brief Description:</b>	Prohibits all forms of <i>Sexual Misconduct</i> , <sup>1</sup> including conduct prohibited by Title IX and other <i>sexual misconduct</i> . This policy also defines and prohibits related misconduct, including <i>retaliation</i> , failure to report, providing false or misleading information, and failing to abide with the orders or sanctions of the Title IX Coordinator or other authorized officials.
<b>Effective:</b>	September 2, 2021
<b>Approved by:</b>	President Todd Saliman
<b>Responsible University Officer:</b>	<a href="#">Title IX Coordinators</a>
<b>Responsible Office:</b>	Offices of Institutional Equity
<b>Policy Contact:</b>	Offices of Institutional Equity
<b>Supersedes:</b>	Sexual Misconduct, Intimate Partner Violence and Stalking, August 14, 2020
<b>Last Reviewed/Updated:</b>	September 2, 2021
<b>Applies to:</b>	All campuses. The system administration is considered a campus for the purposes of this policy and is required to adopt any campus requirements stated herein.

**Reason for Policy:** This policy and the required campus complaint process and procedures are intended to comply with the requirements of the following federal laws, their implementing regulations, and related federal agency guidance, as well as relevant state laws and the Laws of the Regents:

- Title IX of the Education Amendments of 1972 (“Title IX”);
- The Violence Against Women Reauthorization Act (“VAWA”);
- The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (“Clery Act”);
- Title VII of the Civil Rights Act of 1964 (“Title VII”);
- Colorado Revised Statutes § 24-34-402, *et. seq.*;
- Colorado Revised Statutes § 23-5-146 and §23-5-147; and
- Article 8 of the Laws of the Regents.

**I. PREAMBLE**

The University of Colorado (“university”) is committed to ensuring that students, faculty, and staff are not subjected to discrimination, including discrimination on the basis of sex, as well as other forms of *sexual misconduct* that are inconsistent with the university’s values and mission.

This *Sexual Misconduct* Policy (“Policy”) is designed to ensure equal access to the academic and professional experiences at the university. This Policy defines prohibited conduct and reporting obligations, as well as campus support services for involved parties. This Policy requires that each campus have an office with specialized expertise to

<sup>1</sup> As used in this Policy, *Sexual Misconduct* includes both *Title IX Sexual Harassment* and other forms of *sexual misconduct* that fall outside Title IX’s jurisdiction.

address *Sexual Misconduct* in a manner that ensures all parties receive prompt, fair, and equitable treatment and that safeguards the dignity and rights of all involved. These offices implement this Policy and administer the related campus procedures. Anyone who encounters an issue or seeks guidance related to this Policy should consult with the designated office for their campus. University employees who are mandatory reporters (“*responsible employees*”) must promptly report *Sexual Misconduct* or other prohibited conduct.

The faculty, students, and staff of the university enjoy freedom of speech as guaranteed by the United States Constitution, Colorado Constitution, and the Laws of the Regents. This Policy is intended to protect members of the university community from discrimination and harassment, not to regulate protected speech. The University of Colorado also recognizes academic freedom, as defined in [Article 5.B – Academic Freedom](#) of the Laws of the Regents, and this Policy will not be interpreted to prohibit conduct that is legitimately related to course content, teaching methods, research, or scholarship, or the expression of political and academic views of students and faculty in the classroom.

This Administrative Policy Statement (APS) describes the university’s policies and procedures defining and providing for the investigation and remediation of potential *Sexual Misconduct*. It does not constitute a contract, whether express or implied, between the university and any person who is subject to its requirements. The university reserves the right to modify this APS when appropriate.

## II. POLICY STATEMENT

*Sexual Misconduct*, as defined below, may include forms of sex discrimination. The university prohibits sex-based discrimination and harassment, including discrimination based on sex as defined by Title IX, discrimination based on sex that falls outside of Title IX, and other forms of *sexual misconduct* as defined by this Policy. Any person who has experienced other forms of protected class discrimination and harassment that does not constitute *Sexual Misconduct* should also report it to the campus Office of Institutional Equity. The university is committed to providing an environment where all individuals can study and work free from sex discrimination.

It is critical to this commitment that anyone who may have been the target of or has experienced *Sexual Misconduct* feel free to report their concerns without fear of *retaliation*.

To foster a climate that encourages prevention and reporting of *Sexual Misconduct*, the university will engage in prevention efforts, educate the community, respond to all reports promptly, provide *supportive measures* when necessary to maintain the safety of the university environment, and recognize the inherent dignity of all individuals involved. The university shall provide fair and equitable processes to investigate and address complaints of *Sexual Misconduct* that provide fundamental due process.

## III. PROHIBITED CONDUCT

The university prohibits *Sexual Misconduct*, meaning both conduct on the basis of sex specifically prohibited by Title IX and conduct that falls outside of Title IX’s jurisdiction. Prohibited conduct under this Policy includes:

- *Sexual assault;*
- *Dating violence;*
- *Domestic violence;*
- *Title IX stalking;*
- *Stalking;*
- *Sexual exploitation;*
- *Title IX hostile environment;*
- *Hostile environment;*
- *Title IX quid pro quo sexual harassment;* and
- *Quid pro quo sexual harassment.*



## IV. SEXUAL MISCONDUCT JURISDICTION

### A. Jurisdiction

1. This Policy applies to all students, faculty, staff, contractors, patients, volunteers, affiliated entities, and other third parties, regardless of sex, gender, sexual orientation, gender expression, or gender identity. Subject to any rights of appeal, any person found responsible for engaging in *Sexual Misconduct* may be subject to disciplinary action, up to and including expulsion or termination of employment. The university will consider what potential actions should be taken, including contract termination and/or property exclusion, regarding third-party conduct alleged to have violated this Policy, but those options may be limited depending on the circumstances of the arrangement.
  2. This Policy applies to conduct that occurs within an *education program or activity* of the university, or if the *complainant* or *respondent* are affiliated with the university community. This includes off-campus conduct, including online or electronic conduct. Alleged conduct may be considered either Title IX Sexual Misconduct or Sexual Misconduct, depending on the following jurisdictional requirements:
    - a. Title IX Sexual Misconduct: Applies to conduct that occurs in an *education program or activity* against a person in the United States. If the prohibited conduct falls under Title IX Sexual Misconduct jurisdiction and definitions, the Title IX Coordinator or designee must utilize the Title IX Sexual Misconduct procedures as prescribed by the Title IX regulations.
    - b. Sexual Misconduct:
      - i. Applies to conduct that does not otherwise meet the jurisdictional standard or definition of Title IX Sexual Misconduct, but where the conduct occurred in the context of an employment or *education program or activity* of the university or where both the *complainant* and *respondent* are affiliated with the university.
      - ii. For all allegations of *Sexual Misconduct* not falling under (i), the Title IX Coordinator or designee will consider the degree of the university's control over the *respondent*, the relationship between the *complainant* and *respondent*, and assess the surrounding circumstances of the alleged conduct for the presence of the following factors:
        - Targets or causes harm to an individual connected with the university;
        - Threatens further sexual or other violence against the *complainant* or others and there is reasonable fear that such further conduct could target or cause harm to someone connected with the university;
        - Is of a violent nature or was frequent or severe;
        - Prior or current similar, misconduct complaints about the *respondent*, or if the *respondent* has a known history or records from a prior school indicating a history of sexual or other violence;
        - Use of, or threat to use, a weapon, access to or attempts to access weapons, or a history of bringing weapons to the university;
        - Multiple alleged *complainants* or *respondents*;
        - Facilitation by the *incapacitation* of the *complainant* through alcohol, drugs, disability, unconsciousness, or other means;
        - The *complainant* is a minor;
        - Whether the alleged *Sexual Misconduct* reveals a pattern of perpetration at a given location or by a particular group; or
        - Any other signs of predatory behavior.
- If the Title IX Coordinator or designee determines that at least one of the above factors is present, then the Title IX Coordinator or designee may determine that the university may exercise jurisdiction, and the *Sexual Misconduct* policy standards apply.
3. The Title IX Coordinator or designee is authorized to determine whether this Policy applies to alleged prohibited conduct and whether the university has jurisdiction to take any action pursuant to this Policy.

4. To initiate a grievance process under this Policy, either the *complainant* or Title IX Coordinator or designee must file and sign a *formal complaint*.
  - a. Title IX Sexual Misconduct: To file a *formal complaint*, a *complainant* must be participating in or attempting to participate in the university's *education program or activity*. "Attempting to participate" can include a *complainant* who (1) is applying for admission or employment; (2) has graduated from one program but intends to apply to another program and/or intends to remain involved with a university's alumni programs or activities; or (3) has left school because of *Sexual Misconduct* but expresses a desire to re-enroll. A *complainant* who is on a "leave of absence" may also be participating or attempting to participate in a university's programs or activities.
  - b. Sexual Misconduct: To file a *formal complaint*, a *complainant* may or may not be a member of the university community who alleges to be a victim of conduct that would violate this Policy.
5. If, at any point during the investigation, the alleged conduct does not constitute a Policy violation, the Title IX Coordinator or designee can dismiss the *formal complaint* in whole or part. Dismissal does not preclude action under other university or campus policies, procedures, or conduct codes.
  - a. Title IX Sexual Misconduct: The Title IX Coordinator or designee must dismiss a *formal complaint*, subject to appeal under section VII.D, if the alleged conduct would not constitute Title IX Sexual Misconduct or the university lacks jurisdiction under the requirements of Title IX.
  - b. Sexual Misconduct: The Title IX Coordinator or designee must dismiss a *formal complaint*, subject to appeal under section VII.D, if the alleged conduct would not constitute *Sexual Misconduct* or the university lacks jurisdiction to pursue the matter.

## V. PREVENTION AND REPORTING

### A. Primary and Ongoing Prevention and Awareness Programs

Each campus shall create, provide, and publish comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to prevent *Sexual Misconduct* that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to campus community needs, and informed by research or assessed for value, effectiveness, or outcome. The programs must include both primary prevention and awareness programs offered to incoming students and new employees and ongoing prevention and awareness campaigns directed at current students, faculty, and staff.

Each campus shall develop its prevention programs taking into account the particular needs of its students, faculty, and/or staff. The prevention programs shall include:

1. A statement that the university prohibits *Sexual Misconduct* and provides notice of this Policy, the campus complaint process and procedures, and where complaints may be filed;
2. The definitions of *dating violence*, *domestic violence*, *sexual assault*, *stalking*, and *sexual exploitation* in the applicable criminal jurisdiction;
3. The definition of *consent*, in reference to sexual activity under this Policy and in the applicable criminal jurisdiction;
4. Safe and positive options for bystander intervention that an individual may carry out to prevent harm or intervene when there is a risk of *Sexual Misconduct* against another person;
5. Information on how to reduce the risk of *Sexual Misconduct* by recognizing warning signs of abusive behavior and how to avoid potential attacks; and
6. Information about the procedures available to *complainants* and the procedures that the campus will follow after a *Sexual Misconduct* allegation.

## B. Options for Reporting and Assistance Following an Incident of Sexual Misconduct

When a student, faculty, or staff member reports a possible incident of *Sexual Misconduct*, whether it occurred on- or off-campus, the campus shall provide the *complainant* with written notification of the following:

1. Reporting rights and options, including:
  - a. To whom and how to report an alleged offense, including campus authorities and local law enforcement authorities;
  - b. How to file a *formal complaint*;
  - c. To be assisted by campus authorities in making a report; and
  - d. To decline to notify such authorities.
2. The importance of preserving evidence that may assist in proving that an alleged criminal offense occurred or may be helpful in obtaining a protection order;
3. The method by which the individual can seek orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a court or other competent authority;
4. Counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, availability of forensic nurses to administer forensic *sexual assault* nurse exams (“SANE”), and other services available for victims within the campus and the community; and
5. Options for, and available assistance in, obtaining *supportive measures*, including changing transportation and working situations, in addition to any available academic and residential accommodations. This notification shall be made and *supportive measures* afforded if they are reasonably available, regardless of whether the person who reported experiencing *Sexual Misconduct* chooses to participate in any campus grievance process or report the alleged crime to law enforcement.

Reporting Options and Assistance:

[CU Boulder](#)  
[CU Colorado Springs](#)  
[CU Denver](#)  
[CU Anschutz Medical Campus](#)  
[CU System Administration](#) (Administered by CU Boulder)

## C. Confidential Resources and Privacy

1. Confidential Resources/Independent Reporting Obligations: The university supports the use of confidential resources for all parties, for any reason, including support for medical assistance, counseling, crisis intervention, advocacy, and assistance with legal, housing, and financial matters. Information shared with confidential resources is not disclosed to any party outside of the resource(s) with limited exceptions as defined by law or policy of the resource.
2. Employees who are confidential resources are not required to report *Sexual Misconduct* under this Policy. A person who is a confidential resource under this Policy may have an independent obligation to report some forms of criminal conduct to law enforcement officials. Any person who is a confidential resource may consult with campus legal counsel to determine whether an independent reporting obligation exists.

Confidential Resources:

[CU Boulder](#)  
[CU Colorado Springs](#)  
[CU Denver](#)  
[CU Anschutz Medical Campus](#)  
[CU System Administration](#) (Administered by CU Boulder)

Clery Act Reporting:

Those persons who are “Campus Security Authorities” for purposes of crime reporting under the Clery Act may find a summary of their obligations at:

[CU Boulder](#)  
[CU Colorado Springs](#)  
[CU Denver](#)  
[CU Anschutz Medical Campus](#)  
[CU System Administration](#) (Administered by CU Boulder)

Communications of *Sexual Misconduct* to a “responsible employee” are not confidential, and these employees must report *Sexual Misconduct* to the Title IX Coordinator or designee when it is disclosed to them.

3. Privacy and Information Disclosure: The university will not disclose the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a *formal complaint* of *Sexual Misconduct*, any *complainant*, any individual who has been reported to be the perpetrator of sex discrimination, any *respondent*, and any witness, except as may be permitted by law, or to carry out an investigation, hearing, or judicial proceeding related to this Policy. This may require sharing information, including identification information, between internal university offices.
4. *Formal Complaints* by Title IX Coordinator and Overriding Factors: If a *complainant* has disclosed an incident of *Sexual Misconduct*, but wishes to maintain privacy and does not wish to initiate the grievance process, the Title IX Coordinator or designee must discuss the availability of *supportive measures* with the *complainant*, describe the process for filing a *formal complaint*, and explain that the university prohibits *retaliation*. The Title IX Coordinator or designee will further explain the steps the university will take to prevent *retaliation* if the individual participates in a grievance process and will take responsive action if it occurs.

If, having been informed of the university’s prohibition of *retaliation* and its obligations to prevent and respond to *retaliation*, the *complainant* would still like to maintain privacy or does not want to file a *formal complaint* initiating the grievance process, the Title IX Coordinator or designee will weigh that request against the university’s obligation to provide a safe, non-discriminatory environment for all students, faculty, and staff. In making that determination, the Title IX Coordinator or designee will consider a range of potentially overriding factors that would cause the Title IX Coordinator or designee to file a *formal complaint* and initiate a grievance process, including the following:

- a. The risk that the *respondent* will commit additional acts of sexual or other violence;
- b. The seriousness of the alleged *Sexual Misconduct*, including whether the *respondent* threatened further sexual or other violence against the *complainant* or others, whether the alleged *Sexual Misconduct* was facilitated by the *incapacitation* of the *complainant*, or whether the *respondent* has been found responsible in legal or other disciplinary proceedings for acts of sexual or other violence;
- c. Whether the alleged *Sexual Misconduct* was perpetrated with a weapon;
- d. Whether the *complainant* is a minor;
- e. Whether the university possesses means other than the *complainant*’s testimony to obtain relevant evidence of the alleged *Sexual Misconduct* (e.g., security cameras or personnel, physical evidence); and
- f. Whether the alleged *Sexual Misconduct* reveals a pattern of perpetration at a given location or by a particular group.

The decision to file a *formal complaint* by the Title IX Coordinator or designee and initiate the grievance process will be on a case-by-case basis after an individualized and thoughtful review.

5. Findings of *Sexual Misconduct*: The university recognizes that third parties (either employers and/or institutions receiving transferring students) may have a legitimate interest in knowing whether a university employee or student has been found responsible for engaging in *Sexual Misconduct*. In the event that, after a grievance process and any rights of appeal have been completed, an employee or student has been found responsible for engaging in *Sexual Misconduct*, the university may confirm upon inquiry from a potential employer, licensing or credentialing agency, or institution that the employee or student has been found responsible for violating this Policy subject to applicable state and federal laws (e.g., Family Educational Rights and Privacy Act (FERPA)) regarding such disclosures. As required by the Colorado Open Records Act, the university shall not release any

records related to the investigation of *Sexual Misconduct* or finding of *Sexual Misconduct* unless otherwise permitted by law.

#### D. Reporting *Sexual Misconduct*

1. Purpose of Reporting: All members of the university community may report *Sexual Misconduct*. Reporting not only allows the university to undertake investigations when appropriate, but also allows the university to inform those who have been involved of *supportive measures* and to facilitate access to those services. Reporting also allows the university to identify institutional risks, increase the effectiveness of its training programs, and identify the need for additional services that will protect the university community from harm. The university views reporting of *Sexual Misconduct* as fundamental to its ability to provide a campus environment that allows equal access to educational and employment opportunities.
2. *Responsible Employees* Must Report *Sexual Misconduct*: Many members of the university community generally, including faculty and members of the administration with supervisory responsibilities, are *responsible employees*, who must promptly report *Sexual Misconduct* to the Title IX Coordinator or designee. A full definition of *responsible employees* is provided in section IX.L.
  - a. Any *responsible employee* who witnesses or receives a written or oral report alleging that a member of the university community has been subjected to or has committed an act of *Sexual Misconduct* must promptly report the allegations to the Title IX Coordinator or designee. Members of the university community include students, faculty, staff, contractors, patients, visitors to campus, volunteers, and employees of affiliated entities. Because the university may have the ability to address or prevent future *Sexual Misconduct*, the obligation to report exists independently of whether the individual who was subjected to or committed an act of *Sexual Misconduct* is currently enrolled or employed at the university.
  - b. The *responsible employee* is required to promptly report to the Title IX Coordinator or designee all known details about the alleged *Sexual Misconduct*, including:
    - i. Name(s) of the *complainant(s)*;
    - ii. Name(s) of *respondent(s)*;
    - iii. Name(s) of any alleged witnesses; and
    - iv. Any other relevant facts, including the date, time, and specific location(s) of the alleged incident.

If the *responsible employee* does not know all the above details, the *responsible employee* must still make a report with the available information. If the *responsible employee* is unable to provide this information at the time of making an initial report, but later becomes aware of additional information, the *responsible employee* must supplement the prior report.

*Responsible employees* employed by university law enforcement are required to report pursuant to this section unless the information is otherwise excluded by state or federal law (for example, identifying information for the *complainant* and/or information related to juveniles).

- c. In many instances, it may not be immediately apparent whether a person is a member of the university community or whether the alleged *Sexual Misconduct* occurred in the course of an *educational program or activity* of the university. Rather than conduct their own inquiries to determine whether these conditions exist, *responsible employees* should report potential *Sexual Misconduct* to the Title IX Coordinator or designee to allow a preliminary inquiry to occur.
- d. *Responsible employees* are not required to report information disclosed during an individual's participation as a subject in an Institutional Review Board-approved human subjects research protocol. Institutional Review Boards may, in appropriate cases, require researchers to provide reporting information to all subjects of Institutional Review Board Research.
- e. *Responsible employees* who receive information related to *Sexual Misconduct* in the course of serving in their capacity as ombuds, as designated by the university, are not required to report to the Title IX Coordinator. These *responsible employees* must report *Sexual Misconduct* disclosed to them when they are not serving in their capacity as ombuds.

- f. *Responsible employees* who receive information related to *Sexual Misconduct* in the course of providing professional services within a privileged relationship, such as health care providers or counselors, are not required to report to the Title IX Coordinator. These *responsible employees* must report *Sexual Misconduct* disclosed to them when they are not providing professional services within a privileged relationship. These *responsible employees* may also have independent professional obligations to report some forms of criminal conduct to law enforcement officials. Any *responsible employee* may consult with campus legal counsel to determine whether an independent reporting obligation exists.
  - g. A *responsible employee* does not satisfy the reporting obligation by reporting *Sexual Misconduct* to a supervisor or university personnel other than the Title IX Coordinator or designee.
  - h. *Responsible employees* are not required to report *Sexual Misconduct* to which they have been personally subjected to the Title IX Coordinator, but they are nonetheless encouraged to report.
3. Reporting by Students and Other Members of the University Community Who are Not *Responsible Employees*: The university encourages all members of the university community, even those who are not defined as *responsible employees*, to report *Sexual Misconduct* to the Title IX Coordinator or designee. To encourage *complainants* and witnesses to make reports of conduct prohibited under this Policy and to allow for a review of these reports, the university will not pursue disciplinary action against an individual who makes a good faith report to the university or who participates in the investigation of an alleged incident of *Sexual Misconduct*, whether as a *complainant*, *respondent*, or witness, for a violation of the campus Student Code of Conduct's prohibitions upon the personal consumption of alcohol or other drugs. A *respondent's* intoxication resulting from intentional use of alcohol/drugs, however, will not function as a defense to engaging in *Sexual Misconduct*.
4. *Formal Complaint*: A *complainant* or Title IX Coordinator or designee must file a document alleging *Sexual Misconduct* against a *respondent* for the university to initiate a formal investigation under this Policy. The *formal complaint* must contain the *complainant's* or Title IX Coordinator's physical or digital signature. A *complainant* who reports allegations of *Sexual Misconduct* with or without filing a *formal complaint* may receive *supportive measures*.

## VI. RESPONSIBILITIES OF THE TITLE IX COORDINATOR

- A. The Title IX Coordinator is responsible for overseeing reports of *Sexual Misconduct* and identifying and addressing any patterns or systemic problems that arise during review of those reports.
- B. Each campus shall designate and provide notice of the name, title, office address, telephone number, and email address for the campus Title IX Coordinator and any designated Deputy Coordinators.

Title IX Coordinators:

[CU Boulder](#)  
[CU Colorado Springs](#)  
[CU Denver](#)  
[CU Anschutz Medical Campus](#)  
[CU System Administration](#) (Administered by CU Boulder)

- C. For all matters within the scope of this Policy, at a minimum, each campus Title IX Coordinator shall be specifically responsible and have delegated authority from the appropriate chancellor for implementing this Policy. Subject to the Title IX Coordinator's ultimate responsibility and authority, the Title IX Coordinator may further delegate responsibility and authority for the following functions:
  - 1. Ensuring that reports of *Sexual Misconduct* are handled appropriately and in a timely manner;
  - 2. Overseeing adequate, reliable, and impartial investigations of reports of *Sexual Misconduct*;
  - 3. Evaluating whether a *formal complaint* should proceed over a *complainant's* decision to not move forward pursuant to section V.C.4;
  - 4. Evaluating whether a *formal complaint* must be dismissed on jurisdictional bases;
  - 5. Referring matters for further action or discipline for inappropriate or unprofessional conduct under other applicable policies or procedures even if a *Sexual Misconduct* violation is not found. No provision of this Policy

shall be construed as a limitation upon the authority of the disciplinary authority to initiate disciplinary action for inappropriate or unprofessional conduct;

6. Facilitating *supportive measures* for all parties;
7. Ensuring broad publication of the campus complaint process and procedures, including posting the process and procedures on an appropriate campus website;
8. Providing an annual report to the president and the appropriate campus chancellor documenting:
  - a. the number of reports or *formal complaints* of alleged violations of this Policy;
  - b. the categories (i.e., student, employee, or other) of the parties involved;
  - c. the number of policy violations found;
  - d. the number of appeals taken and the outcomes of those appeals; and
  - e. examples of sanctions imposed for Policy violations;
9. Reviewing and confirming that the relevant policy statements of the campus Annual Security Report pursuant to the Clery Act are consistent with this Policy and campus complaint process and procedures;
10. Monitoring campus compliance with this Policy;
11. Ensuring there is ongoing training and education regarding reporting and preventing *Sexual Misconduct* for all students, faculty and staff;
12. Ensuring that Title IX Coordinators, investigators, and decision-makers are thoroughly trained;
13. Maintaining records and related documentation of compliance with this Policy, including, but not limited to, retaining copies of any training documentation, tracking student and employee training participation, documenting each step of the campus complaint process and procedures, including *supportive measures*, investigation, hearing, sanctioning, and appeal; and
14. Ensuring broad dissemination of the statement that the university shall not discriminate on the basis of sex in employment or in its education programs and activities.

## VII. GRIEVANCE PROCESS AND PROCEDURES

### A. General Requirements

Each campus shall establish a written grievance process and procedures providing for equitable resolution of any *formal complaints* of *Sexual Misconduct* within an average of 90 calendar days, except that such time frame may be extended for good cause with prior written notice to the *complainant* and *respondent* of the delay and reason for the delay. Each campus will also provide the *complainant* and *respondent* with regular written updates on the status of the investigation throughout the process until conclusion. Any grievance process that may result in disciplinary action must specifically include a procedure that:

1. Is conducted by trained officials who do not have a conflict of interest or bias for or against the *complainant* or *respondent*, or against *complainants* or *respondents* generally. An official shall recuse from any role in the grievance process in those instances where the official believes that their impartiality might reasonably be questioned by an independent, neutral observer due to the official's personal bias or prejudice against the *complainant* or *respondent*, or against *complainants* or *respondents* generally, or where the official has a personal or professional relationship with one of the parties that would adversely affect the official's ability to serve as an impartial finder of fact.
2. Provides *supportive measures* before or after the filing of a *formal complaint* or where a report of *Sexual Misconduct* has been made but no *formal complaint* has been filed. *Supportive measures* are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the *complainant* or the *respondent* and are designed to restore or preserve equal access to the university's *education program or activity* without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the university's educational or work environment, or deter *Sexual Misconduct*. *Supportive measures* may include counseling, extensions of time or other course-related adjustments, modifications of work or class schedules, campus safety escort services, mutual or individual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. The university will keep confidential any *supportive measures* provided to the *complainant* or *respondent*, to the extent that maintaining such confidentiality will not impair the university's ability to provide the *supportive measures*. *Supportive measures* should be individualized and appropriate based on the information gathered by the Title IX Coordinator or designee.

3. May remove a *respondent* from an *education program or activity* on an emergency basis after the university undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of *Sexual Misconduct* justifies removal, and provides the *respondent* with notice and an opportunity to challenge the decision immediately following the removal. The university may also place a non-student employee on administrative leave during the pendency of a grievance process.
4. Includes advance written notice of allegations to all parties with sufficient time to prepare a response before any initial interview. Notice will include:
  - a. The identity of the parties involved in the incident;
  - b. The specific section(s) of the Policy allegedly violated;
  - c. The conduct allegedly constituting *Sexual Misconduct*;
  - d. The date and location of the alleged incident, to the extent known and available;
  - e. Information about the university's grievance process;
  - f. A statement that the *respondent* is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
  - g. Information about the provisions that prohibit knowingly making false statements or knowingly submitting false information during the grievance process;
  - h. Information that the parties have equal opportunity to inspect and review evidence; and
  - i. Information that the *complainant* and *respondent* may each have an advisor of their choice, including an attorney. The advisor may not engage in any conduct that would constitute harassment or *retaliation* against any person who has participated in an investigation and may be denied further participation for harassing or retaliatory conduct.
5. May consolidate *formal complaints* in situations that arise out of the same facts or circumstances and involve more than one *complainant*, more than one *respondent*, or what amount to counter-complaints by one party against the other. The university may also consolidate under this grievance process related violations as designated in this Policy or other prohibited conduct under other policies, procedures, or conduct codes.
6. Provides if, after a *formal complaint* is initiated, the university learns that the conduct alleged in the *formal complaint* would not constitute *Sexual Misconduct* even if proved, the university must dismiss the *formal complaint* with regard to that conduct (mandatory dismissal). The university may, but is not required to, dismiss a *formal complaint* at any time during the investigation if the *complainant* notifies the Title IX Coordinator in writing that the *complainant* would like to withdraw the *formal complaint* or any allegations therein, if the *respondent* is no longer enrolled or employed at the university, or if specific circumstances prevent the university from gathering evidence sufficient to reach a determination as to the *formal complaint* or the allegations therein (discretionary dismissal).
  - a. Title IX Sexual Misconduct: If the university dismisses a *formal complaint* pursuant to the Title IX Sexual Misconduct procedures, the Title IX Coordinator or designee will consider whether the conduct alleged in the *formal complaint* violates other provisions of this Policy and any other university or campus policies, procedures, or conduct codes.
  - b. Sexual Misconduct: If the university dismisses a *formal complaint* pursuant to the Sexual Misconduct procedures, the Title IX Coordinator or designee will consider whether the conduct alleged in the *formal complaint* constitutes a violation of any other university or campus policies, procedures, or conduct codes.
  - c. Upon either mandatory or discretionary dismissal, the university will promptly send written notice of the dismissal and reason(s) simultaneously to the parties, along with information about the appeal process.
7. Both parties may appeal a dismissal of a *formal complaint* on the following bases:
  - a. To determine whether there were procedural irregularities that affected the dismissal;
  - b. If new evidence that was not reasonably available at the time of dismissal could affect the outcome of the matter; or
  - c. The Title IX Coordinator, investigators, or decision-makers had a conflict of interest or bias for or against *complainants* or *respondents* generally or the individual *complainant* or *respondent* that affected the dismissal.



8. The decision-maker for the appeal of a dismissal may not be the same decision-maker that reached the determination regarding dismissal, the investigator(s), or the Title IX Coordinator. The decision-maker for the appeal must be trained.
9. In the appeal, both parties must have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.
10. The appeal decision-maker will issue a written decision describing the result of the appeal and the rationale for the result. The appeal decision must be provided simultaneously to both parties.

## **B. Investigation Requirements**

Each campus shall establish an investigative process where the university, and not the parties, holds both the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility for *Sexual Misconduct*. When investigating a *formal complaint* and throughout the grievance process, the university must:

1. Provide the parties an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
3. Not use any party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the university obtains that party's voluntary, written *consent* to do so for a grievance process;
4. Provide the parties with the same opportunity to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but does not have to be, an attorney. During the investigation stage, the advisor is not allowed to testify, and must primarily observe and provide support. An advisor who is verbally abusive, disruptive to the investigative process, or persists in trying to substantively interfere with the investigative process after warnings to cease and desist may be asked to leave and may be precluded from attendance at future meetings or conferences;
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a *formal complaint*, including the evidence upon which the university does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence, whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation;
7. Prior to completion of the *investigative report*, the university must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least ten business days to submit a written response, which the investigator will consider prior to completion of the *investigative report*. The university must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and
8. Create an *investigative report* that fairly summarizes relevant evidence without reaching any findings of fact or conclusions, and, at least ten business days prior to a hearing or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the *investigative report* in an electronic format or a hard copy, for their review and written response.

### C. Hearing Requirements

1. A trained Hearing Officer will preside over a live hearing. Nothing precludes the university from utilizing a single decision-maker (Hearing Officer) or a panel of decision-makers (including the Hearing Officer) for the hearing and to determine responsibility.

Each party may bring one advisor of their choosing to the live hearing to conduct cross-examination, with prior notice to the university that the advisor will attend and that advisor's name. The university will inform both parties of the identity of the other party's advisor. If a party does not have an advisor present at the live hearing, the university will provide that party an advisor, without fee or cost. Upon notice that a party needs an advisor, the university will endeavor to assign an advisor at least ten calendar days prior to the scheduled pre-hearing conference so the advisor may prepare. The advisor provided by the university to conduct cross-examination on behalf of that party may be, but is not required to be, an attorney. A party may not personally ask questions of the other party or witnesses during the hearing.

2. Live hearings will be conducted virtually, with parties located in separate locations. Technology will enable the Hearing Officer and parties to simultaneously see and hear the party or the witness answering questions. Hearings are closed to the public.
3. The Hearing Officer must create an audio or audiovisual recording, or transcript, of any live hearing and the university must make it available to the parties for inspection and review.
4. The parties will be provided the name(s) of the Hearing Officer and any panel members prior to the pre-hearing conference.
5. Pre-hearing Conference: The Hearing Officer will convene a pre-hearing conference with the parties and their respective advisors to plan for the hearing. Prior to the pre-hearing conference, the parties will provide the Hearing Officer with a list of witnesses they may call and evidence they may use during the hearing. At the pre-hearing conference, the Hearing Officer and the advisors will discuss, at minimum, the following topics:
  - a. Identification of each party's advisor who will be attending the live hearing;
  - b. The procedures to be followed at the hearing;
  - c. Identification of witnesses who will appear at the hearing; and
  - d. Identification of exhibits that will be presented for the cross-examination process.

Should a party or advisor fail to participate in the pre-hearing conference, the party or advisor will receive the witness and exhibit lists at the time of the hearing.

6. The Hearing Officer is responsible for maintaining an orderly, fair, and respectful hearing. The Hearing Officer will direct the order of the proceeding and may engage in direct questioning of parties and witnesses during the hearing. The Hearing Officer has broad discretion and authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the offending individual. The following rules apply:
  - a. Advisors must be respectful of the parties and the hearing process. Abusive, intimidating, and harassing conduct will not be tolerated;
  - b. Advisors may only make objections to questions on the grounds of relevance or to assert a privilege. Advisors must signal for the Hearing Officer's attention and calmly state their objection and wait for a determination;
  - c. Repetitive or redundant questioning may be deemed both lacking in relevancy and harassing;
  - d. Should an advisor need to confer with their party, they may request that the Hearing Officer grant them a recess. A mid-hearing conferral may not exceed ten minutes. Every effort should be made to conduct conferrals privately and to not be overly disruptive;
  - e. Parties and advisors may not create audio or audiovisual recordings of the hearing; and
  - f. Advisors and parties must acknowledge the rules of decorum in advance of a hearing, including an acknowledgement that failure to abide by the rules may result in adjournment of the hearing and a postponement until the party whose advisor failed to abide by the rules may secure a new advisor.

7. At the live hearing, the Hearing Officer must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Each party's advisor must ask questions directly, orally, and in real time.
8. A party's advisor may only ask a party or witness relevant questions. A relevant question seeks information that has any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the information sought in the question. Before a *complainant*, *respondent*, or witness answers a cross-examination or other question, the Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
9. Questions and evidence about the *complainant's* sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the *complainant's* prior sexual behavior are offered to prove that someone other than the *respondent* committed the conduct alleged by the *complainant*, or if the questions and evidence concern specific incidents of the *complainant's* prior sexual behavior with respect to the *respondent* and are offered to prove *consent*.
10. The Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions. The Hearing Officer may consider any relevant prior statement of a party or witness, whether or not they submit to cross-examination at the live hearing. The Hearing Officer may decide how much weight to give the prior statements, weighed in light of all the evidence in the case and the issues to be decided.
11. Consistent with the standard of proof in other conduct proceedings, the Hearing Officer must apply the preponderance of the evidence standard when making findings of fact and conclusions as to whether *Sexual Misconduct* or another violation of this Policy has occurred. A preponderance of the evidence exists when the totality of the evidence demonstrates that an allegation of *Sexual Misconduct* is more probably true than not. If the evidence weighs so evenly that the Hearing Officer is unable to say that there is a preponderance on either side, the Hearing Officer must determine that there is insufficient evidence to conclude there has been a violation of this Policy.
12. The Hearing Officer or panel must issue a written determination regarding responsibility. The written determination must include:
  - a. Identification of the allegations potentially constituting *Sexual Misconduct*;
  - b. A description of the procedural steps taken from the receipt of the *formal complaint* through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
  - c. Findings of fact supporting the determination;
  - d. Conclusions regarding the application of this Policy to the facts;
  - e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the university imposes on the *respondent* consistent with section VII.C.13, and whether remedies designed to restore or preserve equal access to the *education program or activity* will be provided by the university to the *complainant*; and
  - f. The university's procedures and permissible bases for the *complainant* and *respondent* to appeal.
13. In cases resulting in a Policy violation, the Hearing Officer or panel, prior to the issuance of the written determination, must refer the matter to the appropriate sanctioning authorities (for either a student or employee *respondent*) for a disciplinary sanction to be determined. The Hearing Officer or panel will include the disciplinary sanction in the written determination. In the event that no Policy violation is found, there is no preclusion of discipline for other student or employee misconduct under applicable university policies, procedures, or conduct codes.
14. The range of possible disciplinary sanctions for student *respondents* includes receiving a written warning or reprimand through expulsion. The range of possible disciplinary sanctions for employee *respondents* includes receiving a letter of expectation or reprimand through termination of employment or employment contract.

15. The university must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on:
  - the date that the university provides the parties with the written determination of the result of the appeal, if an appeal is filed; or,
  - the date on which an appeal would no longer be considered timely, if an appeal is not filed.
16. The Title IX Coordinator is responsible for effective implementation of any remedies.

#### D. Appeal

1. Either party may appeal from a dismissal (mandatory or discretionary) or determination regarding responsibility, on the following bases:
  - a. To determine whether there were procedural irregularities that affected the outcome of the matter;
  - b. If new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter; or
  - c. The Title IX Coordinator, investigators, 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.
2. The decision-maker for the appeal may not be the same Hearing Officer that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator. The decision-maker for the appeal must be trained.
3. In the appeal, both parties must have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.
4. The appeal decision-maker will issue a written decision describing the result of the appeal and the rationale for the result. The appeal decision must be provided simultaneously to both parties.

#### E. Reports Involving Two or More Campuses

When an alleged violation of this Policy involves more than one university campus, the campus with primary disciplinary authority over the *respondent* shall investigate the *formal complaint* pursuant to its applicable grievance process and procedures. The campus responsible for the investigation may request the involvement or cooperation of any other affected campus and should advise appropriate officials of the affected campus of the progress and results of the investigation.

### VIII. RELATED VIOLATIONS AND CONSOLIDATION

- A. Other misconduct, while not falling within the definition of *Sexual Misconduct*, hinders the university's ability to uphold its legal obligations and ensure equal access to educational and employment opportunities. As such, the university prohibits the following conduct:
  1. Failure to Report: The university will administer this Policy in a manner that promotes the reporting of *Sexual Misconduct* and avoids disciplinary actions when *responsible employees* conscientiously discharge their reporting obligations. A failure to report an allegation of *Sexual Misconduct* shall result in a violation of this Policy only if the *responsible employees* received information that a member of the university community was subjected to or committed an act of *Sexual Misconduct* and intentionally, knowingly, or recklessly disregarded the obligation to report, thus resulting in harm to a member of the university community.
  2. Retaliation: The university will not permit *retaliation* against a member of the university community because the individual has made a report or *formal complaint*, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. Intimidation, threats, coercion, or discrimination, including charges against an individual for conduct code violations that do not involve sex discrimination or *Sexual Misconduct*, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or *formal complaint* of *Sexual Misconduct*, constitutes *retaliation*.

3. **Providing Materially False Statements:** Providing materially false statements related to *Sexual Misconduct* is contrary to the purposes of this Policy. Members of the university community must provide reports of *Sexual Misconduct* in good faith. A person who knowingly or recklessly makes false statements or knowingly or recklessly submits false information during the grievance process violates this Policy. Making a report or providing information in good faith, even if the facts alleged in the report are not later substantiated, will not constitute providing false or misleading information.
4. **Interference with Reporting:** No member of the university community may prohibit or interfere with a *responsible employee* or any other person's reporting *Sexual Misconduct* to the Title IX Coordinator or designee.
5. **Failure to Comply with Orders and Sanctions:** Subject to any rights of appeal, members of the university community must comply with orders of the Title IX Coordinator or other appropriate university officials related to this Policy, including, but not limited to, no-contact orders, exclusion orders, and emergency removal orders. Subject to any rights of appeal, members of the university community must abide by and complete sanctions related to *Sexual Misconduct*.
6. The university may consolidate *formal complaints* of *Sexual Misconduct* with charges of related violations in situations that arise out of the same facts or circumstances and proceed under the grievance process applicable to *formal complaints* described in section VII. Alternatively, in the absence of a *formal complaint* for *Sexual Misconduct*, the university may proceed with adjudication for related violations under other applicable campus procedures or conduct codes.

## IX. DEFINITIONS

*Italicized terms* used in this APS are defined in the [APS Glossary of Terms](#) or are defined in this Policy.

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

*Consent* is not effectively given if it results from the use of force, including threats or intimidation, or if it is from someone who is incapacitated:

- **Force** is the use of physical violence or imposing on someone physically to gain sexual access.
- **Threats** exist where a reasonable person would have been compelled by the words or actions of another to give permission to sexual contact they would not otherwise have given. For example, threats to kill or harm someone, kill or harm themselves, or kill or harm someone for whom a person cares constitute threats.
- **Intimidation** occurs when someone uses physical presence to menace another, although no physical contact occurs, or where knowledge of prior violent behavior by an assailant, coupled with menacing behavior, places someone in fear as an implied threat.

*Consent* will be determined using both objective and subjective standards. The objective standard is met when a reasonable person would consider the words or actions of the parties to have manifested an agreement between them to do the same thing, in the same way, at the same time, with one another. The subjective standard is met when a party believes in good faith that the words or actions of the parties manifested an agreement between them to do the same thing, in the same way, at the same time, with one another. The following standards also apply to *consent*:

- A person who does not want to *consent* to sex is not required to resist.
- *Consent* to some forms of sexual activity does not automatically imply *consent* to other forms of sexual activity.
- Silence, previous sexual relationships, or the existence of a current relationship do not imply *consent*.
- *Consent* cannot be implied by attire or inferred from the giving or acceptance of gifts, money, or other items.
- *Consent* to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly.
- Withdrawal of *consent* can be manifested through conduct and need not be a verbal withdrawal of *consent*.
- In order to give effective *consent*, the person giving *consent* must be of legal age under Colorado law for the purposes of determining whether there was a *sexual assault*.

- A *respondent's* intoxication resulting from intentional use of alcohol or drugs will not function as a defense to engaging in sexual activity without an individual's *consent*.
- B. **Complainant:** Within the context of this Policy, means an individual who is alleged to be the victim of conduct that could constitute *Sexual Misconduct, retaliation,* or other conduct in violation of this Policy.
- C. **Dating violence:** means violence committed by a person, on the basis of sex –
1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  2. where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - a. The length of the relationship;
    - b. The type of relationship; and
    - c. The frequency of interaction between the persons involved in the relationship.
- D. **Domestic violence:** The term “domestic violence” includes felony or misdemeanor crimes of violence, on the basis of sex, committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- E. **Education program or activity:** Includes locations, events, or circumstances over which the university exercises substantial control over both the *respondent* and the context in which the *Sexual Misconduct* occurs. This includes any building owned or controlled by a student organization that is officially recognized by the university.
- F. **Formal Complaint:** means a document filed by a *complainant* or signed by the Title IX Coordinator or designee alleging *Sexual Misconduct* against a *respondent* and requesting that the university investigate the allegation of *Sexual Misconduct*. A *formal complaint* may be filed with the Title IX Coordinator or designee in person, by mail, or by electronic mail. If the *complainant* files the *formal complaint*, the document must contain the *complainant's* physical or digital signature, or otherwise indicate that the *complainant* is the person filing the *formal complaint*.
- G. **Hostile Environment:** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, or objectively offensive that it effectively denies a person equal access to the university's *education program or activity*. Mere offensive nonsexual conduct is not enough to create a *hostile environment*. Although repeated incidents increase the likelihood that harassment has created a *hostile environment*, a single or isolated incident of *sexual assault* may be sufficient. This definition governs allegations of *hostile environment* related to *sexual misconduct* that fall outside Title IX's jurisdiction, including allegations of student and employee *sexual misconduct* as described in section IV.A.2.b.<sup>2</sup>
- H. **Incapacitation:** *Incapacitation* may result from alcohol or other drug use, unconsciousness, or other factors. The use of alcohol or drugs in and of itself does not render a person incapacitated. *Incapacitation* is a state beyond drunkenness or intoxication. The impact of alcohol and drugs varies from person to person. *Incapacitation* is a state where a person cannot make a rational, reasonable decision because they lack the capacity to give *consent* (to understand the who, what, when, where, why, or how of sexual interaction). Incapacity can also result from illness, sleep, mental disability, and other circumstances. Engaging in sexual activity with a person whom you know to be mentally or physically incapacitated, or reasonably should know to be incapacitated, violates this Policy.
- I. **Investigative Report:** A written report of relevant and material evidence distributed to both parties after gathering facts from both parties, witnesses, and any other available sources of evidence. The *investigative report* does not contain responsibility determinations or analysis and is intended to objectively present relevant evidence.

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<sup>2</sup> The following examples of non-Title IX sexual misconduct are offered for illustrative purposes only and are not an exhaustive list: alleged conduct that occurs in off-campus housing that does not have a nexus to an employment or educational program; and alleged conduct that occurs in study-abroad programs.

- J. **Quid Pro Quo Sexual Harassment:** A member of the university community conditioning the provision of an aid, benefit, or service of the university on an individual's participation in unwelcome sexual conduct.
- K. **Respondent:** Within the context of this Policy, means an individual who has been reported to be the perpetrator of conduct that could constitute *Sexual Misconduct*, *retaliation*, or other conduct in violation of this Policy.
- L. **Responsible employee:** Means any employee who –
1. has the authority to hire, promote, discipline, evaluate, grade, formally advise, or direct faculty, staff, or students;
  2. has the authority to take action to redress *Sexual Misconduct*; or
  3. has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX Coordinator. A Title IX Coordinator may designate in campus procedures that certain individuals who might otherwise not be considered *responsible employees* are subject to mandatory reporting requirements.
- M. **Retaliation:** Means any adverse action threatened or taken against a person because an individual has filed, supported, or provided information in connection with a complaint of *Sexual Misconduct*, including, but not limited to, direct and indirect intimidation, threats and harassment. An “adverse action” is any conduct or action that would dissuade a reasonable person from reporting an allegation of *Sexual Misconduct* or participating in an investigation of *Sexual Misconduct*.
- N. **Sexual assault:** Means any attempted or actual sexual act directed against another person, without *consent* of the victim, including instances where the victim is incapable of giving *consent*. This includes:
1. Rape: the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the *consent* of the victim. This offense includes the rape of all persons and is properly applied regardless of the age of the victim if the victim did not *consent* or if the victim was incapable of giving *consent*.
  2. Fondling: 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 the victim's age or because of the victim's temporary or permanent mental incapacity.
  3. Statutory Rape: sexual intercourse with a person who is under the statutory age of *consent* if the victim consented and the offender did not force or threaten the victim.
  4. Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- O. **Sexual exploitation:** Means conduct that takes sexual advantage of another person without that person's *consent*. Examples of behavior that could rise to the level of *sexual exploitation* include, but are not limited to: (1) prostituting another person; (2) taking possession of the intimate personal property of another person without that person's *consent*; (3) recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's *consent*; (4) distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not *consent* to such disclosure; and (5) viewing or listening to another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's *consent*. If *sexual exploitation* is severe, pervasive, and objectively offensive, it may meet the definition of *Title IX Hostile Environment*; otherwise, it may constitute *Sexual Misconduct*.
- P. **Stalking:** Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
1. fear for their safety or the safety of others; or
  2. suffer substantial emotional distress.

- Q. **Title IX Sexual Harassment:** means unwelcome conduct on the basis of sex that satisfies one or more of the following:
1. “Sexual assault” as defined in 20 U.S.C. § 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. § 12291(a)(10), “domestic violence” as defined in 34 U.S.C. § 12291(a)(8), or “stalking” as defined in 34 U.S.C. § 12291(a)(30);
  2. Hostile Environment: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the university’s *education program or activity*; or
  3. Quid Pro Quo Sexual Harassment: An employee of the university conditioning the provision of an aid, benefit, or service of the university on an individual’s participation in unwelcome sexual conduct.
- R. **Title IX Hostile Environment:** Unwelcome conduct, on the basis of sex, determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the university’s *education program or activity*. Mere offensive nonsexual conduct is not enough to create a *hostile environment*. Although repeated incidents increase the likelihood that harassment has created a *hostile environment*, a single or isolated incident of *sexual assault* may be sufficient.
- S. **Title IX Quid Pro Quo Sexual Harassment:** An employee of the university conditioning the provision of an aid, benefit, or service of the university on an individual’s participation in unwelcome sexual conduct.
- T. **Title IX Stalking:** Means engaging in a course of conduct, on the basis of sex, directed at a specific person that would cause a reasonable person to:
1. fear for their safety or the safety of others; or
  2. suffer substantial emotional distress.

## X. RECORDKEEPING

The university must maintain the following records for a minimum of seven years:

- A. Each *Sexual Misconduct* investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript;
- B. Any disciplinary sanctions imposed on the *respondent*, and any remedies provided to the *complainant* designed to restore or preserve equal access to the university’s education program or activity;
- C. Any appeal and the result therefrom;
- D. All materials used to train Title IX Coordinators, investigators, and decision-makers. The university must make these training materials publicly available on its website; and
- E. Records of any actions, including any *supportive measures*, taken in response to a report or *formal complaint of Sexual Misconduct*. In each instance, the university must document the basis for its conclusion that its response was not deliberately indifferent and document that it has taken measures designed to restore or preserve equal access to the university’s *education program or activity*. If a university does not provide a *complainant* with *supportive measures*, then the university must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the university in the future from providing additional explanations or detailing additional measures taken.



## **XI. RELATED POLICIES AND OTHER RESOURCES**

### A. Campus *Sexual Misconduct* Policies and Procedures

[CU Boulder](#)  
[CU Colorado Springs](#)  
[CU Denver](#)  
[CU Anschutz Medical Campus](#)  
[CU System Administration](#)

### B. [APS 5015 - Conflict of Interest in Amorous Relationships](#)

### C. [Title IX Coordinators](#)

### D. Campus Discrimination and Harassment Policies and Procedures

[CU Boulder](#)  
[CU Colorado Springs](#)  
[CU Denver](#)  
[CU Anschutz Medical Campus](#)  
[CU System Administration](#) (*Administered by CU Boulder*)

## **XII. HISTORY**

- Adopted: June 5, 1989 - University Policy on Sexual Harassment.
- Revised: November 14, 1996; July 1, 1999; July 1, 2003 (renamed Sexual Harassment Policy and Procedures); July 1, 2009; July 20, 2012; November 29, 2012 (correction to strike Section IV.G. which was not shown in final version for July 20, 2012); July 1, 2015 (renamed Sexual Misconduct); October 1, 2018 (renamed Sexual Misconduct, Intimate Partner Abuse and Stalking); August 14, 2020 (renamed to Sexual Misconduct, Intimate Partner Violence, and Stalking); September 2, 2021.
- Last Reviewed: September 2, 2021.

## **XIII. KEY WORDS**

Title IX, sexual misconduct, sexual harassment, sexual exploitation, sexual assault, consent, responsible employee, retaliation, intimate partner abuse, dating violence, domestic violence, hostile environment, quid pro quo, incapacitation, reporting, confidential resources.



**Campus Administrative Policy**

**Policy Title: Nondiscrimination Policy and Procedures**

Policy Number: 3054      Functional Area: **General Administration**

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Effective: July 1, 2016  
Date Last Amended/Reviewed: August 8, 2018  
Date Scheduled for Review: July 1, 2023  
Supersedes: Nondiscrimination Policy, July 1, 2016

Approved by: Roderick Nairn  
Provost and Executive Vice Chancellor for Academic and Student Affairs

Prepared by: Assistant Vice Chancellor for Academic Affairs  
Reviewing Office: Provost and Executive Vice Chancellor for Academic and Student Affairs

Responsible Officer: Provost and Executive Vice Chancellor for Academic and Student Affairs

Applies to: University of Colorado Anschutz Medical Campus  
University of Colorado Denver

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**A. INTRODUCTION**

Unlawful discrimination and harassment has no place at the University of Colorado Denver | Anschutz Medical Campus and offends the University’s core values, including a commitment to equal opportunity and inclusion. All University employees, faculty members, students and community members are expected to join with and uphold this commitment. Robust discussion and debate are fundamental to the life of the University. Consequently, this Policy shall be interpreted in a manner that is consistent with academic freedom as defined in Regent Law, Article 5D.

**B. POLICY STATEMENT**

The University of Colorado Denver | Anschutz Medical Campus is committed to maintaining a positive learning, working, and living environment. As such, the University does not discriminate on the basis of race, color, national origin, pregnancy, sex, age, disability, creed, religion, sexual orientation, gender identity, gender expression, veteran status, political affiliation, or political philosophy in admission and access to, and treatment and employment in, its educational programs and activities. (Regent Law, Article 10).

This policy: (1) provides a definition of discrimination and harassment based upon Protected Class status and related retaliation; (2) prohibits such discrimination; and (3) identifies the procedures (the “Procedures”) the University follows when it receives a report alleging a violation of the university core values. Individuals who violate this policy shall be disciplined or subjected to corrective action as outlined herein. This policy is meant to be read in conjunction with the accompanying University Nondiscrimination Procedures.

### C. **PROHIBITED CONDUCT**

The conduct listed below is prohibited, as are attempts to commit and aiding, abetting, or inciting others to commit them. Prohibited conduct also includes conduct engaged in by electronic means including, but not limited to, computers, any type of phone, or any other means of electronic communication.

***Discrimination*** occurs when an individual suffers an adverse consequence on the basis of a protected class. Examples include failure to be hired or promoted or denial of admission to an academic program based on protected class status.

***Harassment*** means verbal or physical conduct related to one’s protected class that unreasonably interferes with an individual’s work or academic performance or creates an intimidating or hostile work or educational environment.

***Hostile Environment.*** Whether a hostile environment exists is determined from both a subjective and an objective perspective. The subjective perspective evaluates whether or not the reporting party experienced unwelcome conduct [based on a protected characteristic]. The objective perspective evaluates whether or not the unwelcome conduct was, from the perspective of a reasonable person in the alleged reporting party’s position, sufficiently severe, persistent or pervasive that it unreasonably interferes with, limits or deprives an individual from participating in or benefiting from the University’s education or employment programs and/or activities. [Harassment becomes prohibited by this policy where enduring the offensive conduct becomes a condition of continued participation or receipt of benefits from the University’s education or employment programs and/or activities.] Mere offensive conduct, such as petty slights and annoyances, such as stray negative comments in an otherwise neutral evaluation, “snubbing a colleague,” or negative comments that are justified by an individual’s poor performance or history are not enough to create a Hostile Environment. Although repeated incidents increase the likelihood that harassment has created a hostile environment, a single or isolated incident of discrimination or harassment may be sufficient.

***Retaliation.*** Means any adverse action threatened or taken against a person because an individual has filed, supported or provided information in connection with a complaint of *discrimination*, including but not limited to direct and indirect *intimidation*, *threats* and harassment. An “adverse action” is any conduct or action that would dissuade a reasonable person from reporting an allegation of *discrimination* or participating in an investigation of *discrimination*.

## **D. PROTECTED ACTIVITY AND GOOD FAITH REPORTS**

Protected activity includes complaints involving violations of the Non-discrimination Policy and the Sexual Misconduct Policy. It does not include complaints involving violations of other policies. Nor does it include complaints raising ethical, financial or other concerns unrelated to discrimination. Protected activity does include requesting reasonable accommodation based on, for example, disability or religion.

Protected activity is covered under this policy even if the claims involved were ultimately found invalid so long as those claims were made in good faith.

It is a violation of this policy when a person knowingly or recklessly alleges a false complaint of protected class discrimination or harassment or provides false information during the course of an investigation, and violations may be subject to disciplinary action, up to and including, expulsion or termination of employment, as applicable. This provision does not apply to reports made or information provided in good faith, even if the facts alleged are not later substantiated.

## **E. REPORTING OBLIGATIONS**

Any faculty or staff member who is considered a Responsible Employee, as defined herein, who witnesses or receives information regarding possible prohibited protected class discrimination or harassment is required to promptly report the information to the Office of Equity or his or her designee. Such information about the alleged conduct, where possible, should include:

- name of the alleged complainant(s);
- name of alleged respondent(s);
- name of any alleged witnesses; and
- any other relevant facts, including the date, time and specific location of the alleged incident.

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

The University may have an obligation to report to the police, keeping the name of the victim confidential, in circumstances where the incident includes an allegation that a crime has been committed.

## **F. PROCEDURES**

Reports or complaints made pursuant to this policy will be addressed promptly and as practicably as possible after the report is made in accordance with the University of Colorado Denver | Anschutz Medical Campus Nondiscrimination Procedures.

## G. DEFINITIONS

**Appointing authority/disciplinary authority.** An appointing authority is the individual with the authority or delegated authority to make ultimate personnel decisions concerning a particular employee. A disciplinary authority is the individual who or office that has the authority or delegated authority to impose discipline upon a particular employee or student.

**Complainant and/or Respondent.** Within the context of this process and related procedures, the individual alleged to have been subjected to harassment or discrimination may be referred to as the “complainant or reporting party” and the person(s) against whom the complaint is filed is the “respondent” or “responding party.” For related complaint, grievance or disciplinary processes, refer to Regent Policies under 5. Faculty, 5. H. Faculty Senate Grievance Process and 5. I. Faculty Dismissal for Cause Process (for faculty), State Personnel Board Rules (for classified employees), and campus student disciplinary policies and procedures (for students).

**Equity, Office of.** The Office of Equity at the University of Colorado Denver | Anschutz Medical Campus investigates allegations of discrimination, harassment and sexual misconduct and related retaliation based upon an individual’s Protected Class status. This Office has the authority to impose discipline in conjunction with the appointing authority/disciplinary authority.

**Protected Characteristics/Class.** Are those personal traits, characteristics and/or beliefs that are defined by applicable law as protected from discrimination and/or harassment. They include race, creed, color, sex, gender identity or expression, age, national origin, ancestry, religion, physical or mental disability, veteran status, marital or domestic partnership status, affectional or sexual orientation and/or other characteristics protected by applicable law. For further information on the definitions of protected classes, link to the U.S. Equal Employment Opportunity Commission at <http://www.eeoc.gov/laws/types/>.

**Responsible Employee.** Means any employee who has the authority to hire, promote, discipline, evaluate, grade, formally advise or direct faculty, staff or students and/or has the authority to redress sexual misconduct. This definition does not include any medical, mental health, counseling or other office personnel, in addition to any other offices covered by a statutory privilege or designated in campus procedures as not subject to mandatory reporting to the university.

**University Property.** University property is defined as land, buildings, and facilities in possession or owned, used or controlled by the university or funded by university budgets.

### Notes

1. Dates of official enactment and amendments:

July 1, 2016: Adopted by the Provost

August 8, 2018: Modified

2. History:

August 8, 2018: Modified to reflect a Campus-wide effort to recast and revitalize various Campus policy sites into a standardized and more coherent set of chaptered policy statement organized around the several operational divisions of the university. Contacts at the Office of Equity were also updated in the procedures.

3. Initial Policy Effective Date: July 1, 2016

4. Cross References/Appendix:

- [Campus Administrative Policy 4005, Anti-Violence](#)
- [CU Denver | CU Anschutz Nondiscrimination Procedures](#)
- University of Colorado [Administrative Policy Statement APS 5014 Sexual Misconduct](#)
- For related complaint, grievance or disciplinary processes, refer to Regent Policy 5. [Faculty, 5. H. Faculty Senate Grievance Process](#) and [5. I. Faculty Dismissal for Cause Process](#) (for faculty), [State Personnel Board Rules](#) (for classified employees), and campus student disciplinary policies and procedures (for students).
- [University of Colorado Denver Student Code of Conduct](#), including Student Conduct Codes promulgated by the University of Colorado Denver Graduate School, Schools of Medicine, Pharmacy and Dentistry.

## NONDISCRIMINATION PROCEDURES

Effective July 1, 2016

### I. Purpose and Scope

The Office of Equity at the University of Colorado Denver | Anschutz Medical Campus was created February 2016 to integrate resolutions of all concerns related to protected class discrimination and/or harassment and sexual misconduct. As such, the Office of Equity implements and enforces: (a) the University of Colorado Sexual Misconduct Policy (APS 5014), (b) the [University Sexual Misconduct Investigation Procedures](#), (c) the University of Colorado Policy on Conflict of Interest in Cases of Amorous Relationships (APS 5015), and (d) the procedures outlined within this document.

These procedures describe, in general terms, the process involved in considering and investigating typical reports brought forward to the Office of Equity concerning issues of discrimination and harassment as prohibited by the Nondiscrimination Policy. Issues involving or invoking Sexual Misconduct will be examined under the [Sexual Misconduct Investigation Procedures](#).

The University of Colorado Denver | Anschutz Medical Campus Nondiscrimination Procedures are intended to comply with the related requirements of the applicable federal and state laws, their implementing regulations, and related federal/state agency guidance. Circumstances in individual cases vary and may require different handling, within the discretion of the University.

### II. Jurisdiction

These Nondiscrimination Procedures govern behavior that occurs on campus, at university-sponsored programs or activities and to behavior that adversely affects the university community, poses a threat to the safety of persons or property, or damages the institution's reputation or relationship with the greater community.

### III. Reporting

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

All other individuals who become aware of an incident of Prohibited Conduct are highly encouraged to report all known details about the Prohibited Conduct to the University Office of Equity by telephone, email, in person, or through the University's online [Incident Report Form](#).



In circumstances where the incident includes an allegation that a crime has been committed, the University may have an obligation to report to the police.

If members of the University community believe they have been subjected to discrimination, harassment or retaliation in violation of the Nondiscrimination Policy, they are encouraged to contact the Office of Equity. Complainants will be asked to complete an in-depth interview regarding their concerns. Interviews can be conducted in person or by telephone. Alternatively, complainants may also file a complaint with the Office of Equity in writing.

**Karey Krohnfeldt, Director of Equity**

*1380 Lawrence Street, 12<sup>th</sup> Floor,*

*Campus Mail 187,*

*Denver, CO 80204*

*Phone: 303-315-2567*

*Email: [equity@ucdenver.edu](mailto:equity@ucdenver.edu)*

*Online report: <https://www.ucdenver.edu/offices/equity/resolutions/make-a-report>*

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

The University offers access to confidential resources for Complainants who are unsure about whether to report Prohibited Conduct or are seeking counseling or other emotional support in addition to (or without) making a report to the University (Responsible Employees must report). Please see section VI of these procedures. If a Complainant chooses not to report formally and/or chooses not to participate in an investigation process conducted by the Office of Equity, counseling or emotional support services remain available to the Complainant.

#### IV. **Resolution Procedures**

**1. Timeframe for Resolution.** Reports pursuant to these procedures will be addressed and resolved promptly after the report is made. The length of time it will take to complete resolution of a reported complaint will vary based on the complexity of the complaint and other factors such as witness availability. Ordinarily, and absent extenuating circumstances, investigations will be concluded within 90 days, not including appeals, following the delivery of the notice of investigation regarding a reported concern. Extenuating circumstances may exist causing the extension of the 90 day timeframe based on a variety of factors, including the complexity of the circumstances of each allegations, the integrity and completeness of the investigation, to comply with a request by law enforcement, to accommodate the availability of witnesses, to provide translation services, to account for University breaks or vacations, to access relevant and probative documentation that is not immediately available, or to address other legitimate reasons.

All reports shall be made as promptly as possible after the occurrence. A delay in reporting may be reasonable under some circumstances; however, an unreasonable delay in reporting is an appropriate consideration in evaluating the merits of a report.

#### **2. Initial Review of Complaint**

The Office of Equity will determine the most appropriate means for addressing the report or





concern. Options include but are not limited to: (i) investigating the report or concern; (ii) with the agreement of the parties, attempting to resolve the report or concern through a form of alternative dispute resolution (e.g., mediation); or (iii) determining that the facts of the report or concern, even if true, would not constitute a violation of the University Nondiscrimination Policies. The Office of Equity Director may designate another individual to conduct or assist with the investigation or to manage an alternative dispute resolution process. Outside investigators shall have relevant training, qualifications and experience.

The failure of an individual to appear and/or respond to the Office of Equity does not prevent the Office of Equity from proceeding or completing the applicable process. The University has an obligation and jurisdiction to conduct at least a preliminary inquiry to determine whether the alleged conduct occurred in the context of, or has continuing effects on, a University program, activity or employment.

### **3. Interim Steps**

When appropriate, prior to or up to the investigation, the University may take reasonable and appropriate interim steps to protect the safety and well-being of members of the University community, maintain the integrity of the investigative and/or resolution process, and deter retaliation.

Participants in this resolution process may request remedial and/or protective measures from the appointing authority/disciplinary authority and/or from the Director of Equity at any point during the reporting and/or investigative process.

### **4. Informal Resolution**

The Office of Equity may determine that the most prompt and effective way to address a concern is through an informal resolution process. The primary focus during an informal resolution remains the welfare of the Complainant and the safety of the campus community, but it does not involve a written report or a determination as to whether a policy has been violated. This type of approach provides the University with a “remedies-based” resolution option that allows the University to tailor responses to the unique facts and circumstances of an incident, particularly in cases where there is not a broader threat to individual or campus safety. In these cases, the Office of Equity may do one or more of the following:

- (1) Provide interim or long-term remedial measures to Complainant that do not require notification to the Respondent;
- (2) Provide targeted or broad-based educational programming or training; and/or
- (3) Meet with the Respondent to (a) discuss the behavior as alleged and provide an opportunity to respond; (b) review prohibited conduct policies; (c) identify and discuss appropriate conduct and behaviors moving forward and how to avoid behavior that could be interpreted as retaliatory; (d) Follow-up with the complainant regarding the Respondent’s responses, if appropriate; and, (e) notify the hiring or disciplinary authority of the allegations and responses if necessary, who will determine whether any other disciplinary action is appropriate.

### **5. Initiation of Formal Complaint**

If the Office of Equity determines that an investigation is warranted, the Respondent will be advised, in a written Notice of Investigation as set forth below, of the allegations against him or



her. The Respondent will also be advised to meet with the investigator so as to present relevant information in response to the allegations. The Respondent's appointing authority/disciplinary authority and the Respondent's supervisor shall be notified that an investigation is taking place. The Office of Equity shall advise the Respondent's supervisor whether the Respondent should be relieved of any supervisory or evaluative authority during the investigation. Although the investigator endeavors to limit the number of individuals who may learn about the complaint, confidentiality cannot be guaranteed.

All University faculty, staff and students are required to cooperate in the investigative process and are prohibited from retaliating against anyone who has brought forth a complaint as outlined in this Policy, or against anyone who has participated as a witness in an investigation conducted by the Office of Equity. Retaliation will not be tolerated.

- a. A **Notice of Investigation** (NOI) will initiate a formal investigation. An NOI will be sent via official university means, such as email, that shall identify:
  - where to access a copy of the these Procedures;
  - the Reporting party (Complainant) and Responding party (Respondent) party ;
  - the standard of review/burden of proof used in the case which shall be preponderance of the evidence;
  - the investigator(s) assigned to the case;
  - the factual description premising a charge of prohibited conduct;
  - the prohibited conduct provisions;
  - any interim protective measures, which typically include but are not limited to, a no-contact order; and
  - Require that the Respondent contact the Office of Equity within five (5) days to set up a meeting.
- b. **Investigative Process.** The Office of Equity follows an investigative model whereby investigators interview the Complainant and Respondent reporting and responding party, and witnesses, separately and provide each party the opportunity to be heard and to respond. The investigator(s) will try to meet face to face with all participants in an investigation to encourage interactive dialogue. There are no formal hearings.

During the course of the investigation, the investigator will review relevant documents, interview relevant witnesses, and view other evidence as may be available. Again, anonymity cannot be guaranteed. To conduct a full and thorough investigation, as a general rule, witness testimony must be shared with the Complainant and Respondent.

The investigator will have the discretion to determine how many witnesses will be interviewed, as well as the order of such interviews. Witnesses must have observed the acts in



question or have information relevant to the incident and cannot be participating solely to speak about an individual's character. Both parties will be presumed to have good character for the purposes of the investigation. The investigator will also determine the relevance and veracity of any proffered information by any party to the investigation.

The investigator may also contact the Complainant, Respondent and/or witnesses as needed, for instance, when evidence is disputed or when further information is required. The Complainant, Respondent and witnesses may continue to provide additional evidence to be considered, even after the investigation is initiated.

Additionally, both the reporting and responding party shall each have the opportunity to:

- Receive timely notice of an interview or meeting where a party's presence is requested;
- Present relevant information to the investigator, including evidence and identifying witnesses;
- Have an advisor of their choice present during any interview, which can include, but is not limited to an attorney or advocate. Advisors are not authorized to participate instead of the reporting party or responding party. If a reporting party or responding party chooses to have an advisor present for interviews, it is the reporting party or respondent's obligation to select an advisor whose schedule allows attendance within the timeframes designated;
- Review and respond to a summary of the relevant and material facts gathered during the investigation prior to a final determination being made. The parties are not required to provide a response to the summary provided, however, should he or she wish to do so, the response together with any corresponding evidence or additional documentation must be received within five (5) business days from the date the investigator provided the summary. Any such responses will be included as part of the investigation by the investigator;
- Receive a copy of the summary of investigative findings at the conclusion of the investigation; and
- Receive notice of any sanction, if applicable, through official University means.

6. **Findings/Determinations/Sanctions.** At the conclusion of an investigation, the investigator shall prepare a written report that shall include a statement of factual findings and a determination of whether the University Nondiscrimination Policy has been violated. A "preponderance of the evidence" standard will be used to determine whether the alleged conduct violates University policies against discrimination and harassment. A preponderance of the evidence standard means it is more likely than not that the alleged misconduct occurred.

Once a decision as to the outcome of the complaint is made, the Complainant and Respondent



will both receive a summary of the facts and findings, reason for the decision, and the legal standard applied. If it is determined that there is an insufficient basis to conclude that discrimination or harassment, threats or actual retaliation has occurred (“insufficient basis”), that will conclude the University’s investigation.

As directed by the Office of Equity, the appointing authority/disciplinary authority should initiate formal action if the Respondent was found to have violated this Policy or acted inappropriately or unprofessionally. The appointing authority/disciplinary authority, and other administrators with a need to know, may have access to the investigative records and may consult with the investigator in order to take appropriate action. The appointing authority/disciplinary authority shall inform, in writing and within one month of issue, the Director of Equity of any action taken against an individual(s) who have violated this Policy or who have behaved inappropriately or unprofessionally. If no disciplinary action is taken, the appointing authority/disciplinary authority must inform the Director of Equity.

**V. Appeals**

Upon the conclusion of the investigation and issuance of the findings, either the Complainant or Respondent may file a written appeal.

**a. How to File an Appeal and Basis for an Appeal**

Appeals must be submitted in writing, to the Director of Equity, within ten (10) business days after written notification of the results of the investigation.

The appeal should indicate the specific grounds for the appeal, supporting arguments and documentation, and any other relevant information the appealing party wishes to include. The appealing party should be aware that all appeals are documentary reviews in which no oral testimony is taken and no oral argument takes place. Generally, appeals are determined solely on the merits of the documents submitted. Appeals documents therefore should be as complete and succinct as possible.

A review of the appeal will be efficient and narrowly tailored. Appeals must state one or more of the following criteria as the reason for the appeal:

- i. New evidence or information is now available which was unavailable during the initial investigation, and which, if considered, may materially affect the outcome of the investigation;
- ii. A procedural error occurred that unfairly and materially affected the outcome of the investigation; or
- iii. The investigator exhibited unfair bias, failed to conduct a thorough investigation, or issued arbitrary findings and conclusions.

**b. Extension of Appeal Filing**

Should a Complainant or Respondent, intending to appeal, believe they do not have adequate time to prepare their written documents, a written request for extension of time may be submitted to the Office of Equity.



The request must be submitted in writing within the 10 business day appeal period, and should include the rationale for requesting the extension along with the proposed date by which all appeal documents will be submitted. Requests for extension of time will be considered on their merits and will not be granted automatically. When an extension is granted, opposing parties to the appeal review may be notified.

**c. Appeal Review**

Upon receipt of the written appeal, the other principal party to the original complaint (Complainant or Respondent) will be notified in writing by email to their official University email address within two business days, and provided 10 business days to respond in writing to the appeal. The response should be sent to the Office of Equity. Neither party is required to respond to an appeal. Not responding to an appeal does not imply agreement with the appeal.

After reviewing all documentation submitted, the reviewing officials (who will be appointed by the Director of Equity or his or her designee) shall make the decision on the appeal, and will notify both parties. Upon review of the appeal, the reviewing official(s) may:

- (1) Uphold the initial decision in its entirety;
- (2) Send the case back to the investigator for further investigation; or
- (3) Reverse specific findings of fact not supported by the evidence in light of the whole record, or conclusions of policy violations not supported by the findings. If new evidence is submitted and the reviewing official(s) determines that the new evidence should be considered, the reviewing official(s) may return the complaint to the investigator to reconsider in light of the new evidence. If the reviewing official(s) determines that procedural errors had a material impact on the fairness of the investigation, he or she may return the complaint to the investigator with instructions that the investigator remedy the errors, or may instead return the case to a different investigator.

The reviewing official(s) will not substitute his/her/their opinion on credibility in place of the judgment of the investigator who observed and heard the witnesses, and will not make new findings of fact.

The reviewing official(s) will reply to the appeal within 15 working days of receipt, notifying both parties of the decision to uphold the initial decision, send the case back to the investigator for further investigation, or reverse specific findings of fact not supported by the evidence in light of the whole record or conclusions of policy violations not supported by the findings. The decision of the reviewing official is final.

**VI. Reports Involving Two or More University of Colorado Campuses**

When an alleged violation(s) involves more than one University of Colorado campus, the report shall be handled by the campus with disciplinary authority over the Respondent. The campus responsible for the investigation may request the involvement or cooperation of any other



affected campus and should advise appropriate officials at the affected campus of the progress and results of the investigation.

**VII. Reports By and Against University Employees and Students Arising in an Affiliated Entity**

University employees and students sometimes work or study at the worksite or program of another organization affiliated with the university. When a Policy violation is alleged by or against university employees or students in those circumstances, the report shall be handled as provided in the affiliation agreement between the university and the other entity. In the absence of an affiliation agreement or a provision addressing this issue, the university may, in its discretion, choose to: (a) conduct its own investigation; (b) conduct a joint investigation with the affiliated entity; (c) defer to the finding of an investigation by the affiliated entity where the university has reviewed the investigative process and is satisfied that it was fairly conducted; or (d) use the investigation and findings of the affiliated entity as a basis for further investigation.

**VIII. Corrective Measures and Sanctioning**

Where there is a finding of a policy violation, the appointing authority/disciplinary authority should impose one or more sanctions. Sanctions may include any of the sanctions that are available for violations of University policy or Standards of Conduct and/or Professionalism. The appropriateness of any particular sanction is reviewed on an individual basis based on the unique facts and circumstances. In keeping with the University's commitment to foster an environment that is safe, inclusive, and free from discrimination and harassment, the Policy provides the Appointing Unit/Disciplinary Authority with latitude in the imposition of sanctions tailored to the facts and circumstances of each report, the impact of the conduct on the Complainant and surrounding community, and accountability of the Respondent. The imposition of sanctions is designed to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects, while supporting the University's educational mission and federal obligations. Sanctions may include termination, expulsion, educational, restorative, restitution, rehabilitative, and punitive components. Some conduct is so egregious in nature, harmful to the individuals involved or so deleterious to the educational process that it requires severe sanctions, including suspension with or without pay and/or expulsion or permanent exclusion from the University. In determining the appropriate sanction(s), the appointing authority/disciplinary authority may consider a number of factors, including but not limited to:

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

As noted above, sanctions may be issued immediately and must be reported to the Office of Equity within one (1) month of issue. The Director of Equity may make recommendations about sanctioning to the appropriate sanctioning/disciplinary authority.

In addition to other sanctions, the appointing/disciplinary authority may take one of the following actions, including but not limited to:

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

#### **IX. Records/Retention**

In all cases, the Office of Equity shall retain the investigator's report in accord with the University's records retention policy or for as long as any administrative or legal action arising out of the report is pending. All records of discrimination, harassment and related retaliation reports and investigations shall be considered confidential and shall not be disclosed publicly except to the extent required by law.

#### **X. Annual Report**

The Office of Equity shall maintain an annual report documenting: (a) the number of reports received pursuant to this Policy; (b) the categories of those involved in the allegations; (c) the number of Policy violations found; and (d) examples of corrective measures applied and/or sanctions imposed for Policy violations.

#### **XI. Education and Prevention**

The University is committed to providing comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to reduce and ultimately end all forms of discrimination and harassment. Such programming shall be culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to campus community needs, and informed by research or assessed for value, effectiveness or outcome. Programs shall also consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels. These programs shall be delivered in conjunction with such units as the Office of Diversity & Inclusion.



**XIII. Counseling**

Any person found to have been subjected to harassment or discrimination may access counseling services. Such services are also available to others who have been affected by harassment or discrimination, as well as to the person who engaged in the harassment or discrimination. These resources are available on the [Office of Equity](#) website.