



**WESTERN STATE**  
**COLORADO UNIVERSITY**

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*Learning, Elevated.*

**ANNUAL SECURITY  
POLICIES AND REPORT 2016  
(ASR)**

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## **ANNUAL SECURITY POLICIES AND REPORT (ASR)**

The Clery Act and Higher Education Opportunity Act (HEOA) impose three different types of campus safety and security disclosure requirements on institutions of higher learning that participate in federal student financial aid programs. Colleges and universities are required to formulate and disclose policies dealing with a range of law enforcement, safety and security matters. They are also required to maintain and provide access to logs and statistics of crimes reported on campus, or disclosed by local law enforcement agencies, and to maintain logs and statistics concerning fires in on-campus residences. Finally, the Act requires institutions to disseminate statistics pertaining to crimes and fires.

## **CAMPUS SECURITY SERVICES**

### **Mission Statement**

The mission of the Western State Colorado University Campus Security Services is to help provide a safe and secure environment for students, faculty, staff and visitors. This is accomplished through a community friendly approach, visibility of security personnel, 24-hour accessibility, roving patrols, and cooperation with all local emergency agencies.

### **Campus Security Department Jurisdiction**

Western's Campus Security Services is not a law enforcement agency. The primary jurisdiction of the Western campus lies under the authority of the Gunnison Police Department. As a public institution, Western is bound to uphold all Federal and State laws. University security guards do not have arrest powers, law enforcement efforts are performed in conjunction with municipal, county, state and federal agencies as appropriate.

### **Role of Campus Security Services**

1. Assist the Gunnison Police Department in providing a safe and secure campus environment.
2. Co-manage the Western Emergency Operations Plan and operationalize when appropriate.
3. Interpret, provide revision, communicate, and enforce University policies.
4. Support all departments of the Western campus community.
5. Support all local law enforcement and emergency management.
6. Investigate, assess, and respond to campus incident scenes.
7. Prepare detailed reports and submit work orders after incidents and, when possible, perform minor maintenance repairs and custodial duties.
8. Provide security for the Western infrastructure.
9. Provide on-campus safety escorts for students, faculty and staff.

## **PROCEDURES FOR REPORTING CRIME ON CAMPUS, EMERGENCY NOTIFICATION AND EMERGENCY RESPONSE**

Western uses the 911 system. **For all campus emergencies or to report an emergency in relation to a campus crime, immediately call 911.** This service is available on a 24-hour basis. Non-emergency crimes may also be reported to the Gunnison Dispatch who will in turn provide contact to the Gunnison Police Department.

### **Campus Security Services Department Contact Policy**

All non-emergency campus crimes, other than low level cooperative underage alcohol pour-outs, are to be reported to Western's Campus Security Services. Contact the Campus Security duty cell phone at 970.209.1020 or call the Campus Security office at 970.943.3084. In the case there is no guard on duty contact the Campus Security emergency cell phone at 970.209.8798. The Campus Security representative will contact the Gunnison Police Department if needed and document the incident.

## EMERGENCY CONTACTS (970 Area Code)

Agency	Office/Cell	Phone Number
Gunnison Dispatch	<b>EMERGENCY</b> Non-Emergency	<b>911</b> <b>641-8000</b>
Campus Security	Security Office Security Cell Security Duty Phone	<b>943-3084</b> <b>209-1020</b> <b>209-8798</b>
Campus Facilities	Facilities Office Facilities Duty Cell	<b>943-3087</b> <b>901-2449</b>

### EMERGENCY NOTIFICATION SYSTEM

Western utilizes the Rave Mobile Safety System as our primary emergency notification system. This system has had tremendous success across the country. All Western students, faculty and staff email addresses are automatically enrolled in the Rave Mobile Safety System and periodic reminder emails are sent out to encourage registration for emergency notification via cell phone texting messages. Western conducts tests of the Rave Mobile Safety System periodically throughout the academic year to ensure the system is working properly.

Please ensure that you check your Western email on a regular basis for any updates or news about the Rave Mobile Safety System.

### EMERGENCY OPERATIONS PLAN, EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Western maintains a comprehensive Emergency Operations Plan (EOP), to view the Public EOP go here: <http://www.western.edu/sites/default/files/page/docs/Public%20EOP.pdf>. It is the responsibility of the Vice President of Student Affairs and the Director of Campus Security Services to develop, implement and maintain the plan. The Emergency Operations Group (EOG) reviews the effectiveness of the plan and makes revisions on an annual basis.

Western utilizes the National Incident Command System (ICS) developed by the Federal Emergency Management Administration for all critical incidents on campus. The University partners with the Gunnison Emergency Operations Center, the Gunnison Police Department, the Gunnison Sherriff Department, the Gunnison Fire Department, and other local agencies to seamlessly integrate into the National ICS. It is in this way that Western addresses the three aspects of emergency planning:

1. Mitigation-The education, training and resources needed before an emergency occurs
2. Response-The resources and personnel needed to respond to an ongoing emergency
3. Recovery-The steps taken to get the university and its community back to the healthiest mode of operation possible after the emergency.

The Western administration will immediately notify the campus community in the event and confirmation of an emergency or dangerous situation involving an immediate threat to the health or safety of the campus community. Primary notification will be through the Rave Mobile Safety System. Information will also be posted on the University website. The decision to notify the community will be based on a case-by-case basis. The initial recommendation will be made by campus security and/or law enforcement personnel at the scene and they will request notification of the campus community based on their

professional judgment. This recommendation can be made to any senior administrator, but is typically made to the President or the Vice President for Student Affairs.

Emergency notifications would be made jointly by the Incident Commander and the University representative present at the Incident Command Center (ICC). The President and Cabinet have ultimate responsibility for policy decision making and would have primary responsibility in any recovery and continuity of operations in the event of a campus emergency.

The persons responsible for sending the official notification to the campus community may include, but is not limited to the: President, Executive Officer/Chief Operating Officer, Vice President for Student Affairs, Director of Campus Security Services, or Director of University Communications. In the event of an incident, which would require the larger community to be notified, the Gunnison County Emergency Management Department will be notified, for posting on regional emergency notification systems and information will be posted on the University website as well as communication through local/regional media channels.

Campus Security and designated persons will test the emergency notification system and provide ongoing training/outreach for emergency response and evacuation procedures on a regular semester/annual basis and document the information concerning a description of the exercise, (i.e., date, time and if announced or not announced). This documentation will be kept in the Annual Security Report file at the Office of Student Affairs or the Office of Campus Security Services.

## **CAMPUS ASSESSMENT, RESPONSE, & EVALUATION (CARE) TEAM**

The CARE Team is an administrative decision-making group that was formed to help prevent and respond to critical behavioral incidents that may occur at Western. Critical behavioral incidents are generally defined as, but not limited to, those campus situations that may involve a mental health emergency, a mental health crisis, or disruptive behavior that may threaten life, health, safety or property, or those which impact the University community. The CARE Team's purpose is to assist with decision-making, communication flow and operational response capability in dealing with crisis/emergency situations or incidents. The team meets bi-monthly or as needed in an emergency situation throughout the academic year. For more information, please go to: <http://www.western.edu/current-students/student-affairs/care-team>.

### **Mental Health Emergency**

A mental health emergency is a life threatening situation in which an individual is imminently threatening harm to self or others, severely disoriented or out of touch with reality, has a severe inability to function, or is otherwise distraught and out of control.

### **Mental Health Crisis**

A mental health crisis is a non-life threatening situation in which an individual is exhibiting extreme emotional disturbance or behavioral distress, considering harm to self or others, disoriented or out of touch with reality, has a compromised ability to function, or is otherwise agitated and unable to be calmed.

### **Disruptive Behavior**

Disruptive behavior interferes with the instructional, administrative, and/or service functions of the University.

## **When to Make a Report**

As a Western community member, you have the ability to report your concern for any community member to the CARE Team. The CARE Reporting Form can be accessed at:

<https://www.western.edu/current-students/student-affairs/behavior-intervention-team/care-reporting-form>.

Is someone you know:

- experiencing a decline in work or academic performance?
- demonstrating disruptive or disturbing behavior?
- showing dramatic changes in appearance, behavior or weight?
- having problems at home, with classes or work?
- making disturbing comments in conversation, email, letters, social media postings or papers?
- sad, anxious or experiencing dramatic mood shifts?
- abusing alcohol or drugs?
- isolating themselves socially?
- acting paranoid or suspicious?
- frequently angry or easily frustrated?
- struggling with health problems?

These behaviors, especially when more than one are present, may be signs that a student, faculty member or staff member is in distress. There are many resources available at Western to help. Your confidential report to Western's Campus Assessment, Response and Evaluation (CARE) Team can make a difference.

### **The CARE Team includes:**

- Vice President for Student Affairs, Chair
- Associate Vice President for Student Affairs
- Associate Vice President for Academic Affairs
- Director of the Academic Resource Center
- Director of Campus Security Services
- Director of Human Resources
- Director of Residence Life
- Assistant Director of LEAD/Prevention Education
- Designated administrator from the Center for Mental Health/University Counseling Center
- Counselor, University Counseling Center
- Chief of Police (or designee), Gunnison Police Department (as needed)

## **CONDUCT & COMMUNITY STANDARDS**

The mission of Community Standards is to provide proactive programming and educational interventions in an effort to foster the development of personal and community responsibility. The goals include:

- To provide educational programs and interventions directed at encouraging responsible, community-minded behavior.
- To establish and enforce reasonable and clear limits designed to protect the campus community and the rights of its members.
- To develop and support a positive living and learning environment.
- To educate students regarding responsibility and accountability for their actions.
- To encourage and foster self-insight and self-initiated change of behavior.
- To protect the rights of individuals accused of violating University rules and policies.
- To provide a fair, supportive, and timely hearing process to address instances of alleged violations of University rules and policies.
- To offer learning experiences for students, staff, and faculty who participate in the on-going direction and implementation of the student conduct process.

*Questions about the Student Conduct and Community Standards can be directed to:*

Chris Luekenga  
Associate Vice President for Student Affairs  
Taylor Hall 301  
[cluekenga@western.edu](mailto:cluekenga@western.edu)  
970.943.2616.

## **OFF CAMPUS POLICY**

Western believes that a student's behavior in the larger community may be grounds for misconduct action, provided that the behavior could have serious adverse impact on the University community (*Student Handbook*, Section Three, p. 60). The University believes that all students are responsible for obeying federal, state, and municipal laws; violation of these laws can lead to misconduct action by the University. Therefore, the University has established procedures with the Gunnison Police Department and other local law enforcement agencies for notification of criminal activity by individuals known to be Western students, regardless if they live on or off campus.

## **SEXUAL MISCONDUCT POLICY**

**For more information on Western's Title IX/Sexual Harassment and Discrimination Policies, please see the *Student Handbook*, posted online, for all policies and procedures.**

**<http://www.western.edu/current-students/student-affairs/handbooks-and-policies/student-handbook-2016-17>**

**For more information on Western's Title IX/Sexual Harassment and Discrimination Policies, please go here:**

**<http://www.western.edu/current-students/student-affairs/title-ixsexual-harassment-discrimination-policies>**

## **SEXUAL MISCONDUCT PROHIBITION POLICY (*Student Handbook*, Section Two, XIV, p. 48)**

### **A. SEXUAL MISCONDUCT IS PROHIBITED**

The Board of Trustees and Western State Colorado University ("Western" or the "University") intend to maintain a campus community free from all forms of sexual misconduct, which includes sexual harassment, hostile environment, sexual assault, domestic violence, dating violence, sexual exploitation, stalking, retaliation and intimidation, as defined below. It is the University's policy that all forms of sexual misconduct are prohibited and will not be tolerated. This policy is promulgated pursuant to Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1981 et.seq., and its implementing regulations, 34 C.F.R. part 106; Title IV of the Civil Rights Act of 1964 (42 U.S.C. § 2000c).

### **B. CLERY ACT OBLIGATIONS**

Western State Colorado University participates in federal student financial aid programs and is subject to the requirements of the Clery Act. The Clery Act requires institutions of higher education to provide current and prospective students, employees, the public and the Department of Education with crime statistics and information about campus crime prevention programs and policies annually. (See the Annual Security Policies Report on Western's Security Services web page.)

**1. Addressing Sexual Misconduct**

The University will take all necessary measures to deter sexual misconduct, including but not limited to preventive educational programs, prompt and thorough investigation of sexual misconduct complaints and the imposition of appropriate disciplinary sanctions against policy violators.

**2. Training and Education**

The University shall continue to provide training and education programs to promote awareness of sexual harassment and sexual assault/violence. These may include, but are not limited to, required online education programs for students and employees, dissemination of educational materials to incoming students and new employees, and periodic training programs for students and staff.

**3. Retaliation**

Retaliation in any form against any member of the University community for reporting sexual misconduct or cooperating in a sexual misconduct investigation is strictly prohibited. Such retaliation shall be dealt with as a separate instance of sexual misconduct. Complaints of sexual misconduct or of retaliation are handled according to the administrative procedures developed and implemented by the University for this purpose.

**C. SCOPE OF POLICY**

This policy applies to all students and employees, regardless of their sexual orientation or gender identity. This policy also applies to all third parties who have access to or use of any University facilities and/or grounds for any reason.

This policy also applies to University–sponsored programs and events, whether on or off campus. This includes, but is not limited to international travel, field trips, conferences, camps, classroom activities, residence halls and all academic and student facilities and events.

**D. REPORTING SEXUAL MISCONDUCT**

The University encourages victims of sexual misconduct to talk to somebody about what happened – so that victims can get the support they need and the University can respond appropriately. This policy is intended to make individuals aware of the various reporting and confidential disclosure options available to them so that they can make informed choices about where to turn should they become a victim of sexual misconduct.

**1. University Reporting**

The University can only respond to allegations of sexual harassment or violence if they are reported. Reporting enables the University to promptly provide support to the impacted students, employees or third parties, and to take appropriate action against the responding party to prevent a recurrence and protect the campus community. Any student, employee, or third party who believes she or he may be the victim of sexual harassment or violence is encouraged to report to the University through one or more of the following resources:

a) **Title IX/Sexual Misconduct Administrator**

Chris Luekenga  
Taylor Hall 301  
970.943.2616

[tixadministrator@western.edu](mailto:tixadministrator@western.edu)



b) **Responsible Employees**

Certain employees are required to report the details of an incident (including the identities of both the victim and the alleged perpetrator) to the Title IX Administrator. A report to these employees (called “Responsible Employees”) constitutes a report to the University – and generally obligates the University to investigate the incident and take appropriate steps to address the situation.

A “Responsible Employee” is a University employee who has the authority to redress sexual violence and the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty. The following categories of employees are the University’s responsible employees: Faculty, Academic Affairs Administrators, Student Affairs Administrators, and certain Residence Life Staff including the Director and Assistant Director of Residence Life and Resident Advisors, Coaches, supervisors, the Director of Human Resources, the President and Vice Presidents of the University. These Responsible Employees are required to report all the details of an incident (including the identities of both the Complainant and the alleged Respondent) to the Title IX Administrator. A report to these Responsible Employees constitutes a report to the University – and generally obligates the University to investigate the incident and take appropriate steps to address the situation.

c) **On-Campus Confidential Reporting of Sexual Misconduct**

If the Complainant requests confidentiality or asks that the complaint not be pursued, the University will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a Complainant insists that his or her name or other identifiable information not be disclosed to the alleged perpetrator, the University will inform the Complainant that its ability to respond may be limited.

**2. Confidential Reporting**

a) **On-Campus Confidential Resources**

Should a complainant wish to speak with an individual in confidence, they should speak with someone at the University’s Counseling Center. Counselors generally will only report to the University that an incident occurred without revealing any personally identifying information. Disclosures to these individuals will not trigger a University investigation into an incident against the victim’s wishes.

Individuals may report confidentially to the following campus resources that provide support and guidance:

**Campus Counseling Center**

Tomichi Hall 104 (Crystal Hall 104, beginning January 2017)

970.642.4615

After Hours Emergency: 970.252.6220

**Campus Health Clinic**

Tomichi Hall 104

970.943.2707

b) **Gunnison Community Confidential Resources**

**Center for Mental Health**

710 N. Taylor Street

970.641.0229

**Project Hope-Victims Support Services**

24/7 Helpline: 970.275.1193

Office: 970.641.2712

[www.hope4gv.org](http://www.hope4gv.org)

c) **Local Law Enforcement Reporting**

Gunnison Police Department

Emergency 911

970.641.8200

Gunnison Police Department Victims Advocate

970.641.8299

d) **Medical Reporting Options**

Gunnison Valley Health

711 North Taylor Street

970.641.1456

Victims of Sexual Assault are encouraged to report to the Gunnison Valley Hospital (GVH) Sexual Assault Nurse Examiner (SANE), and have evidence collected and stored for future legal system actions.

Please contact the Office of Student Affairs, Taylor Hall 301, 970.943.2011 to discuss transportation options. Funds are available through the Office of Student Affairs to reimburse students for this transportation cost.

**E. AMNESTY FOR ALCOHOL, DRUG & OTHER CONDUCT ASSOCIATED WITH SEXUAL MISCONDUCT**

In those cases where individuals have been involved in incidents of sexual misconduct while under the influence of alcohol and/or drugs, the University will not pursue disciplinary actions against those involved (or against a witness) for his or her improper use of alcohol or drugs (e.g. underage drinking). Amnesty is intended to support the practice of individuals reporting incidents of prohibited discriminatory harassment, sexual misconduct, and other violations of this policy, and to protect an individual's safety. Individuals experiencing or witnessing violations of this policy while themselves violating another University policy (for example, the University policy concerning alcohol and other drug use), are encouraged to report the violations of this policy that they experienced or witnessed.

## **F. DEFINITIONS**

### **1. Sexual Harassment**

Sexual Harassment is:

- Unwelcome, gender-based verbal or physical conduct of a sexual nature, without regard to the gender of the Complainant and Respondent;
- That is sufficiently severe, persistent or pervasive that it has the effect of unreasonably interfering with, denying, or limiting someone's ability to participate in or benefit from Western's educational program or activities, or work activities, and;
- The unwelcome behavior is based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

A number of different acts fall into the category of sexual harassment, including without limitation, dating violence, sexual exploitation and stalking.

#### **a) Quid Pro Quo**

Quid pro quo sexual harassment exists when there are:

- Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature; and
- Submission to or rejection of such conduct results in adverse educational or employment action; or
- Affects the terms or conditions of education or employment or activities with the University.

#### **b) Hostile Environment**

A hostile environment is created by unwelcome sexual behavior or behavior directed at an individual because of that individual's sex, gender or sexual orientation that is offensive, hostile and/or intimidating and that adversely affects that individual's university work/learning/living/program performance. Harassing conduct that is sufficiently severe, pervasive/persistent and patently/objectively offensive that it substantially interferes with the conditions of education or employment, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint.

#### **c) Retaliation**

The University prohibits and will not tolerate retaliation against any person who opposes or reports a discriminatory practice which is forbidden by law or this policy or who has filed a grievance, testified, assisted, or participated in any manner in an investigation or proceeding conducted under this policy. Acts of retaliation may be the subject of a complaint or grievance under this policy. Retaliation may include intimidation, threats, or harassment, whether in person or via electronic means. Retaliation should be reported promptly to the Office of Student Affairs or Security Services or the Gunnison Police Department and may result in disciplinary action independent of and in addition to any sanction imposed in response to the underlying allegations of sexual harassment.

**d) Sexual Assault and/or Violence**

Sexual assault/sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. A number of different acts fall into the category of sexual assault, including, without limitation, rape, statutory rape, sexual violence, domestic violence, incest, sexual battery and sexual coercion. All such acts of sexual assault are forms of sexual misconduct covered under Title IX, including, without limitation:

- Non-consensual sexual contact, including sexual touching, groping and fondling.
- Non-consensual sexual intercourse, including vaginal, anal, and/or oral penetration. Penetration may be by a body part or by an object.

**e) Domestic Violence**

Domestic violence means an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. Intimate relationship means a relationship between current or former spouses, current or former unmarried couples, or persons who are both the parents of the same child regardless of whether the people involved have been married or have lived together at any time.

**f) Dating Violence**

Dating violence means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type and frequency of interaction.

**g) Sexual Exploitation**

Sexual exploitation means any actual or attempted abuse of a position of vulnerability, power differential, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

**h) Stalking**

Stalking means a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her/others safety, or to suffer substantial emotional distress. Stalking is a repetitive pattern of unwanted, harassing, following, contacting, or threatening behavior committed by one person against another. Stalking may take the form of, but is not limited to, harassing telephone calls, electronic communications, and/or letter-writing.

**i) Intimidation**

Intimidation means to compel or deter by or as if by threatening.

**2. Consent**

According to Colorado Revised Statute 18-3-401:

"Consent" means cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A current or previous relationship shall not be sufficient to constitute consent. Submission under the influence of fear shall not constitute consent. Thus, consent to sexual activity must be informed, knowing, and voluntary of the sexual act.

- Consent cannot be given by someone who is incapacitated due to the use of alcohol, drugs, sleep, or unconsciousness, or due to intellectual or other disability that prevents an individual from having the capacity to give consent.
- Past consent does not imply future consent.

- Consent is active, not passive. Silence or an absence of resistance, in and of themselves, do not imply consent.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another person.
- Consent may be withdrawn at any time.
- Unwanted coercion, force, or threat invalidates consent.

### **3. Incapacitation**

With incapacitation, an individual lacks the ability to make informed, rational judgments and cannot consent to sexual activity. Incapacitation is defined as the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring.

Incapacitation may result from the use of alcohol and/or drugs. The impact of alcohol and other drugs varies from person to person; however, warning signs that a person may be approaching incapacitation may include slurred speech, vomiting, unsteady gait, odor of alcohol, combativeness, or emotional volatility.

### **4. Complaining Party**

Complainant is a person who has been subjected to the alleged sexual misconduct or related retaliation. For purposes of this policy, a Complainant can be a Western employee, student, authorized volunteer, guest, or visitor.

### **5. Responding Party**

A Respondent is a person whose alleged sexual misconduct is the subject of a complaint. For purposes of this policy, a Respondent can be a Western employee, student, authorized volunteer, guest, or visitor.

### **6. Preponderance of Evidence**

The standard of proof is the amount of evidence needed to establish a violation of policy has occurred. The Sexual Misconduct policy uses a “preponderance of evidence” standard, which means that the evidence demonstrates that it is more likely than not the alleged conduct or policy violation has occurred. This preponderance is based on the more convincing evidence and its probable truth or accuracy, and not on the amount of evidence.

### **7. Amorous Relationship**

Concurrent Amorous Relationships and Professional Relationships between Western employees and Western students are prohibited. Refer to the Trustees Policy section 3.13 Amorous Relationships for more information.

### **8. Awareness Programs**

Programs designed to bring to light the pragmatic threat that sexual assault poses to individuals, in our case Western students. In addition, awareness programs often outline the contextually important information for understanding unhealthy sexual relationships which can lead to assault and violence, i.e., what do unhealthy relationships look like, what are risk factors, what are protective factors, etc. Examples: Welcome to the Party, Wellness Wednesdays, awareness events organized by The SWEET Life, a campus peer educator group.

## **9. Bystander Intervention**

Bystander intervention is a sexual assault prevention theory which educates potential onlookers/spectators on how to become safely and actively involved when they observe a negative situation. With respect specifically to sexual misconduct, bystanders learn to look for contextual cues that indicate a negative or potentially negative situation, and methods for safely intervening.

Example: Welcome to the Party.

## **10. Ongoing prevention and awareness campaigns**

These campaigns provide continuous information to the student body regarding healthy and unhealthy sexual relationships, as well as other relevant health and wellness topics. These campaigns provide campus, community, and national resources, education, and ensure that students receive consistent information regarding acceptable behavior and our campus policies. These campaigns are created by peer educators and approved/overseen by a professional advisor, this allows the campaigns to be culturally relevant to students. Example: campaigns created by The SWEET Life, Wellness Wednesdays, articles in the *Top 'O the World*.

## **11. Primary Prevention Programs**

These programs create the basis of the prevention programming on campus. They are consistent year to year, generally have a very specific target audience, and address primary prevention issues such as drug and alcohol use/abuse, mental health and suicide, and sexual misconduct. The ongoing prevention and awareness campaigns support these primary programs by providing supporting and relevant information in the interim of the primary programs. Examples: Think About It, Welcome to the Party, Breakfast For A Buck (BFAB), and Question, Persuade, Refer (QPR).

## **12. Risk Reduction**

Western takes a risk reduction approach toward prevention education issues. Risk reduction asserts that modifying an unhealthy behavior to decrease ones potential long and short term risk is more pragmatic, especially among college students, than attempting to teach students to abstain from unhealthy behavior. Example: Providing underage student's information which promotes responsible drinking i.e. eating a proper meal before, staying hydrated, limiting the rate and amount of alcohol consumed, how to call for help when it is needed, is much more effective than assuming students will not drink until they are 21 and therefore not providing them adequate resources. Examples: BFAB, Team vs. Team, party packs, Screening, Brief Intervention, Referral to Treatment (SBIRT), and SAFEWalk.

## **G. Conduct sanctions for Sexual Harassment**

Appropriate conduct sanctions shall be imposed upon an employee or student who has sexually harassed another. The conduct sanctions may include, but are not limited to one or more of the following, depending upon the severity of the policy violation: oral reprimand and warning; written reprimand and warning; student probation; suspension or expulsion; monetary fine; attendance at a sexual harassment prevention training seminar; suspension of employment; or termination of employment.

## **H. Implementation**

The Western State Colorado University Board of Trustees authorizes and directs the President or President's delegates to develop, administer and maintain the appropriate administrative procedures and guidelines to implement this policy.

## **SEXUAL MISCONDUCT STUDENT CONDUCT PROCEDURES** (*Student Handbook, Section Seven, p. 84*)

### **I. PREPONDERANCE OF THE EVIDENCE**

Just enough testimony and information to make it more likely than not that the fact sought to be proven is true. This preponderance is based on the more convincing information and its probable truth or accuracy, and not on the amount of information.

### **II. CONDUCT/INVESTIGATION PROCESS**

Any person may file a complaint against a student for violations of the Standards of Conduct, including violations of the Sexual Harassment Policy. This procedure applies to any allegation of sexual harassment, sexual assault, sexual misconduct, sexual exploitation, and/or sexual exposure by a student, regardless of where the alleged violation occurred. For the purpose of this procedure, the Respondent must have been registered or enrolled at the University at the time of the alleged violation (including during an academic recess), and at the time that the complaint is made to the University.

#### **A. Where to File a Complaint**

- Complaints about Student Conduct: All complaints alleging sexual harassment or retaliation committed by students should be submitted to the University Title IX Administrator at [tixadministrator@western.edu](mailto:tixadministrator@western.edu).
- Complaints about Employee or Third Party Conduct: All complaints alleging sexual harassment or retaliation committed by employees and/or third parties should be submitted to the Director of Human Resources/Deputy Title IX Administrator, Taylor Hall 321.

### **III. TITLE IX ADMINISTRATOR**

Whenever a complaint is received, the Title IX Administrator will be advised of the complaint and may assist in the investigation or resolution of the complaint as directed by the University. The Title IX Administrator is:

Chris Luekenga  
Associate VP for Student Affairs  
Title IX Administrator  
[tixadministrator@western.edu](mailto:tixadministrator@western.edu)  
970.943.2616  
Office of Student Affairs: 970.943.2011

#### **A. Deputy Title IX Administrators:**

- Human Resource Director – Kim Gailey, 970.943.2412
- Director of Residence Life –Shelley Jansen, 970.943.3104
- Assistant Athletic Director –Kimberly Miller, 970.943.2021
- Student Affairs’ Designees–Sara Phillips, 970.943.2176 and Jessica Vogan, 970.943.2891

**B. Responsibilities:** Compliance of sexual harassment policies for matters involving students, including training, education, communication, may assist in the investigation and administration of grievance procedure for all complaints of sexual misconduct.

#### **IV. EFFECT OF CRIMINAL PROCEEDINGS**

Because certain acts of sexual harassment may constitute both a violation of University Standards of Conduct policy and a criminal offense, the University encourages, but does not require students to report alleged criminal acts (e.g., sexual assault and sexual violence) promptly to appropriate law enforcement authorities. The standards for findings violations of criminal law are different from the University's standards for finding a violation.

#### **V. STANDARD OF PROOF**

The standard of proof is the amount of information needed to establish a violation of policy has occurred. In the adjudication of student conduct issues, in accordance with Federal compliance mandates concerning Title IX and the Violence Against Women (VAWA) Reauthorization Act, the University uses a "preponderance of evidence" standard, which means that the information demonstrates that it is more likely than not the alleged conduct or policy violation has occurred.

#### **VI. IMMEDIATE RESPONSE**

Depending on the nature of the complaint, the University reserves the right to take any and all interim steps it deems necessary to protect the Complainant, witnesses, or the Respondent. Examples of these interim measures may include reasonably available accommodations and/ or protective services, but are not limited to the following:

- Issuing "no contact" directives
- Issuing temporary "PNG" or "no trespassing" directives
- Temporarily suspending a student's enrollment
- Obtaining restraining or similar protective orders through appropriate law enforcement and conduct mechanisms
- Changes in academic and course requirements
- Change of on-campus living assignment
- Change in working assignment
- Information concerning Financial Aid related services
- Information concerning a Sexual Assault Forensic Exam (SANE)

#### **VII. INITIAL INQUIRY MEETINGS WITH COMPLAINANT AND RESPONDENT**

The Title IX Administrator, Deputy or other designated staff person will schedule an intake meeting with the Complainant in order to provide the Complainant a general understanding of the policy, and to identify forms of support available and appropriate for the Complainant. The Title IX Administrator, Deputy, or designee, will also seek to determine whether the Complainant wishes to pursue adjudication through the University's Standards of Conduct.

Title IX Administrator, Deputy or designee will schedule an intake meeting with the Respondent following the meeting with the Complainant in order to provide the Respondent a general understanding of the policy, and identify forms of support available to the Respondent.

Following these initial meetings with the Complainant and Respondent, the Title IX Administrator, Deputy or designee may assign investigator(s) to conduct an investigation

If the Complainant does not wish to pursue the formal conduct process or requests confidentiality, Title IX nevertheless requires the University to investigate and take reasonable and appropriate action in response to the complaint.



When confidentiality is requested or the Complainant does not wish to pursue adjudication, the University's ability to respond and resolve the matter of concern may be more limited. Further, Title IX requires the University to consider the Complainant's request for confidentiality in the context of its commitment to provide a reasonably safe and non-discriminatory environment for all community members. Although full confidentiality cannot be guaranteed, the Title IX Administrator will advise the Complainant regarding the degree of confidentiality that may be possible, and the measures that will be taken to try to ensure this confidentiality.

## **VIII. INFORMAL CONDUCT PROCESS**

A Complainant who wishes to file a complaint with the Title IX Administrator, but who does not wish to pursue Formal Conduct, may request a less formal proceeding known as "Informal Conduct," as described below. Although informal, this is an official conduct process; it is not mediation.

- **Purpose and Timing:** Informal Conduct provides an opportunity for the Complainant to provide the Title IX Administrator or Deputy with information about the subject incident, the impact of the incident, his/her wishes and expectations regarding future interactions with the Respondent, and needed support and protective measures. If approved by the Complainant, the Title IX Administrator or Deputy will communicate this information to the Respondent and allow the Respondent an opportunity to respond. The Informal Conduct Process is expected to be completed in a reasonably brief period of time of the date the complaint is received by the Title IX Administrator or Deputy. If additional time is needed for this informal process, the Title IX Administrator or Deputy will communicate this to the Complainant and Respondent in writing, citing the reasons for the additional time and providing an estimated date of completion.
- **Outcome of Informal Conduct:** Informal Conduct cannot result in a formal sanction involving suspension or expulsion of the Respondent. Informal Conduct resolution may, however, result in the imposition by the Office of Student Affairs protective measures and other appropriate actions based on the information derived from the proceedings, and any other relevant information known to the University at the time of the Informal Adjudication.
- **Election of Formal Conduct Process:** The University, the Complainant, or the Respondent may, at any time prior to the conclusion of the Informal Conduct Process, elect to end such proceedings and initiate Formal Conduct procedures instead.

## **IX. FORMAL CONDUCT PROCEDURES**

The Formal Conduct Process is utilized when a Complainant wishes to file a formal complaint with the University regarding the conduct of a student. The Formal Conduct process, including the issuance of a written decision, should normally be completed within 60 calendar days of the Title IX Administrator or Deputy's receipt of the formal complaint. If additional time is needed for this process, the Title IX Administrator or Deputy will communicate this to the Complainant and Respondent in writing, citing the reasons for the additional time and providing an estimated date of completion.

- A. Investigation and Conduct Meeting:** If the Complainant notifies the University that he/she wishes to pursue Formal Conduct proceedings during the Intake meeting, the Title IX Administrator or Deputy will determine if the complaints have merit, that it meets the requirements of Title IX and University policy regarding sexual misconduct. If the complaint(s) has merit, the Title IX Administrator will assign the case to an investigator(s).

**1.** The assigned investigator(s) will conduct a thorough, reliable and impartial investigation. This investigation will include interviews with the Complainant, Respondent and any identified witnesses. The investigators will also examine any evidence that might be available during the investigation including the on-campus location of the alleged violation. The Title IX Administrator or Deputy will notify the Respondent in writing that an official investigation will take place. The notification will provide the Respondent with the charge(s) against him/her. Notice will also be given to the Complainant.

**a)** When appropriate, the Respondent, whether living on or off campus, may be temporarily suspended by the Vice President for Student Affairs or a designated member of the administrative staff, pending disposition of the case.

**b)** An advisor or support person of his/her choosing may accompany the Respondent and/or the Complainant during any interview or conduct meeting. Such advisor may be an attorney. Since direct interaction with the Respondent and the Complainant involved is essential to the student's educational relationship with the University, the advisor's role is limited to an advising role only. The advisor may not act as a representative of the Respondent or Complainant, speak on the Respondent's or Complainant's behalf, or participate directly in any meeting. Additionally, the advisor may not serve in a dual role in the meeting. For example, the advisor may not also serve as a witness. The Title IX Administrator, Deputy, or investigator holding the meeting may consult with or choose to have the University's Legal Counsel present at the meeting in a similar advisory capacity.

**c)** The Complainant and Respondent may each submit a list of relevant witnesses to the Title IX Administrator, Deputy, or investigator. The investigator, Title IX Administrator or Deputy will arrange for witnesses to meet with them independently to provide information about the alleged incident.

**d)** Conduct meetings associated with a complaint of sexual harassment are considered private, educational interactions between the Respondent and the University. All meetings are considered closed to anyone not directly involved in the proceedings. Admission of any other persons to the meeting shall be at the sole discretion of the conduct officer(s)/ panel.

**e)** Pertinent records, exhibits and written statements may be accepted as information for consideration. The Respondent will be allowed to review and respond to any such records the conduct officer (s)/panel considers as the basis for the complaints.

**f)** The Respondent will be afforded the opportunity to present his/her own version of the incident or events by personal statement, as well as through written statements of witnesses to the incident, or any other evidence that the Respondent may want to present.

**g)** The Respondent and the Complainant will be given opportunity to ask questions of the other through recorded or written forms. Face to face cross examination/questioning will not be allowed.

**h)** At the Conduct Officers/panels sole discretion, any interview, conduct meeting may be recorded. This recording is the property of the University. If such a recording exists and the Respondent or Complainant wishes to obtain a copy of the recording, a request must be submitted in writing to the Vice President of Student Affairs. Once such request has been received, the Vice President of Student Affairs will follow the applicable provisions of the Colorado Open Records Act, C.R.S. §§ 24-72-200.1, et seq., to respond to the request.

**i)** If information presented in the investigation or any conduct meeting creates the need for clarification or additional investigation, or to accommodate scheduling conflicts with witnesses, the complainant or the respondent, the investigator, Title IX Administrator, Deputy, or conduct officer/panel may schedule additional meetings and/or continue the meeting at a later time and date.

**j)** If the investigation involves more than one student or multiple Respondents, the Title IX Administrator or Deputy may permit the meeting concerning each student to be conducted either jointly or separately.

**k)** The Title IX Administrator or Deputy may make special accommodations to address concerns regarding the personal safety, well-being, or fears of confrontation or retaliation on the part of the Respondent(s), Complainant(s), and/or other witnesses during any meetings.

**l)** Formal rules of process, procedure, or information as established and applied in the civil or criminal justice system do not apply to the Conduct Meeting.

**m)** If the Respondent does not appear for any scheduled Conduct Meeting, a decision may be reached taking into consideration the totality of the information related to the complaints available at the time of the meeting.

**n)** Unless otherwise directed in this policy and procedure, all materials and documents prepared or compiled by the investigator, Title IX Administrator, Deputy or conduct officer/panel during the course of investigation and conduct process of a sexual harassment complaint hereunder shall be kept confidential to the fullest extent of the law in order to protect all participants, to promote candor and equity.

**o)** After meeting with the Respondent, Complainant, witnesses and having thoroughly looked at the evidence available, considered all pertinent information, the investigator, will issue a written finding of the facts to the Title IX Administrator or Deputy. The Title IX Administrator or Deputy will determine if the case should be heard by a Conduct Panel. If a recommendation for a conduct panel is determined, the Title IX Administrator or Deputy will assign trained members to the Conduct Panel and set a date for the Panel to hear the case. The Conduct Panel will deliberate the investigation and make a determination of responsible or not responsible. If a determination of responsibility is made, the hearing panel will then deliberate on the appropriate sanction(s). Findings, including conduct sanctions, if any, for the Respondent, will be provided

concurrently to the Respondent and Complainant. If additional time is needed, the investigator, Title IX Administrator, Deputy or conduct officer/panel will notify the Respondent and Complainant in writing, citing the reasons for the additional time and providing an estimated date of completion.

p) Both the Respondent and the Complainant have the right to appeal the Conduct Panel's decision. All requests for an appeal must be submitted in writing to the Title IX Administrator/Deputy within three (3) class days of the date of the written decision. The Student Appeal Process will govern any appeals (*Student Handbook*, Section Five, III, p. 82).

## **SEXUAL HARASSMENT COMPLAINT, INVESTIGATION AND RESOLUTION PROCEDURE FOR COMPLAINTS INVOLVING EMPLOYEES OR THIRD PARTIES (*Student Handbook*, Section Eight, p. 90)**

This procedure is promulgated under the Western State Colorado University Board of Trustees Policy Prohibiting Sexual Harassment and is intended as the means for implementing the policy.

### **I. GENERAL COMPLAINT INFORMATION**

#### **A. Who May File a Complaint**

Any member of the campus community, who believes he or she has been the recipient of sexually harassing conduct, including retaliation, may file a complaint. Complaints may be filed against employees, students, or third parties not affiliated with Western who are present on campus or who have interactions with students and employees through University sponsored activities.

#### **B. Choice of Remedies**

Complainants are not permitted to simultaneously file an unlawful discrimination claim under the University's Anti-Discrimination Policy or the State of Colorado Personnel Board Rules, and a sexual harassment claim under the University's Sexual Harassment Policy and this associated Complaint Procedure against the same individual arising out of an identical set of facts.

#### **C. Promptness in Filing Complaint**

A complaint may be filed at any time, but individuals who feel they have been victims of sexual harassment are strongly encouraged to come forward as soon as possible after the occurrence of the incident, event, or other action alleged to constitute sexual harassment or retaliation.

#### **D. Timing**

The University will address and resolve sexual harassment matters promptly and effectively. It is the University's intent that the entire process for investigating and resolving complaints be concluded within sixty (60) calendar days following receipt of a formal complaint. However, the length of time will vary depending on the complexity of the investigation, the severity and extent of the harassment, the quantity and availability of witnesses, and other factors of significance that may affect the length of the investigation. If the formal complaint process cannot be completed within sixty (60) calendar days from the receipt of the formal complaint by the University, the Complainant and the Respondent will be informed in writing of the reasons for the delay and provided an estimated date of completion.

**E. Where to File a Complaint**

**1. Complaints about Employee or Third Party Conduct.** All Complaints alleging sexual harassment or retaliation committed by employees and/or third parties, whether informal or formal, should be submitted to the Director of Human Resources, Human Resources Office, Taylor Hall 321, 970.943.3142.

**2. Complaints about Student Conduct.** All Complaints alleging sexual harassment or retaliation committed by students should be submitted to the Title IX Administrator, Office of Student Affairs, Taylor Hall 301, 970.943.2616.

**F. Employee Obligation to Report**

Any employee, including any faculty member, who is aware of sexually harassing or retaliatory conduct, must promptly report the sexually harassing conduct or retaliatory action to the Director of Human Resources.

**G. Types of Complaints**

Complaints may be made informally or formally. Informal complaints may be made orally or in written form; formal complaints must be in writing.

**H. Confidentiality**

The University treats all complaints of sexual harassment as confidential matters and will make reasonable efforts to protect the confidentiality of the complaint process, any investigation or resolution, and all individuals involved with the complaint process. If a Complainant requests confidentiality, the University will take reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality to the extent possible. The University's ability to comply with a Complainant's request for confidentiality cannot be guaranteed.

**I. Title IX Administrator**

Whenever a complaint is received, the Title IX Administrator will be advised of the complaint and may assist in the investigation or resolution of the complaint. The University's Title IX Administrator is the following:

Chris Luekenga  
Associate Vice President for Student Affairs  
Taylor Hall 301  
tixadministrator@western.edu  
Gunnison, CO 81231  
970.943.2616

**II. INFORMAL COMPLAINT PROCEDURE**

**A. Purpose and Timing**

Under certain circumstances, an informal sexual harassment complaint and resolution process may be appropriate, effective and desirable for a variety of reasons. Further, it may provide a more expedient path to resolution than the formal process entails. The informal resolution efforts will be focused on bringing the Complainant's concerns to the attention of the alleged harasser and, if the concerns are valid, obtaining the voluntary cooperation of the parties to address and resolve the matter.

If a complaint is filed informally, the process is expected to be completed in a relatively brief period of time, usually within ten (10) calendar days of the date the complaint is received by Human Resources. If additional time is needed for the informal process, Human Resources will communicate this to the Complainant and Respondent in writing, citing the reasons for the additional time and providing an estimated date of completion.

#### **B. Process**

If the Complainant desires to informally resolve the complaint, the Human Resources Office will try to resolve the complaint expeditiously to the satisfaction of all concerned. A variety of possible means to resolve the complaint may be used at the discretion of the Human Resources Office. Examples of the method and means used to try and achieve resolution may include, but are not limited to:

- Providing advice to the Complainant regarding how to handle a situation;
- Working with faculty, department heads or other employees in whom Complainant has trust and with whom the complainant is comfortable to address the concerns;
- Providing assistance to supervisory personnel to address the matter with the alleged harasser;
- Engaging an external investigator; and
- Intervening directly with the alleged harasser.

There is no requirement that once the informal resolution process is started it must be completed prior to filing a formal complaint. The Complainant can choose at any time to stop the informal resolution process and file a formal complaint.

### **III. FORMAL COMPLAINT PROCEDURE**

#### **A. Purpose and Timing**

The purpose of this procedure is to provide a formal, structured mechanism for the prompt and fair internal resolution of complaints alleging sexual harassment. The steps outlined below are the exclusive forum for the internal resolution of sexual harassment complaints regarding the actions of an employee or non-student third party at Western. The investigation and issuance of a final decision related to a formal complaint should be completed within sixty (60) calendar days of the University's receipt of the formal complaint, except in circumstances out of the ordinary.

#### **B. Contents of Formal Complaint**

A formal complaint must be in writing and contain at least these four elements:

- A description of the conduct or actions upon which the complaint is based;
- Identification of the alleged harasser or harassers (Respondent)
- A statement of the Complainant's desired outcome and resolution; and
- The signature(s) of the Complainant(s).

#### **C. Immediate Institutional Response**

The University reserves the right to take any and all interim steps it deems necessary to protect the Complainant, witnesses, or the Respondent. Examples of these interim steps may include, but are not limited to:

- Issuing "no contact" directives.
- Issuing temporary "no trespassing" directives.
- Placing an employee on administrative leave with pay.
- Obtaining restraining or similar protective orders through appropriate law enforcement and conduct mechanisms.

**D. Notification of Legal Counsel, Title IX Administrator and Management**

Promptly after receipt of the complaint, Human Resources will provide the complaint to the University's legal counsel, the Western Title IX Administrator, and appropriate University management personnel. For the purpose of this procedure, the University management personnel to be notified typically include the President, the Vice President in whose area the Respondent is employed or enrolled, the Respondent's supervisor and the next level supervisor, if appropriate.

**E. Acknowledgment of Complaint and Notification of Respondent**

Western will send the Complainant written acknowledgement of the complaint, notify the Respondent of the complaint in writing, and provide the Respondent with a copy of the complaint. The acknowledgement and notification process from the point of accepting the complaint through the issuance of letters to the Complainant and the Respondent will normally not exceed five (5) calendar days. Western will make best efforts to notify the Complainant by phone or e-mail prior to the delivery of the complaint to the Respondent.

**F. Investigation Authorization Form**

Unless the complaint is initiated by the President, the Complainant will be required to execute a Sexual Harassment Complaint Investigation Authorization Form prior to any investigation of the complaint.

**G. Investigation of Complaint**

**1. Timing**

The investigation phase will normally be concluded within thirty (30) calendar days of its initiation.

**2. Process**

The complaint will be investigated as discreetly and expeditiously as possible with due regard to thoroughness and fairness to all parties. The investigator(s) will examine relevant documents and interview witnesses, and may interview other individuals with material information who are identified by the parties. The investigator(s) reserve the right to assess the relevance and evaluate the credibility of witnesses to be interviewed who are offered by the Complainant and the Respondent. The University, in its sole discretion, reserves the right to assign any part or all of the investigation to an external investigator in lieu of having the complaint internally investigated.

**3. Confidentiality of Investigative Materials**

All materials and documents prepared or compiled by the investigators during the course of investigating a sexual harassment complaint hereunder will be kept confidential to the fullest extent of the law.

**H. Report of Investigation Findings**

After the conclusion of the investigation, the investigator(s) will prepare and submit a joint written report of findings to the President<sup>1</sup>. The report of findings will be provided to the Complainant and Respondent within a reasonable time following the issuance of the University's decision.

#### **I. Decision and Resolution of the Complaint**

The President will issue a final written decision regarding the complaint to both the Complainant and the Respondent. The decision will be addressed to the Complainant and will contain a statement of whether or not sexual harassment was found to have occurred, the remedies to be provided to the Complainant, if any, and the conduct sanctions to be imposed upon the Respondent, if any. The decision, including any conduct sanctions, will also be communicated to the Respondent in writing. The completion of the written report of findings and the issuance of the University's decision will normally be completed within twenty (20) calendar days from the end of the investigation.

#### **J. Appeal of Final Decision**

There shall be no internal appeal of a decision that sexual harassment has occurred issued pursuant to subsection 3.9 above. However, certified classified staff and tenured faculty members who receive corrective or disciplinary action as a result of such a determination under this procedure may avail themselves of appeal processes provided through the State Personnel Rules or the *Handbook for Professional Personnel*, as appropriate.

### **IV. COMPLAINANT AND VICTIM SUPPORT**

The University will provide support to the Complainant, any other victims it identifies during the course of its investigation, and the Western campus community as reasonable and appropriate to the circumstances. Such support may take many forms, including, but not limited to the following:

- Providing counseling and victim's support services.
- Providing medical services.
- Arranging for the Complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the Complainant's academic record.
- Ensuring that the Complainant and the Respondent do not attend the same classes or that the Complainant is not enrolled in a class taught by the Respondent.
- Providing an escort to the Complainant so that he/she can move safely between classes and activities.
- Moving the Complainant or Respondent to a different residence hall/apartment.
- Providing academic support services, such as tutoring.
- Reviewing any disciplinary actions taken against the Complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the Complainant being disciplined.
- Additional campus-wide office or department specific training or access to assistance.
- Any other steps the University feels are appropriate given the nature and circumstances of the harassment.

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<sup>1</sup> If the President is the Respondent, the Chairman of the Board of Trustees will be the decision-maker.



## **DOMESTIC VIOLENCE, DATING VIOLENCE and STALKING-ASR REPORTING**

In compliance with reporting the crime categories of domestic violence, dating violence and stalking, Western State Colorado University reports that during the 2015 calendar year the Title IX Administrator received no domestic violence complaints, one (1) dating violence complaints (in on-campus student housing facilities) and no stalking complaints.

It should also be noted that the crime categories of domestic violence, dating violence, and stalking have been added to and defined in the Western State Colorado University Policy on the Prohibition of Sexual Misconduct.

## **SEX OFFENDER REGISTRATION INFORMATION**

For information on Sex Offender Registration information, please visit the Colorado Bureau of Investigation's Convicted Sex Offender site at <https://www.colorado.gov/apps/cdps/sor/>.

## **UNFOUNDED CRIMES**

If a reported crime is investigated by law enforcement authorities and found to be false or baseless, and no offense occurred, the crime is “unfounded” and is not included in our statistics. The following was unfounded: Rape (Sexual Assault)-one (1): GPD Case #15-874.

## **MISSING STUDENT POLICY AND PROCEDURE**

Western takes student safety very seriously. To this end, the following policy and procedure has been established to assist in locating Western students living in Western owned on-campus housing who, based on the facts and circumstances known to Western, Western has determined to be missing.

At the beginning of each academic year, Western will inform students residing in on-campus housing that Western will notify either a parent or an individual selected by the student no later than 24 hours after the time the student is determined to be missing. This information will include the following:

- Students have the option of identifying an individual to be contacted by Western no later than 24 hours after the time the student has been determined to be missing. Students can register this confidential contact information through the Department of Residence Life.
- If the student is under 18 years of age, and not an emancipated individual, Western is required to notify a custodial parent or guardian no later 24 hours after the time that the student is determined to be missing.
- Western will notify the appropriate law enforcement agency no later than 24 hours after the time that the student is determined to be missing.
- If Western’s Campus Security Services or law enforcement personnel have been notified and makes a determination that a student who is the subject of a missing person report has been missing for more than 24 hours and has not returned to campus, Western will initiate the emergency contact procedures in accordance with the student’s designation.

Western will adhere to the following notification procedure for a missing student who resides in on-campus housing. Once Western receives a missing student report via the Office of Student Affairs, Campus Security Services, Office of Residence Life or other source, the following offices will be notified:

1. Campus Security Services
2. Office of Student Affairs
3. Office of Residence Life

Any official missing person report relating to this student shall be referred immediately to Western's Campus Security Services. If Campus Security Services, after investigating the official report, determines the student has been missing for more than 24 hours, Western will contact the individual identified by the student, the custodial parent or legal guardian if the student is under 18 and not emancipated, or local law enforcement if these do not apply.

Upon notification from any entity that any student may be missing, Western may use any of the following resources to assist in locating the student. These resources may be used in any order and combination.

1. Through the Department of Residence Life, the AD/RD/RA may be asked to assist in physically locating the student by keying into the student's assigned room and talking with known associates.
2. Campus Security Services may search on campus public locations to find the student (library, University Center, dining hall, etc.).
3. Campus Security Services may issue a student ID picture to assist in identifying the missing student.
4. The Office of Student Affairs may try to contact known friends, family, or faculty/staff members for the confirmation of a last sighting or additional contact information.
5. The campus or academic departments may be contacted to seek information on last sighting or other contact information. Every effort will be made to verify with University faculty and staff on the last sighting of the missing student in question.
6. Campus Security Services or the Office of Student Affairs may access card access logs to determine last use of the card and track the card for future uses.
7. Information Technology (IT) Services may be asked to look up email logs for last login and use of the Western email system and last use of the Mountaineer Student ID Card.
8. Campus Security Services may access vehicle registration information for vehicle location and distribution to authorities.
9. If there is any indication of foul play, the Gunnison Police Department will immediately be contacted for assistance.

## **DRUG AND ALCOHOL POLICIES AND EDUCATION PROGRAMS**

Campus drug and alcohol policies are outlined in the *Western State Colorado University Student Handbook*. In summary, the University is subject to the laws of the federal government and the State of Colorado and will act in accordance with those laws and University policies in the event of violations.

In the campus apartments (i.e., Chipeta and The Pinnacles), if students are 21 or over, they are allowed to possess and use alcohol in the privacy of their rooms. The use of alcohol in any other campus buildings or on campus grounds must be granted approval by the Office of Student Affairs. In accordance with Federal law, the use of marijuana is strictly prohibited on the Western campus.

Western routinely offers drug and alcohol awareness programs. In addition, some special programs and organizations include: the SWEET Life, NCAA Choices, and BACCHUS (a national student organization to promote responsible drinking). Professional and student staffs are trained to intervene and refer any instances in which drug or alcohol is an issue to the proper authorities.

## PREVENTION EDUCATION: PROGRAMS AND INTERVENTIONS FOR STUDENTS

The LEAD Office serves the Western community by coordinating educational and support efforts on campus in order to assist students facing challenges, stressors, and barriers that impede academic and personal success. LEAD Office, University Center 118, [www.western.edu/lead](http://www.western.edu/lead).

Programs and services offered through the LEAD Office include, but are not limited to:

- ***New Student Orientation: Think About It*** prepares new college students for the unique challenges and responsibilities of college life. Focusing on minimizing the risks associated with alcohol, drugs and sexual violence, *Think About It* takes a harm-reduction approach that resonates with students and results in a healthy campus culture that fosters learning and growing intellectually. This program is required for all new freshmen students as part of new student orientation.
- ***National Campus Safety Awareness Month***: During the month of September, the LEAD Office and Campus Security Services, in association with the Clery Center, present several campus-wide safe and secure campus campaigns, including, but not limited to: domestic and dating violence, sexual violence, emergency preparedness/response and fire safety.
- ***Sexual Misconduct Prevention Education***: The LEAD Office's sexual misconduct prevention, education and response program, the SWEET Life, provides leadership and guidance on these issues for the campus community with the objective of integrating awareness, understanding, and prevention/risk reduction behavior into the daily lives of Western students. This program also empowers student leaders to become peer educators, increase peer to peer discussion regarding sexual misconduct, dispel inaccurate information and myths, and encourage the setting of boundaries that will foster a healthy campus environment and teach students how to develop healthy relationship now and into their future. Our sexual misconduct program also works closely with the Western student health and counseling centers, Gunnison County Public Health, BeforePlay.org, PACT5, and Western's Peer Educators to provide resources and information around sexual health and wellbeing.
- ***Step Up! Bystander Intervention Training***: The STEP UP! Bystander Intervention program was developed by the University of Arizona, in partnership with the NCAA and BACCHUS, to provide students with the information, skills, and foundation for speaking up, taking action when they see, or are aware of a situation that is not right or is dangerous. This is a 90 minute – 3 hour program (depending on structure). You can access all of the materials from the website: <http://www.stepupprogram.org/>
- ***Screening, Brief Intervention and Referral to Treatment (SBIRT)***: SBIRT is a public health approach to delivering early intervention to anyone who uses alcohol and/or drugs in unhealthy ways. Screening, Brief Intervention, Referral and Treatment (SBIRT) can help health care and other professionals determine whether someone uses alcohol and/or drugs in unhealthy ways. Its components are:
  - Screening - Short, well-tested questionnaire identifies risk (such as the ASSIST, the CRAFFT, the AUDIT, the DAST, etc.)
  - Brief Intervention - Short, structured conversations that feature feedback and options for change
  - Referral - For in-depth assessment and/or diagnosis and/or treatment, if needed
  - Treatment - Between 1% and 10% may need some level of treatment - depending on the health care setting. Research shows that health care providers can engage patients in non-

judgmental conversations (brief interventions) about their substance use and can help them decide whether they should reduce their use to improve their long-term health. Risky use can lead to serious harm. Beyond injuries and illnesses like HIV, it can complicate existing chronic illnesses like diabetes, high blood pressure, cardiovascular diseases or depression. It can also cause ulcers, sleep and memory problems, and anxiety. Alcohol affects most organ systems, and many drugs affect the nervous system, and heart rates. Screening can also indicate when health care providers should recommend assessment and treatment services for those whose screening scores indicate a problem.

- ***Suicide Prevention Education:*** The LEAD Office's suicide prevention and education program is dedicated to providing Western's students, faculty, staff, and the surrounding community with the skills necessary to recognize suicidal warning signs, and seek appropriate intervention. Housed within the LEAD office is a Certified QPR Gatekeeper Instructor who not only provides support to at risk individuals, but also educates campus and the surrounding community about the importance of early intervention, the power of questioning, persuading, and referring (QPR), and the invaluable role we can all play in the lives of others.
- ***The SWEET Life:*** The SWEET Life exists to help students have a safe and healthy experience while attending Western. The SWEET life is a student oriented initiative run through the LEAD/Prevention Education Office at Western which focuses on providing holistic prevention education to the student body. Western understands that wellness is a dynamic and complex concept especially during the college transition and throughout their college career, we want to keep Western students well!

The purpose of The SWEET Life is to engage students as Peer Educators and utilize their shared experiences to educate, empathize with, and support each other. The SWEET Life student coordinators spend their time organizing alternative programming and health and wellness education/engagement opportunities, organizing and implementing prevention education and health and wellness campaigns, writing articles for the *Top o' the World*, and gaining experience as Certified Peer Educators.

Last year SWEET Life initiatives included:

- Wellness Wednesdays
- National Suicide Prevention Week and Grill and Chill Suicide Awareness Event
- Pay it Forward Week
- Sexy Trivia and Speed Dating
- Condom Week
- STI Awareness Campaign
- Party Packs
- Flu Packs
- Presenting at BACCHUS INITIATIVES
- Breakfast for a Buck

## **TRAINING PROGRAMS FOR FACULTY AND STAFF**

**Preventing Sexual Harassment, Title IX Training, and Mental Health/Crisis Management Training**  
Mutual respect and trust are the cornerstones to good professional working and learning relationships. To that end, the University is committed to fostering a work and learning environment free of harassment and sexual misconduct. Every employee plays an important role in this commitment. All employees are required to complete Western's online training in support of the Policy Prohibiting Sexual Misconduct (see section 3.5 of the Trustees Policy Manual). The online course takes about an hour. Additionally, Title IX training is provided on an ongoing basis for Western faculty and staff.

Western also provides a variety of additional mental health/crisis management training programs and resources for faculty and staff. This includes, but is not limited to:

- Annual new staff/faculty crisis intervention training presented in the fall semester, in conjunction with the Center for Mental Health (CMH) – 2-hour course.
- Mental Health First Aid Training, 8-hour certification training program, is a valuable tool in recognizing signs of mental health issues and how to respond appropriately. Provided on a bi-annual basis.
- Two (2) certified Question, Persuade, and Refer (QPR) Gatekeeper Instructors facilitate all-campus QPR Trainings throughout the academic year.

## **UNIVERSITY COUNSELING CENTER**

The University Counseling Center, located in Tomichi Hall 104, 970.642.4615 offers students seven free visits. Students are regularly referred to the Counseling Center regarding their alcohol/drug use. Western faculty and staff can also access counseling services at the University Counseling Center.

Access is provided for all Western students, faculty, and staff to myStrength.com ([www.mystrength.com/](http://www.mystrength.com/)), a proven online tool that offers a range of resources to improve mental health and overall well-being: personalized eLearning programs to help overcome depression and anxiety supported by simple tools, weekly exercises, and daily inspiration in a safe and confidential environment.

## **PROGRAMS ON SECURITY INFORMATION AND CRIME PREVENTION**

The Office of Residence Life and other campus organizations engage in a variety of informational and preventative programming. The Gunnison Police Department also makes presentations in the residence halls and campus apartments. Western works closely with the Gunnison Police Department in an effort to deliver additional security and crime prevention programs. Such efforts include, but are not limited to: Victim's Advocate Services, the Advocacy Center, "Coffee with a Cop" (Officer Access Program), bicycle registration, the Good Neighbor Program and party management brochures, assistance with events management training, and regular campus/public safety meetings with local law enforcement agencies and campus administrators.

Western will notify students, faculty and staff through the RAVE Mobile Safety System and other means of communication as deemed appropriate to warn students about crimes that have been perpetrated in order to prevent similar crimes from happening in the future.

## **CAMPUS POLICIES ON FACILITIES SECURITY**

All residence hall and campus apartment exit doors are locked on a 24-hour basis. Outside keys/key cards are issued to all hall/apartment residents. Resident Assistants are on duty 8:00 p.m. to 8:00 a.m. The Library is open from 7:00 a.m. to 12:00 a.m. Monday through Thursday, and until 6:00 p.m. on Friday. On the weekends, the hours are 10:00 a.m. to 6:00 p.m. on Saturdays and 10:00 a.m. to 12:00 a.m. on Sundays. All classroom buildings are open from 7:00 a.m. to 10:00 p.m. These buildings are routinely patrolled during evening hours.

Campus Security routinely engages in bike and foot patrols during their working hours. In conducting patrols of campus, security personnel check to see that locks and other door hardware are functional and report any needed repair to Facility Services.

Western has hired students to serve as Campus Resource Ambassadors (CRAs). The CRAs are service-oriented students who are available during off hours to represent the University. They are highly visible, working in academic and public spaces, Monday-Friday from 4 pm-8 pm as well as 6 am-8 pm on the weekends. Their goal is ensure the continued operation of campus customer service during these off hours while also maintaining a safe and secure environment for the community when the majority of staff/faculty are gone.

All residence hall and campus apartment building exit doors are locked on a 24-hour basis. Students are responsible to carry room keys/ key cards at all times. Propping doors during these closed hours is dangerous to the student population and property and, therefore, prohibited. Students found responsible for propping doors can expect judicial sanctions, and even potential legal action.

## **CAMPUS SECURITY DEPARTMENT DOCUMENTATION**

Western's Campus Security maintains a daily security log that records all campus crimes and security related issues.

## **ANNUAL SECURITY AND FIRE SAFETY REPORT (ASF SR)**

In support of and pursuant to the Clery Act, the University publishes an Annual Crime Report that is available October 1st of each calendar year. These crime statistics are gathered by the Gunnison Police Department, Western's Campus Security Services, Western's Department of Residence Life, and Western's Office of Student Affairs. This report is distributed to current students and employees by a direct email message stating where the report is posted on the University's website: [Annual Security and Fire Safety Report \(ASF SR\) 2016](#). Individuals may also request a paper copy of this report.

To access the annual fire safety policies and report, please go to: [Annual Fire Safety Policies and Report](#). If you have any further questions regarding this report, please call or write the Vice President for Student Affairs, Office of Student Affairs, Taylor Hall 301, Western State Colorado University, Gunnison, CO 81231, 970.943.2011.

**Please see the *Student Handbook*, posted online, for all University policies and procedures.**

<https://www.western.edu/current-students/student-affairs/handbooks-and-policies/student-handbook-2016-17>