# University Policies

  Every organization, large and small, runs more smoothly when policies and procedures are in place. This chapter touches briefly on policies that are most important to students and their academic pursuits. The University of Colorado Denver’s Policies and Guidelines website, [www.ucdenver.edu/faculty\_staff/employees/policies/](http://www.ucdenver.edu/faculty_staff/employees/policies/), provides a complete list of policies for every facet of the organization, including those from other organizations that affect the Denver Campus, such as the Laws of the Regents and policies of the Auraria Higher Education Center.

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| Academic Honor Code and Discipline Policies |  |

 Policies related to academic credit and grades are explained in the [Registration and Records](http://catalog.ucdenver.edu/content.php?catoid=10&navoid=1341) chapter of this catalog.

### Academic Honesty

A university’s reputation is built on a standing tradition of excellence and scholastic integrity. As members of the CU Denver academic community, faculty and students accept the responsibility to maintain the highest standards of intellectual honesty and ethical conduct in completing all forms of academic work at the university.

### Forms of Academic Dishonesty

Students are expected to know, understand and comply with the ethical standards of the university. In addition, students have an obligation to inform the appropriate official of any acts of academic dishonesty by other students of the university. Academic dishonesty is defined as a student’s use of unauthorized assistance with intent to deceive an instructor or other such person who may be assigned to evaluate the student’s work in meeting course and degree requirements. Examples of academic dishonesty include, but are not limited to the following:

#### A. Plagiarism

Plagiarism is the use of another person’s distinctive ideas or words without acknowledgment. The incorporation of another person’s work into one’s own requires appropriate identification and acknowledgment, regardless of the means of appropriation. The following are considered to be forms of plagiarism when the source is not noted:

* word-for-word copying of another person’s ideas or words
* the mosaic (the interspersing of one’s own words here and there while, in essence, copying another’s work)
* the paraphrase (the rewriting of another’s work, yet still using their fundamental idea or theory)
* fabrication (inventing or counterfeiting sources)
* submission of another’s work as one’s own
* neglecting quotation marks on material that is otherwise acknowledged

Acknowledgment is not necessary when the material used is common knowledge.

#### B. Cheating

Cheating involves the possession, communication or use of information, materials, notes, study aids or other devices not authorized by the instructor in any academic exercise or  communication with another person during such an exercise. Examples of cheating are:

* copying from another’s paper or receiving unauthorized assistance from another during an academic exercise or in the submission of academic material
* using a calculator when its use has been disallowed
* collaborating with another student or students during an academic exercise without the consent of the instructor

#### C. Fabrication and Falsification

Fabrication involves inventing or counterfeiting information, i.e., creating results not obtained in a study or laboratory experiment. Falsification, on the other hand, involves the deliberate alteration or changing of results to suit one’s needs in an experiment or other academic exercise.

#### D. Multiple Submission

This is the submission of academic work for which academic credit has already been earned, when such submission is made without instructor authorization.

#### E. Misuse of Academic Materials

The misuse of academic materials includes but is not limited to the following:

* stealing or destroying library or reference materials or computer programs
* stealing or destroying another student’s notes or materials or having such materials in one’s possession without the owner’s permission
* receiving assistance in locating or using sources of information in an assignment when such assistance has been forbidden by the instructor
* illegitimate possession, disposition or use of examinations or answer keys to examinations
* unauthorized alteration, forgery or falsification of academic records
* unauthorized sale or purchase of examinations, papers or assignments

#### F. Complicity in Academic Dishonesty

Complicity involves knowingly contributing to another’s acts of academic dishonesty.

### Procedures in Cases of Suspected Academic Dishonesty

All matters of academic policy, including academic dishonesty, are under the jurisdiction of each of the university’s schools and colleges pursuant to Article 4.A.2 and Article 5.E.5 of the Laws of the Regents. Accordingly, each school and college has established procedures for addressing matters of academic dishonesty and for determining the severity and consequences of each infraction. Students should contact their school or college dean's office for procedures specific to their school or college.

## Academic Probation and Suspension Policies

Students at the University are expected to maintain progress in their degree program, as defined by being in “good academic standing.”  Good academic standing requires minimally a cumulative grade point average (GPA) of 2.0 on all University of Colorado course work.

**Academic Probation**

* Academic probation is a warning to students that they are not progressing toward completion of their degree in a satisfactory manner.
* Students are placed on academic probation when their cumulative CU GPA falls below a 2.0 at the end of any academic term.
* Students are informed in writing (via university-assigned e-mail and postal letter) of their academic probation status.
* Students on academic probation will be required to complete the academic success plan during their first semester on academic probation.
* Students will be required to schedule an appointment and meet with their academic advisor to discuss the completed academic success plan before they will be allowed to register for the subsequent term.
* Students on academic probation will be required to schedule an appointment and meet with their academic advisor every semester that they are on academic probation before they will be allowed to register.
* Academic probation requires that students achieve a minimum 2.3 semester GPA each subsequent term until their cumulative CU GPA is at least a 2.0 to return to good academic standing. Students must achieve a minimum 2.0 cumulative CU GPA to meet graduation requirements.
* Students who fail to earn the 2.3 semester GPA during any semester of academic probation will be placed on restricted academic probation.
* Students have five semesters or 30 credits (whichever happens sooner) to raise their cumulative GPA to above a 2.0, or they will be placed on academic suspension.
* Once a student has raised his/her cumulative CU GPA to at least a 2.0, s/he will be removed from academic probation and notified via university-assigned e-mail that s/he is in academic good standing.

**Restricted Academic Probation**

* Students who fail to earn the 2.3 semester GPA during any semester of academic probation will be placed on restricted academic probation.
* Students are informed in writing (via university-assigned e-mail and postal letter) of restricted academic probation status.
* Students on restricted academic probation will be allowed to enroll for a maximum of 6 credits/two classes per semester (whichever is more). A course and its attached lab are considered to be one course in this case.
* Students on restricted academic probation will be required to schedule an appointment and meet with their academic advisor in order to register for courses.
* Students on restricted academic probation will not be able to register online; they will need to register for courses using a schedule adjustment form, which must be submitted to the Service Center (North Classroom #1003) for processing.
* Restricted academic probation requires that students achieve a minimum 2.3 semester GPA each subsequent term until their cumulative CU GPA is at least a 2.0. Students must achieve a minimum 2.0 cumulative CU GPA to return to good academic standing and to meet graduation requirements.
* Students on restricted academic probation who do not meet the 2.3 minimum semester GPA will be placed on academic suspension.
* Students who fail to raise their cumulative GPA to 2.0 or above in five semesters or 30 credit hours on academic probation and restricted academic probation will be placed on academic suspension.

 **Academic Suspension**

* Students on restricted academic probation who do not meet the 2.3 minimum semester GPA will be placed on academic suspension.
* Students are informed in writing via certified/registered letter of their academic suspension status.
* The minimum duration of academic probation is for a period of one year (three semesters, including summer term). Students placed on academic suspension will be unable to take courses from any CU campus during this time.
* Should a student be placed on academic suspension while registered for the next semester, s/he will be administratively dropped from their courses by the university.
* A student’s academic suspension status is permanently indicated on his/her official University of Colorado transcript.
* During the one-year academic suspension period, students who wish to return to the university should consider one (or both) of the following actions:
	+ Attend another regionally-accredited college/university.
		- Students who choose to attend another institution while on academic suspension can take as many or as few credits as they choose, but must earn a 2.75 cumulative GPA in all transferable course work.
		- Students should consult their academic advisor to discuss appropriate course work.
	+ Use the time off to directly address and resolve the factors that contributed to the academic difficulty.
* After the one-year suspension period has elapsed, students must petition the appellate committee (of the school or college they wish to enter) for readmission and meet and document at least one of the following criteria:
	+ Attendance at another regionally accredited college/university where they earned a minimum cumulative GPA of 2.75 in transferable credit.
	+ Explanation of their previous academic difficulty, demonstration of what has changed and how this will allow them to now achieve and maintain good academic standing (including a semester GPA of at least 2.3 and a cumulative GPA of at least a 2.0).
* Students who choose to petition their college’s appellate committee for re-admission must submit their petitions by the following deadlines:
	+ For fall admission: June 1
	+ For spring admission: December 1
	+ For Maymester/summer admission: April 1
* If a student is granted readmission and his/her CU GPA is below a 2.0, s/he will be re-admitted on restricted academic probation. These students must meet the condition of restricted academic probation every semester until their cumulative CU GPA is at least a 2.0.

**Second Suspension**

* Students who are readmitted after their first academic suspension and fail to meet the conditions of restricted academic probation for a second time are placed on a second suspension for an indefinite period of time.
* Students on a second suspension may be readmitted to the university only by petition to the college’s appellate committee.
* Students will not be considered for re-admission unless they have demonstrated *significant* improvement in academic performance at the college/university level, and/or considerable and positive change in personal circumstances.

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| Code of Student Conduct - Community Standards and Wellness |  |

**Director:** Larry Loften
**Office:** Tivoli Student Union, 227
**Telephone:** 303-556-2444

### Preamble

 As members of the CU Denver community, students are expected to uphold University standards, which include abiding by state, civil, and criminal laws and all University laws, policies and standards of conduct. These standards assist in promoting a safe and welcoming community; therefore all students must uphold and abide by them.

 The University strives to make the campus community a place of study, work and residence where people are treated, and treat one another, with respect and courtesy. The University views the student conduct process as a learning experience that can result in growth and personal understanding of one’s responsibilities and privileges within both the University community and the greater community. Students who violate these standards may be subject to the actions described below. These procedures are designed to provide fairness to all who are involved in the conduct process.

 **Philosophy of Student Conduct**

We strive to learn from one another in an educational environment that holds mutual respect for individuals and self-responsibility for behaviors community in high regard. Students who engage in behavior that conflicts with established standards, laws, policies, and guidelines may be referred for conduct proceedings.

 Every member of the student community must assume responsibility for becoming educated about the various University and housing standards, policies, and guidelines. It is against the basic nature of this community for anyone to demean or discriminate against another human being. A caring, educational community does not tolerate physical or psychological threats, harassment, intimidation, or violence directed against a person. Students engaging in such behavior are subject to the University conduct processes.

**Diversity Statement**

We are committed to a campus community where diversity is appreciated and valued, and where all individuals are treated fairly and with respect. We encourage curiosity, open communication, continuous learning, and community service as ways to create a socially just environment. We respect the right for individuals to disagree with ideas and philosophies different from their own. However, we do not permit any form of behavior that places anyone in dangerous, discriminatory, or harassing environments. We expect all community members to work towards these same goals.

 Our goal in the conduct process is that the student, through their experience in our process, will grow in the following areas:

 **Intellectual Growth**

The student will gain a better understanding of the consequences and potential consequences of his/her personal actions and will learn the purposes of institutional policies.

He/She will employ critical thinking in problem solving and ultimately obtain a degree.

 **Clarification of Values**

The student will understand the effect of their behavior on others. The student will demonstrate ethical development, will comply with institutional policy, and commit no further violations of policy. The student will gain understanding of the institutional values reflected in institutional policies.

**Importance of personal integrity.**

 Through our process the student will be asked to scrutinize his/her beliefs, ethics, and values. The student will be able to articulate his/her personal ethics and values, will act in congruence with those ethics and values, will act in congruence with those ethics and values, and make decisions that reflect his/her beliefs.

 **A. Authority**

Article 7, Part B, of the Laws of the Regents requires each campus to develop a Student Code of Conduct. The Associate Vice Chancellor for Student Affairs is authorized to establish and enforce the Code of Conduct. Any questions regarding interpretation of this Code or any of its provisions should be directed to the Associate Vice Chancellor for Student Affairs or his/her designee for final determination.

 The Associate Vice Chancellor for Student Affairs and/or his of her designee shall appoint Student Conduct Officers and Appeals Officers. The Director of Community Standards and Wellness shall determine which Student Conduct Administrator and Appeals Officer shall be assigned to hear each matter.

1.     The Associate Vice Chancellor for Student Affairs and/or his of her designee shall develop policies for the administration of the student conduct system and procedural rules.

2.     Decisions made by a Conduct Officer shall be final, pending the appeals process.

3.     Proceedings initiated under this policy are separate from civil or criminal proceedings that may relate to the same incident. Investigations or conduct proceedings by the University are not postponed while criminal or civil proceedings are pending unless otherwise determined by the Conduct Officer.

**B.   Jurisdiction**

1.     The University of Colorado Denver (CU Denver) Student Code of Conduct shall apply to conduct that occurs on University premises, University-sponsored programs or activities, Campus Village Apartments, and to off-campus conduct 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. In addition, CU Denver, in collaboration with the communities of the greater Denver Metropolitan area, may respond to student violations of laws and ordinances designed to protect civility and quality of life. The Student Code of Conduct may be applied to conduct occurring off-campus.

 **C. Advisors**

1.     Students may be accompanied by an Advisor during the conduct process. Advisors are not permitted to speak for or on behalf of the student during any phase of the conduct process, including hearings. However, with permission from the Conduct Officer, an Advisor may make a statement and/or ask questions of the charged student to present relevant information after the Conduct Officer has completed discussions with the student.

2.     University Conduct Officers may also consult with University Counsel during the conduct process.

a.     The Student Conduct Officers reserve the right to remove the Advisor from the Conference should s/he not adhere to the above guidelines or become a disruption to the process.

b.     If a student chooses to bring an Advisor to the meeting, it is the student's obligation to select an Advisor whose schedule allows attendance within the time frame designated in the Student Conduct Conference Notice. The Conduct Officer is not obligated to reschedule the conference to accommodate Advisors to students.

**D. Student Responsibilities**

It is the responsibility of all students who are potential parties or witnesses to an alleged violation of the Code to participate in the process conscientiously. Students have a responsibility to cooperate and discuss the incident with an investigator and Conduct Officer over the telephone or in person, adhere to stated deadlines, attend scheduled meetings, and participate in all proceedings. Failure to meet these responsibilities may result in a decision being made without the benefit of the student’s participation.

1.     Each student shall be responsible for his/her conduct from the time of application for admission through the actual conferral of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. The disciplinary process may proceed even if the student withdraws from school while a disciplinary matter is pending.

2.     The unexcused failure of a student to appear and/or respond to the conduct process does not prevent the University from proceeding with the conduct process in the student’s absence.

**E. Prohibited Student Conduct**

The following section is based in part on Regent Law 7.B.3. The conduct listed below is prohibited, as are attempts to commit, aid, abet, or incite others to commit conduct prohibited by this Code. Engaging in retaliatory acts against a person who reports an alleged violation of the Code or testifies, assists, or participates in a conduct proceeding or investigation is a violation of this Code.

*The recommended minimum sanction for violating any of the below standards with* **bold type** *shall be suspension unless specific and significant mitigating factors are present.*

**1.** **Assaulting or physically abusing another person or being involved in brawling.**

**a.** **In the case of a student who is found responsible via the Student Code of Conduct process to have caused severe injury or bodily harm, the minimum  sanction shall be suspension.**

**i.** **Severe injury and bodily harm includes but is not limited to the following: broken bones, concussions, lacerations, etc.**

2.     Intimate partner violence. Intimate partner violence is conduct between people who are or were involved in a sexual or romantic relationship when one person in the relationship causes harm or significant alarm or distress to the other person. This includes but is not limited to threats, assault, or other action against the person or their property when used as a method of coercion, control, punishment, intimidation, or revenge. For more information on Interpersonal Violence policies and procedures please see Appendix I.

3.     Threatening or endangering the health or safety of a person (one’s self or others).

4.     Sexual Misconduct: Sexual misconduct includes non-consensual sexual intercourse, non-consensual sexual contact and sexual exploitation or exposure, and sexual Harassment.

a.     **Non-consensual sexual intercourse:** Non-consensual sexual intercourse is any sexual intercourse (anal, oral or vaginal), including sexual intercourse with an object, however slight, by one person upon another without consent and/or by force.

b.     Non-consensual sexual contact: Non-consensual sexual contact is any sexual touching (including touching with an object) however slight, by one person on another without consent and/or by force.

c.      Sexual exploitation and/or exposure**:** Sexual exploitation is when a student takes non-consensual, unjust, or abusive sexual advantage of another for his/her own pleasure, advantage or benefit, or to pleasure, benefit or advantage anyone other than the one being exploited. Sexual exposure occurs when a student engages in lewd exposure of the body done with the intent to arouse or satisfy the sexual desire of any person.

d.     Sexual Harassment: Unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that it has the effect of unreasonably interfering with, limiting or denying someone the ability to participate in or benefit from the university’s educational program.

*Note: For the purposes of this Code of Conduct, consent shall be defined as the act of knowingly and voluntarily agreeing, verbally or non-verbally, to engage in sexual activity. An individual cannot consent who is obviously, substantially impaired by any drug or intoxicant; or who has been purposely compelled by coercion, force, threat of force, intimidation, or deception; or who is unaware that the act is being committed; or whose ability to consent or resist is obviously impaired because of a mental or physical condition; or who is coerced by supervisory or disciplinary authority.*

For a more complete list of terms and detailed definitions please see Appendix 1:  Definitions and Procedures for Sexual Misconduct, Sexual Harassment, and Nondiscrimination Policy

5.     Indecently exposing one’s body (non-sexual).

6.     Stalking. Repeated conduct which reasonably and subjectively causes another person to fear for his/her safety or repeated conduct which causes a person to alter his/her activities in response to the repeated conduct. Such repeated conduct may include, but is not limited to, any of the following: physically or electronically following or approaching a person or a member of that person’s family or household; contacting a person or a member of that person’s family or household whether or not conversation ensues; and placing a person or a member of that person’s family or household under surveillance.

7.     **Hazing.** Any action or situation that recklessly or intentionally endangers the health, safety, or welfare of an individual for the purpose of initiation, participation, admission into or affiliation with any organization at the University. Hazing includes, but is not limited to, any abuse of a mental or physical nature, forced consumption of any food, liquor, drugs, or substances, or any forced physical activity that could adversely affect the health or safety of an individual. Hazing also includes any activity that would subject the individual to embarrassment or humiliation, the willingness of the participant in such activity notwithstanding. (See Appendix 5)

8.     Abusive Conduct. Unwelcome conduct by an individual(s) that is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile or offensive. The determination of whether an environment is “hostile” must be based on all of the circumstances. Factors to consider include the frequency of the conduct, its severity, and whether it is threatening or humiliating. Simple teasing, offhand comments and isolated incidents (unless extremely serious) will not amount to abusive conduct.

a.     This policy should not be construed, and will not be enacted, to deny any student the right of free speech and expression.

9.     Violating any federal, state, or local law or University regulation or policy. University policy may include but is not limited to:

a.     “Sexual Harassment Policy and Procedures” (<https://www.cu.edu/policies/aps/hr/5014.html>)

b.     “Nondiscrimination Procedures” (<http://www.ucdenver.edu/faculty_staff/employees/policies/Policies%20Library/HR/Nondiscrimination.pdf>)

c.       “Computing Policy Statement” (<http://www.ucdenver.edu/faculty_staff/employees/policies/Policies%20Library/DDC/Computing/ComputingPolicy.pdf>)

10.   Interfering with, obstructing or disrupting a University activity.

a.     University activities include, but are not limited to, all normal University activities, such as teaching, research, recreation, meetings, public events, and disciplinary proceedings.

b.     This prohibition includes: conduct disruptive of University functions; from injury to persons or damage to property on the campus; and from impeding freedom of movement of students, school officials, employees, and invited guests to all facilities of the University. Interference in any manner with the public or private rights of citizens, conduct that threatens or endangers the health or safety of any person, and damage to property are prohibited.

11.   Interfering with, obstructing, or disrupting police or fire responses. This prohibition includes, but is not limited to:

a.     Resisting arrest.

b.     Failing to abide by the directions of a peace officer.

**c.** **Tampering with, impairing, disabling, or misusing fire protection systems such as smoke detectors, fire extinguishers, sprinklers, or alarms.**

d.     Failing to evacuate during a fire alarm.

e.     **Arson/setting fires.**

12.   Failing to comply with the direction of University or housing employees who are performing their duties. Students are required to comply with instructions or directions given by University or housing employees.

13.   Failing to abide by or complete a University sanction in a satisfactory manner, including violating the Student Code of Conduct while on University probation, University probation with loss of good standing, termination in abeyance, or suspension in abeyance.

14.   Providing false information to University employees, student conduct administrators, or peace officers in performance of their duties or forging, altering, falsifying or misusing documents or records, or knowingly using/possessing forged, altered or false documents or records.

15.   Retaliating against or discouraging an individual from participating in a University process, acting improperly to influence a University conduct process, or the unauthorized release of confidential student or University information/records.

a.     Direct contact with an individual or conduct officer or review committee or contact through third party may constitute a violation of this provision.

16.   Violating any policy or procedure listed in the Campus Village Apartments Resident Handbook while in Campus Village. See a complete list of Campus Village Policies and procedures at: <http://www.campusvillagedenver.com>

17.   Unauthorized entry into or exit from a University facility or property, including Campus Village Apartments.

18.   Damaging University property or property belonging to another.

19.   **Engaging in, inciting, or arming someone for a riot or public disturbance (see appendix 4).**

20.   Use of electronic or other devices to make an audio or video record of another person without that person’s express consent and/or knowledge when such a recording is likely to cause injury to or exploit the individual being recorded.

21.   **Possessing firearms, explosives, fireworks, incendiary devices, ammunition, or other weapons on campus.**

a.     Possession of a harmless instrument designed to look like firearm, explosive, or dangerous weapon is also prohibited by this policy(including but not limited to BB guns, pellet guns, airsoft guns, martial arts equipment, and knives with a blade over 3” in length).

b.    Is mandated by Regent’s Policy, in the case of a student who is found responsible via the Student Code of Conduct process to have intentionally or recklessly used or possessed a weapon in a way that would intimidate, harass, injure, or otherwise interfere with the learning and working environment of the University, the minimum disciplinary sanction shall be expulsion.

                                               i.     In the case of a harmless instrument as described in section 21a., the minimum sanction shall be expulsion if the student used the item with the intent to
              cause fear in or assault to another person.

**c.** **Mere possession of firearms, explosives, fireworks, incendiary devices, ammunition, other weapons, or instruments designed to look like any of the above will result in suspension unless mitigating factors are present.**

Note: *Students, faculty, and staff possessing valid Concealed Handgun Permits are allowed to carry concealed on campus in accordance with the law.*

22.   Theft, including but not limited to, possessing property known to be stolen, or taking property of another without consent, even with an intent to return the property.

23.   Possessing, using, providing, **manufacturing**, **distributing**, or **selling** drugs or drug paraphernalia, or prescription drugs in violation of law or University policies

a.     If the violation occurs in Campus Village Apartments, a student who knew, or reasonably should have known, s/he was in the presence of illegal drugs or drug paraphernalia or prescription drugs is in violation of the code.

b.     Attending classes or University functions while under the influence of drugs/illegal substances shall also be considered a violation of this Code.

**c.** **In the case of a student who is found responsible via the Student Code of Conduct process to have endangered the health, safety, or welfare of an individual through the provision of drugs, the minimum disciplinary sanction shall be suspension.**

Note: *Although possession and use of marijuana for certain medical conditions consistent with the requirements of the Colorado Constitution is no longer a crime in the State of Colorado, the possession and use of marijuana remains illegal under federal law. Consistent with federal law, including the Controlled Substances Act and the Drug Free Schools and Communities Act, the use and/or possession of marijuana continues to be prohibited while a student is on campus, including while in campus housing.*

24.   Possessing, using, providing, **manufacturing**, **distributing**, or **selling** alcoholic beverages in violation of law or University policies.

a.     If an underaged student is in Campus Village Apartments, this prohibition includes a student who knew, or reasonably should have known s/he was in the presence of alcoholic beverages, or possessed, displayed, or was in the presence of alcohol containers.

b.     Attending classes or University functions under the influence of alcohol shall also be considered a violation of this Code. This includes inappropriate alcohol related behavior at official University functions where alcohol is served.

**c.** **In the case of a student who is found responsible via the Student Code of Conduct process to have endangered the health, safety, or welfare of an individual through the provision of alcohol, the minimum disciplinary sanction shall be suspension.**

*The health and safety of members of the University of Colorado at Denver are the primary concerns of the University. The University is committed to ensuring that students obtain timely medical assistance for themselves and for their peers. To this end, we have instituted a “Good Samaritan” Provision for drug, alcohol, an IPV related incidents. For more information about this provision please see Appendix 3.*

**F. Definitions**

1.     **Acceptance of Responsibility.** The charged student agrees that his or her behavior constitutes a violation of the Code of Conduct, as outlined in the Conference Notice.

2.     **Aggravating Factor.** Any circumstances accompanying the commission of misconduct that add to its seriousness. Examples may include the use of violence or force, violation of a trust or duty, premeditation of an incident, the existence of a previous conduct violation, and elements of hate or bias.

3.     **Consent to Sexual Contact/Activity.** For the purposes of this Code, consent shall be defined as the act of knowingly and voluntarily agreeing verbally or non-verbally to engage in sexual activity. An individual cannot consent who is obviously substantially impaired by any drug or intoxicant; or who has been purposely compelled by coercion, force, threat of force, intimidation, or deception; or who is unaware that the act is being committed; or whose ability to consent or resist is obviously impaired because of a mental or physical condition; or who is coerced by supervisory or disciplinary authority. (For additional information on Consent please see Appendix 1).

4.     **Appeal Officer**. Any individual appointed by the University to process student conduct appeals.

5.     **Campus.** The Auraria Campus in Denver, Colorado and all buildings associated with CU Denver on and/or adjacent to that campus including but not limited to: Campus Village Apartment, the CU Building, Lawrence Street Center, and The Business School Building.

6.     **Complainant.** Any person who submits a report, orally or in writing, alleging that a student violated this Student Code.

7.     **Conduct Officer**. Any individual appointed by the Director of Community Standards and Wellness to process student conduct matters.

8.     **Conduct Process**. Any process outlined in this Student Code of Conduct Policies and Procedures.

9.     **Conference Notice**. Notification sent to a student containing information about an alleged violation of the Student Code of Conduct.

10.   **Designation.** A student’s classification; i.e., graduate, undergraduate, continuing education, degree seeking, or non-degree-seeking.

11.   **Faculty Member.** Any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be an employee.

12.   **Force.** The use of physical violence and/or imposing on someone physically. Force also includes, threats, intimidation, (implied threats), and coercion that overcomes resistance or produce consent.

13.   **Member of the University and Campus community**. Includes any person who is a student, faculty member, University official or any other person employed by the University. This term also applies to students, faculty members, and University officials of the other institutions on the Auraria Campus, including but not limited to: the Metropolitan State University of Denver (MSU Denver), the Community College of Denver (CCD), and the Auraria Higher Education Center (AHEC). A person’s status in a particular situation shall be determined by the Director of Community Standards and Wellness.

14.   **Mitigating Factor**. Extenuating circumstances that may be taken into account to reduce a sanction. They do not constitute a justification or excuse for the offense in question.

15.   **Parent.** A student’s parent or legal guardian.

16.   **Peace Officer**. A person designated by the University of Colorado, its agents, or the state or federal government with the responsibility of enforcing laws or policies. C.R.S. 16-2.5-101.

17.   **Policy.** The written regulations of the University as found in, but not limited to, the Student Code of Conduct, Laws and Policies of the Board of Regent’s, Campus Village Resident Handbook, the University web page and computer use policy, and Graduate/Undergraduate Catalogs.

18.   **Preponderance of Evidence.** What happened more likely than not, or “50% plus a feather.” This shall be the standard of proof used in all conduct proceedings under this Code.

19.   **Respondent.** Any student accused of violating this Code.

20.   **Student.** The term student includes all persons taking courses at the University, either full time or part time, pursuing undergraduate, graduate, or professional studies, as well as non-degree students and concurrently enrolled high school students.

This also includes individuals admitted or in the process of being admitted, those attending orientation sessions, and those that were enrolled at the date of an alleged incident. Persons who withdraw after allegedly violating the Student Code of Conduct are also considered “students.”

21.   **University.** The University of Colorado Denver.

22.   **University Employee**. A University employee working in the performance of his or her duly authorized duties. University employees may be full or part time, or may be student staff members.

23.   **University Premises**. Includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks, all AHEC facilities, and Campus Village Apartments).

24.   **Witness.** Any individual who may have information relating to a conduct case.

25.   **Working Day**. Monday through Friday, except for official University holidays.

**G. Student Code of Conduct Procedures**

The following procedures will be used for student conduct proceedings, except as noted below.

**For cases involving an alleged violation of sections F.2 (IPV), F.4a-d (Sexual Misconduct), F.6 (stalking), F.9.a (Sexual Harassment), and F.9.b (Nondiscrimination and Harassment) the conduct process outlined in Appendix 1 applies. When alleged violations of the charges governed by Appendix 1 are accompanied by other alleged violations of the Student Conduct Code, all of the charges may be processed together as outlined in Appendix 1.**

A.     Commencement of a Conduct Process

1.     The discipline process can be initiated by police reports, Campus Village incident reports, or a report from any university employee, student, or other member of the University/Campus/general community. This process is initiated through the submission of a written or oral account of the incident to the Office of Community Standards and Wellness.

2.     Upon the receipt of a report, the Conduct Officer may determine that there is sufficient reason to charge the student with a violation of the Student Code of Conduct and a University disciplinary conference is warranted. The Conduct Officer may 1) initiate conduct proceedings by sending the student a Conference Notification; 2) resolve the situation through an informal resolution process, including but not limited to, mediation or a meeting between the respondent and a Student Conduct Officer or a third party; or 3) determine that the facts of the complaint or report, even if true, would not constitute a violation of the Code of Conduct or applicable policy.

*In some cases, alternative dispute resolution such as Restorative Justice or mediation, may be offered by mutual consent of the parties involved and on a basis acceptable to the Conduct Officer. A written summary of these agreements are provided to all parties. These agreements are binding and once entered are not subject to appeal. Failure to abide by the agreements could result in the situation being returned through the conduct process for possible disciplinary action.*

   B. Conference Notification

1.     All charges shall be presented to the Respondent in electronic form via the student’s official CU Denver email account. This notification will provide the Respondent with information on how to obtain or review the initiating reports, and set a time for the conference. The notification shall also include:

a.     A description of the alleged misconduct and violation.

b.     The Code of Conduct provisions that are alleged to have been violated.

c.     Instructions on how to request copies of records obtained from outside agencies.

d.     An explanation of the student conduct process.

2.     Conferences are scheduled not less than three (3) business days (less than the three day minimum would require mutual agreement between the student and Conduct Officer) nor typically more than fifteen (15) business days after the student has been notified of the charges.

a.     Expedited Process

                                           i.     When the Conduct Officer determines that a prompt review is essential (e.g., end of the semester, the student is graduating, or there is substantial concern for the health, safety, or welfare of a member of the University community), the Conduct Officer may require that the student meet with him or her within a much shorter period of time at the discretion of the Conduct Officer.

*3.* The notification may contain specific requirements or restrictions, pending the resolution of the matter through the conduct process, as needed to protect the interests of involved students or the University. These requirements could include but are not limited to: temporary relocation in student housing, restriction from specific campus locations, or orders prohibiting contact with complainants or witnesses. *The notification will be sent to the student’s official University e-mail address.*

C. Options for Resolution of Disciplinary Charges

After review of the information contained with the Conference Notification, the Respondent has the following options:

1.     Accept responsibility for the charges

a.     When the Respondent agrees with the contents of the complaint and accepts responsibility for the behavior, the conference will involve a meeting with the Conduct Officer to determine the appropriate level of discipline and other sanctions or restorative resolution outcomes.

2.     Dispute the charges

a.     In the event that the student does not accept responsibility for the charges or substantially disagrees with information contained within the report, a formal University Conduct Conference will be conducted.

3.     Alternative Dispute Resolution Methods

a.     In some instances, there may be additional options offered to resolve the conflict or concern. These shall be utilized at the discretion of the Conduct Officer.

**D. Conferences**

Student Conduct Conferences shall be conducted by University Conduct Officers according to the following guidelines:

1.     A student being investigated, a charged student and an alleged victim of an alleged policy violation may be accompanied by an Advisor during the conduct process. (See section C of this document for more information about Advisors).

2.     University conduct conferences and administrative meetings are considered private, educational interactions between the student(s) and the University. The Complainant, Respondent and their Advisors, if any, shall be allowed to attend the informational conference. Deliberations between University Officials are closed. Inclusion of any other person to the conference shall be at the discretion of the Conduct Officer.

3.     Pertinent records, exhibits, and written statements, including personal impact statements, may be accepted as information for consideration. The Complainant and the Respondent shall be allowed to review and respond to any reports or statements the Conduct Officer will consider as the basis for the charges or determination of evidence related to the conference.

a.     Reports may be redacted in order to protect the privacy of educational records of all parties involved.

4.     The Complainant and the Respondent will have the opportunity to present his/her own version of the incident or events by personal statements, as well as through written statements from witnesses and other forms of documentation or information.

5.     If a Respondent, with notice, does not appear for the conference, a decision may be made in their absence taking into consideration the totality of the information related to the charges available at the time of the conference.

6.     For official purposes of the University Conduct process there may be a single verbatim record of the proceedings maintained by the University. This record shall remain the property of the University and will not be disseminated. A student may request a review of the recording in accordance with the Community Standards and Wellness records request procedures. Students are not permitted to video record any conduct proceedings.

7.     In disputed cases, the Complainant and/or the Respondent may provide written statements from witnesses and/or ask for relevant witnesses to be contacted by the Conduct Officer. Witnesses shall be present only during the time they are presenting information in the conference. Witnesses will provide information to and answer questions directed from the Conduct Officer.Questions may be suggested by the Respondent and/or Complainant to be answered by each other or by witnesses. Witnesses cannot be compelled to participate in the conduct process.

In order to preserve the educational tone of the conference and to manage the proceedings appropriately, the Conduct Officer may ask that all questioning be directed through him/her and use discretion related to limiting repetitive information and/or statements. All procedural questions are subject to the final decision of the Associate Vice Chancellor of Student Affairs or her/his designee.

8.     If information presented in the conference creates additional need for clarification or investigation, or to accommodate irresolvable scheduling conflicts with key witnesses, the Conduct Officer may reschedule the conference.

9.     If the conference involves more than one Respondent, the Conduct Officer, in his or her discretion, may permit the conferences concerning each student to be conducted either jointly or separately.

10.   The Conduct Officer may accommodate availability and/or remote location of witnesses through conference phone calls or other alternate means. Accommodations may also be made related to concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Respondent, and/or or other witness during the conference by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Conduct Officer to be appropriate.

11.   Formal rules of process, procedure, or evidence as established and applied in the civil or criminal justice system do not apply to this process.

**E. Decisions**

After the conference concludes, the Conduct Officer will review all pertinent information and make a determination related to each of the charges specified from the Student Code of Conduct. The determination is based on the preponderance of evidence standard, *whether it is more likely than not* that the respondent violated the Student Code of Conduct. The charged student and an alleged victim may provide an impact statement or character references for consideration during the sanction process.

1.     Written notice of the Conduct Officer’s decision will generally be sent to the student within fifteen (15) business days of the conference. The notification shall consist of the determination of responsibility, level of discipline imposed, and a complete description of any sanctions or requirements. In disputed cases, when the Respondent is found responsible for the charges, the notification will also include a summary of the basis for the determination.

2.     Conduct Officers may communicate conduct outcomes with appropriate campus offices when relevant to academic, financial, student involvement, or safety issues.

**F. Sanctions**

Sanctions imposed for misconduct will be based upon a consideration of all of the circumstances in a particular case. Mitigating and aggravating circumstances will be considered. Repeated violations are likely to result in progressively severe sanctions. One or more of the sanctions below may be imposed. In all cases, the conduct officer reserves the right to use their discretion in determining the appropriate sanction for a case. All decisions regarding responsibility and appropriate sanctions will be given to a student in writing.

Conduct Officers have the authority to determine the appropriate level of disciplinary action taking into consideration the severity of the infraction, impact on individuals or the community, and the past record of discipline. In addition to the sanctions listed below, the Conduct Officer may place limits or conditions, require relocation within or removal from Campus Village, restitution, community service, and/or specify participation in educational programs and interventions. These include but are not limited to, those related to alcohol or drug use, ethical decision making, personal counseling, community issues, and restorative justice.

The following sanctions may be applied when appropriate to individual students. More than one of the sanctions listed below may be imposed for any single violation. Failure to complete disciplinary sanctions within required deadlines will result in a hold being placed on the student’s registration status. These sanctions may include but are not limited to:

1.     Warning or Written Reprimand. A student may be given a warning or written reprimand for minor infractions.

2.     General Disciplinary Probation.  Probation is for a designated period of time during which the student is required to show appropriate changes in attitude and behavior. Specific sanctions or restrictions may be imposed as a part of this sanction but do not result in loss of good standing with the University. A violation of the terms of General Disciplinary Probation, or subsequent misconduct after discipline, is grounds for further disciplinary action, including loss of good standing, suspension, or expulsion.

3.     Disciplinary Probation/Loss of Good Conduct Standing. Probation is for a designated period of time in which appropriate changes in attitude and behavior are expected to occur. Specific sanctions or restrictions may be imposed as a part of this probation. A student on this disciplinary probation is not in good standing with the University. Good standing, shall include but not be limited to, a requirement for eligibility to represent the University, to serve on a University committee, to participate in club sports or student organizations, and for recognition by the University including any office held in a student organization. A violation of the terms of disciplinary probation, or subsequent misconduct, is grounds for further disciplinary action, including suspension, or expulsion.

4.     Discretionary/Educational Sanctions. Educational programs or assignments, Restorative Justice, mediation, community service, individual assessment, counseling, substance abuse education, intervention or treatment, testing, or other related discretionary sanctions may be offered or required.

5.     Restitution. Compensation for loss, damage, or injury. This may take the form of appropriate service or monetary or material replacement.

6.     Residential Reassignment. A student may be reassigned to another student housing room when disruption has occurred in the Campus Village or in order to separate persons on a temporary or permanent basis. The student will be responsible for all costs and fees associated with relocation as a result of this sanction.

7.     Residential Termination/Eviction. Permanent separation of the student from Campus Village as a result of a student conduct conference. The University expects students who live in student housing and manage their behavior to comply with all policies. If a first year student is evicted or removed from the Campus Village, the Conduct Office will determine if the student may be allowed to continue as a student.

8.     Disciplinary Suspension. Suspension for a distinct period of time and/or the specification that a student must fulfill certain requirements before re-admission or re-instatement will be considered to any CU campus. While suspended, the student is not entitled to attend classes, use University facilities, participate in University activities, or be employed by the University. Special conditions may be stipulated for reinstatement at the conclusion of the period of suspension. The student is not in good standing with the University during the term of the suspension.

9.     Suspension in Abeyance. A suspension may be held in abeyance or deferred under special conditions in which the student participates in a designated program as a condition to remain in school under a strict probationary status.

10.   Disciplinary Expulsion. Expulsion is permanent removal from the University with no opportunity to return to any CU Campus.

11.   Revocation of Admission or Degree. Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or for other serious violations committed by a student prior to matriculation or graduation.

12.   Withholding of Degree.  The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code of Conduct, including the completion of sanctions imposed.

13.   Parental Notification. Parents may be notified of disciplinary decisions when a student under the age of 21 is found responsible for engaging in an infraction(s) involving alcohol, drugs, or the threat or use of violence. Letters are sent to the primary parent address provided to the University.

14.   Exclusion/Trespass. The student is denied access to all or a portion of campus. Unless otherwise noted, exclusion includes all buildings and property on the Auraria Campus and any building owned or operated by CU Denver. When a student is excluded from campus, that student may be permitted onto campus for limited periods and specific activities with the permission of the Director of Community Standards or his/her designee. Should the student enter campus without permission, action may be taken by the police for trespass, including arrest.

15.   Interim Suspension. The Chancellor, Provost and the Associate Vice Chancellor for Student Affairs have the authority to suspend on an interim basis, pending final disposition of the case, any student when, in the opinion of these officials, such a suspension is necessary to:

a.     Maintain order on the campus;

b.     Preserve the orderly functioning of the University;

c.     Stop interference in any manner with the public or private rights of others on University premises;

d.     Stop actions or potential actions that threaten the health or safety of any person; or

e.     Stop actions or potential actions that destroy or damage property of the University, its students, faculty, staff, or guests.

 Interim suspension will also include excluding the student from campus pending a final outcome. This exclusion begins immediately upon notice from the appropriate University employee, without a conference with a Conduct Officer. A conference with a Conduct Officer is then scheduled as soon as possible (usually within 10 calendar days) to determine how the case will continue and to begin the conduct process. In extreme matters, an interim suspension may be put in place until a student receives a final disposition in a court process after having been charged with a serious crime.

**G. Appeal of a Disciplinary Decision**

A student may only appeal if s/he has received a sanction including loss of good standing, housing termination, suspension, or expulsion. A decision reached by a Conduct Officer may be appealed to an Appeal Officer by either the Respondent(s) or Complainant(s). For an appeal to be considered it must meet at least one of the criteria listed below.

 The appellant shall submit a written request for an appeal through the Community Standards and Wellness website. The appeal must be specific and clearly state the reasons for the request. The appeal request shall be submitted within three (3) business days of the date the appellant is notified of the decision rendered by the Conduct Officer. Failure to submit a request for appeal within the specified time will render the decision of the Conduct Officer final and conclusive. An extension may be granted at the discretion of the Conduct Officer.

1.     Except as necessary to explain the basis of new information, an appeal shall generally be limited to a review of the record of the conference and supporting

        documents for one or more of the following reasons:

a.     To determine whether the conference was conducted fairly in light of the charges and information presented, and in conformity with proscribed procedures   giving both the Respondent and complaining parties the opportunity to prepare and present relevant information to be considered in the determination of an appropriate outcome. Minor deviations from designated procedures will not be a basis for sustaining an appeal unless there is a demonstrable adverse effect on the outcome of the conference.

b.     To determine whether the sanctions(s) imposed were appropriate for the violation of the Student Code of Conduct which the student was found to have

          committed.

c.     To consider new information, sufficient to alter the decision or other relevant facts not brought out in the original conference, because such information

          and/or facts were not known to the person appealing at the time of the original conference. This does not include information that was known at the time

          of the conference but was not shared.

2.     The Appeal Officer will review the written request for appeal to determine if the acceptable grounds for the appeal are met. After review of the appellant’s request, which may include but is not limited to review of the record, the Appeals Officer shall take one of the following actions:

a.     If the appeal does not meet one or more of the stated criteria the appeal will be denied.

b.     Affirm the decision: the Appeals Officer agrees that the information before him or her supports the decision reached by the Conduct Officer.

c.     Return the case to the original Conduct Officer, or another Conduct Officer for further consideration.

d.     Overturn the decision or adjust the sanctions assigned by the original Conduct Officer.

3.     When questions of law arise, the Appeal Officer may consult with University Legal Counsel.

4.     If an appeal is returned to a Conduct Officer to consider new information, the general process outlined under conference procedures will be used.

5.     The Appeals Officer will communicate his or her decision in writing. The matter shall be considered final and binding upon all involved unless the matter is returned

           for further consideration.

**H. Additional Information**

1.     Student disciplinary records will be maintained in accordance with the Federal Family Educational Rights and Privacy Act of 1974 (FERPA) and subsequent amendments and the guidelines for implementation. The record of disciplinary actions will be kept by the Community Standards and Wellness office. Disciplinary records are actively maintained for a minimum period of seven years from the date of graduation or withdrawal from the University. Expulsion is a permanent notation on the official transcript. Information regarding a student’s disciplinary record is available to persons or offices internal to the University or at institutions where a student seeks to enroll who have a “demonstrated educational need to know”. Disclosure of disciplinary records outside of the above listed entities generally requires a written release from the student. This may also include notifying parents and releasing written documentation relating to the process.

2.     Every student may review, upon request, all non-confidential contents of his/her conduct file, to the extent permitted by law.

3.     Release of Conduct information

a.     Provisions of the Family Educational Rights and Privacy Act of 1974, as amended by the Higher Education Amendments of 1998, govern access to a student’s educational record, which includes their academic transcript and conduct file. The student and/or those university officials who demonstrate a legitimate educational need for disciplinary information may have access to the student’s conduct file. Parent(s) who provide proof that a student is a dependent as defined in Section 152 of the Internal Revenue Code of 1954, i.e., a copy of the last Federal income tax return listing the student as a dependent, can have access to the student’s conduct file without written consent of the student. In this case, parents may also have access to a conduct file even if the student has requested otherwise.

b.     In addition, parent(s) may be notified if a student under 21 years of age is found responsible for a violation involving alcohol or other drugs. All other inquiries, including, but not limited to, inquiries from employers, government agencies, news media, family, friends, or police agencies, require a written release from the student before access to university conduct files is granted. Information may be released pursuant to a lawfully issued subpoena and as provided by the Campus Security Act as amended by the Higher Education Amendments of 1992.

c.     The Campus Security Act permits higher education institutions to disclose to alleged victims of any crime of violence (murder, robbery, sexual assault, assault, burglary, motor vehicle theft, arson) the results of the conduct proceedings conducted by the institution against an alleged perpetrator with respect to such crime.

4.     Transcript Notations and Holds

a.     Notations of disciplinary action on the student's transcript will only be made by the Office of Community Standards and Wellness.

                                               i.     Disciplinary expulsion will be permanently noted on the academic transcript.

5.     Pending Discipline Hold

a.     While conduct proceedings are pending, the University may place a hold on the student’s records. The disciplinary hold is honored by the University of Colorado System, including CU Online and Extended Studies, and prohibits the student from registering for classes until the conduct process has been completed. The hold prohibits the academic transcript from being released until all actions have been completed.

b.     A disciplinary suspension hold shall be placed on a student’s record if they are suspended as the outcome of the conduct proceedings. A conduct hold 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 all sanctions have been completed.

    6. Refund Policy After Disciplinary Action

a.     If a student is suspended or expelled from the university, assessment or refund of tuition and fees are made in the same way as when a student voluntarily withdraws. The date used for determining the amount due will be the first day of the suspension or expulsion, as decided upon by the Conduct Officer.

**I. Resources**

**Student and Community Counseling Center**

 North Classroom Building, Room 4036

            303-556-4372

            <http://www.ucdenver.edu/life/services/counseling-center>

Offers counseling programs and activities for all members of the university. All contacts are confidential.

**Ombuds Office**

            CU Denver Building, Room 107

            303-556-4493

            <http://www.ucdenver.edu/about/departments/OmbudsOffice/Pages/OmbudsOffice.aspx>

Assists students, faculty, and staff in resolving complaints or disputes with other individuals, offices, or departments within the university. Does not maintain records and is independent of any department or office. All contacts are confidential.

**Phoenix Center at Auraria**

 Tivoli Student Union, Room 227

            303-556-6011

            <http://www.thepca.org>

The Phoenix Center at Auraria (PCA) serves CU Denver and CCD communities. The Center provides **free and confidential** resources and assistance to survivors of interpersonal violence and their friends and families. The PCA provides victim advocacy and support that includes academic advocacy, assistance reporting to your school and/or police, safety planning, court/hospital/police accompaniment, and a listening ear.

**Health Center at Auraria**

 Plaza Building, Suite 150

            303-556-2525

            <http://www.mscd.edu/healthcenter>

**Auraria Police Department**

 Administration Building, Suite 110

            303-556-5000

            <http://www.ahec.edu/police.html>

Maintains a full-service police department. Officers, who are state certified, respond to reports of criminal acts and emergencies both on and off campus.

**Office of Diversity and Inclusion**

 North Classroom, Suite 2008

            303-556-2065

            <http://www.ucdenver.edu/about/departments/DCODI/Pages/DenverCampusOfficeOfDiversityAndInclusion.aspx>

**Gay, Lesbian, Bisexual, Transgender Student Services**

 Tivoli Student Union, Suite 213

            303-556-6333

            <http://www.mscd.edu/glbtss>

### Appendices

#### APPENDIX 1: Background, Definitions and Procedures for Sexual Misconduct, Sexual Harassment, and Nondiscrimination Policy

**Contact Information For Title IX Officers and Investigators**

**The Title IX Coordinator for the Denver Campus is:**

**Dr. Raul Cardenas, Associate Vice Chancellor of Student Affairs**

Phone number: 303-315-2110

Email address: Raul.cardenas@ucdenver.edu

Office address: Lawrence Street Center, 14th Floor Denver, CO 80202;

Mailing address: Campus box 146

**The Title IX Coordinator for the Anschutz Medical Campus is:**

**Dr. Regina Kilkenny, Associate Vice Chancellor, Office of Academic Resources & Services**

Phone number: 303-724-8070

Email address: Regina.kilkenny@ucdenver.edu

Office address: Education II North, Room 5101;

Mailing address: Campus Box A095

**All** student **complaints will be referred to or can be filed with**

**Tara Buckley, Title IX Investigator & Trainer**

Phone number: 303-315-0140

Email address: Tara.buckley@ucdenver.edu

**All other complaints will be referred to or can be filed with**

**Becka Hill,** **Employment** **Rights Compliance & Investigation Officer**
Phone number: 303-315-2724

Email address: Becka.hill@UCDenver.edu

The University of Colorado Denver is required by Title IX law and applicable guidance to adopt and publish grievance procedures for students explaining a process for prompt and equitable resolution of sex discrimination complaints.

 The University of Colorado Denver is committed to maintaining a positive learning, working and living environment for its entire community. The University does not discriminate on the basis of race, color, national origin, sex, age, disability, creed, religion, sexual orientation, or veteran status in admission and access to, and treatment and employment in, its educational programs and activities (Regent Law, Article 10). The University will not tolerate acts of sex discrimination and retaliation (CU Denver Administrative Policy Statement Sexual Harassment).

In 1972, federal law was passed with the intention to end sex discrimination in all areas of education. Title IX of the Education Amendments of 1972 states:

 “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.” **(Title 20 U.S.C. Sections 1681-1688)**

Sexual harassment and sexual violence are forms of sex discrimination as defined by the “Dear Colleague Letter” issued by the Department of Education and its Office of Civil Rights, on April 4, 2011, as further clarification of the Title IX law. Students have a right to attend educational programs and activities at an institution, free of sex discrimination, sexual harassment, and sexual violence. Additionally, Title IX law prohibits acts of retaliation against any person who files a complaint and/or is involved in the process of investigating allegations of sex discrimination. The University is committed to taking prompt and effective actions to end discrimination, prevent its reoccurrence, and remedy the effects upon the victims and community.

When cases of alleged harassment involve issues of speech and expression, the First Amendment must be considered. Individuals have a right to freedom of speech that applies in the classroom and in educational programs and activities. In order to establish a violation of campus rules that may fall within the scope of Title IX, the harassment must rise to a level that it limits or denies his or her ability to participate in or benefit from the education program. Title IX is not intended to regulate the content of speech.

The University employs trained staff members who have responsibility for Title IX compliance which includes investigating allegations of sex discrimination and retaliation. **To file a complaint or raise a question about Title IX,** please contact one of the Title IX officers listed below. The Title IX Coordinator oversees the development, implementation, and evaluation of Title IX policies, procedures, and training efforts and will refer all complaints to the appropriate Investigator.

In addition to publishing grievance procedures, the University has implemented policies and procedures prohibiting sexual harassment and sexual misconduct.

**Sexual Harassment**

·       For further information, please review the University’s Sexual Harassment Policy and Procedures document:[**https://www.cu.edu/policies/aps/hr/5014.pdf**](https://www.cu.edu/policies/aps/hr/5014.pdf)

**Sexual Misconduct**

·       **For Denver Campus Students:** Prohibited student conduct and the student conduct process are explained in the Student Code of Conduct: [**http://www.ucdenver.edu/life/services/standards/Pages/default.aspx**](http://www.ucdenver.edu/life/services/standards/Pages/default.aspx)

###           A.    Definitions—Sexual Misconduct

Sexual misconduct may vary in its severity and consists of a range of behavior or attempted behavior. It can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual misconduct can occur between members of the same or different gender and can also occur while individuals are fully clothed.

1.     **Non-consensual sexual intercourse:** Non-consensual sexual intercourse is any sexual intercourse (anal, oral or vaginal), including sexual intercourse with an object, however slight, by one person upon another without consent and/or by force.

2.     **Non-consensual sexual contact**:Non-consensual sexual contact is any sexual touching (including touching with an object) however slight, by one person on another without consent and/or by force.

3.     **Sexual exploitation and/or exposure:** Sexual Exploitation is when a student takes non-consensual, unjust, or abusive sexual advantage of another for his/her own pleasure, advantage or benefit, or to pleasure, benefit or advantage anyone other than the one being exploited. Sexual Exposure occurs when a student engages in lewd exposure of the body done with the intent to arouse or satisfy the sexual desire of any person.

4.     **Consent.**Consent between two or more people is defined as an affirmative agreement--through clear actions or words--to engage in sexual activity. Consent is informed, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity.

a.     **What Consent Means.** Consent to one form of sexual activity cannot imply consent to other forms of sexual activity. Previous relationships or consent cannot imply consent to future sexual acts. Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Consent can be withdrawn at any time.

b.     In order to give effective consent, one must be of legal age. Consent may never be given by

                                               i.     A minor to an adult.

                                              ii.     Mentally disabled persons when the mental disability is known or reasonably should have been known.

c.     **Additional Clarifying Rules of Consent**.(a) A person who is the object of sexual aggression is not required to physically or otherwise resist a sexual aggressor. (b) Silence, previous sexual relationships, and/or the existence of a current relationship with the respondent do not imply consent. (c) Consent cannot be implied by attire, or inferred from the giving or acceptance of gifts, money or other items. (d) Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly. Withdrawal of consent can be done in numerous ways and need not be a verbal withdrawal of consent. (e) A respondent’s intentional use of alcohol/drugs does not excuse a violation of policy.

5. **Threats.** 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, absent the threat. For example, threats to kill you, themselves, or to harm someone you care for constitute threats.

6. **Incapacity.**If you have sexual activity with someone you know to be, or should know to be mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), you are in violation of this policy. Incapacitation is a state where one cannot make a rational, reasonable decision because they lack the ability to understand the who, what, when, where, why or how of their sexual interaction. This policy also covers someone whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of a so‐called “date‐rape” drug. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student for the purpose of inducing incapacity is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org>/

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

8. **Coercion**. Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another, the repetition of the coercive activity beyond what is reasonable, the degree of pressure applied, when someone makes clear to you that they do not want sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

9.     **Force.** The use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes, threats, intimidation, (implied threats), and coercion that overcomes resistance or produce consent.

### B. Definitions—Sexual Harassment

1.     **Sexual Harassment.**Unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that it has the effect of unreasonably interfering with, limiting or denying someone the ability to participate in or benefit from the university’s educational program. The unwelcome behavior may be based on power differentials (quid pro quo), the creation of a hostile environment or retaliation. Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwanted sexual attention; to punish a refusal to comply; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying. For the purpose of this policy “unwelcome” means the employee or student did not solicit or invite the conduct and regards it as undesirable.

2.     **Hostile Environment Sexual Harassment**. Unwelcome sexual conduct that is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile or offensive. The determination of whether an environment is “hostile” must be based on all of the circumstances. These circumstances could include the frequency of the conduct, its severity, and whether it is threatening or humiliating.

3.     **Retaliatory Harassment.**Any adverse employment or educational action taken against a person because of the person’s participation in a complaint or investigation of discrimination or sexual harassment.

### C. Definitions—Protected Class Discrimination and Harassment

     1. **Protected Classes**. Class based on race, color, national origin, sex, age, disability, creed, religion, sexual orientation, gender identity, gender expression, pregnancy, and veteran status.

     2. **Discrimination**. Occurs when an individual suffers an adverse consequence, such as failure to be hired or promoted, denial of admission to an academic program, etc., on the basis of her/his Protected Class.

     3. **Harassment**. Verbal or physical conduct based upon an individual’s Protected Class that unreasonably interferes with that individual’s work or academic performance or creates an intimidating or hostile work or educational environment.

     4. **Hostile Environment**. Unwelcome conduct by an individual(s) against another individual based upon her/his Protected Class that is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile or offensive. The determination of whether an environment is “hostile” must be based on all of the circumstances. These circumstances could include the frequency of the conduct, its severity, and whether it is threatening or humiliating. Simple teasing.

### D. Definitions—Stalking

1. **Stalking** is the repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and/or safety of a member of the community; or the safety of any of the immediate family of members of the community.

2. **Stalking Behavior.** Stalking includes any behaviors or activities occurring on more than one occasion that collectively instill fear in a victim, and/or threaten her or his safety, mental health, or physical health. Many of the behaviors are also Title IX or student conduct violations in their own right. When they occur as a pattern of behavior, together they are defined as stalking. Such behaviors and activities may include, but are not limited to, the following:

·       Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, written letters, gifts, or any other communications that are undesired and place another person in fear.

·       Use of online, electronic, or digital technologies, including:

o    Posting of pictures or information in chat rooms or on Web sites, blogs, social network sites, etc.

o    Sending unwanted/unsolicited email or talk requests

o    Posting private or public messages on Internet sites, social networking sites, and/or school bulletin boards

o    Installing spyware on a victim’s computer

o    Using Global Positioning Systems (GPS) to monitor a victim

Pursuing, following, waiting, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the victim

·       Surveillance or other types of observation,

·       including staring or “peeping”

·       Trespassing/Vandalism

·       Non-consensual touching

·       Direct verbal or physical threats

·       Gathering information about an individual from friends, family, and/or co-workers

·       Threats to harm self or others

·       Defamation – lying to others about the victim

### E. Investigation Process for Resolving Complaints or Reports of Sexual Misconduct, Sexual Harassment, Protected Class Discrimination and Harassment, and Stalking

 If you believe you have experienced a form of sex discrimination, sexual harassment, sexual violence, and/or retaliation, it is important to tell someone so you can get to the appropriate resources. Confidential on-campus resources are: 1) The Phoenix Center at Auraria: 303-556-6011 and 303-556-CALL (2255) for 24 hour support, 2) CU Denver Counseling Clinic: 303-556-4372, and 3) Ombuds office: 303-556-4493.

Discussing an allegation of sex discrimination and retaliation with any other official at the University may trigger that official’s responsibility to report to the University as it is defined in the University’s Sexual Harassment Policy and Procedures. Since employees have a duty to report, your confidentiality may not be guaranteed. However, it is important for the University to become aware of such allegations so that it may take appropriate steps as necessary.

You may file a Title IX complaint directly with one of the Title IX officers at the University. If you decide to file a Title IX complaint including allegations about misconduct, you would be considered the Complainant. The Respondent is the person against whom the allegations have been made.

If the alleged incident has occurred on-campus, you may also contact the Auraria Police Department at 303-556-5000. If the alleged incident has occurred off-campus, you may also contact the Denver Police Department at 720-913-2000. University officials, including the confidential resources listed above can provide you assistance and support to report to Title IX officers and law enforcement. If you report to law enforcement first, you will need to give consent for them to refer cases to the Title IX officers at the University. A Complainant can file complaints with the University and law enforcement at the same time, however, the timeliness of the investigation may be different. Additionally, students may file a complaint with the Office of Civil Rights of the U.S. Department of Education **(**<http://www.hhs.gov/ocr/civilrights/complaints/index.html>).

The University of Colorado Denver has the ability to address allegations of sex discrimination, sexual harassment, sexual violence, and retaliation in a noncriminal context. The CU Denver process is separate from law enforcement or the judicial system. If a University official has enough reason to believe a crime has been committed, he or she may be obligated to report the allegation to the police, if they have not yet been contacted.

The identity of the Respondent determines who the primary Investigator will be for the complaint. If the Respondent is a CU Denver student, the Title IX Investigator for Students will investigate the complaint and determine if a violation to the University’s Sexual Harassment policy has occurred. Also, the Office of Community Standards and Wellness will review the facts outlined in the investigation report to determine if a violation to the Student Code of Conduct has occurred. Student safety is the primary concern, therefore any alcohol or drug violations by the Complainant will be handled informally and usage does not make the Complainant at fault for sexual violence. A conduct officer will review the factual information provided in the written report and determine a finding based a “preponderance of the evidence” standard. A preponderance of evidence means what happened is more likely than not, or “50% plus a feather.” The Office of Community Standards and Wellness will use its standard procedures for review and may impose sanctions, when appropriate. Please refer to the applicable Student Code of Conduct for more information.

When the complaint involves two or more University of Colorado campuses or other institutions on the Auraria Campus, the complaint will 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 of the affected campus of the progress and results of the investigation.

If the Respondent is an employee, Human Resources will be involved in the investigation process and one of their Investigators will work with the Title IX Investigator for Students and the Office of Community Standards and Wellness to investigate the complaint. If you are uncertain whether the Respondent is a student or an employee, you can make a report to either of the Title IX officers. If the Respondent is not a student or employee, CU Denver can help you connect with appropriate on-campus and off-campus resources.

Once they have notice of alleged sexual discrimination of students, the Title IX Investigator and other qualified University Officials will determine if initial remedial actions need to be taken in order to attempt to alleviate issues regarding Complainant’s personal safety. Initial remedial actions will differ for each complaint and be tailored to address the unique needs of the parties involved. The Title IX Investigator will review the initial facts and make a determination that is consistent with the best interests of all the parties involved. The Title IX Investigator and other qualified University Officials will also assess their duty to warn others on and/or off the campus if appropriate under the circumstance of the allegation. They also may initiate an interim suspension of the Respondent based upon the severity of the initial evidence regarding the alleged complaint.

The Title IX officers and other appropriate University employees will review the alleged complaint and determine if there is enough initial evidence to move forward with an investigation under the University’s Sexual Harassment Policy and Procedures. If an Investigator feels an investigation is warranted then one will begin as soon as possible.

When the decision has been made to conduct an investigation, the University will determine the appropriate timeline and plan of action to address the alleged complaint. Some complaints of sexual harassment may be resolved through the use of informal mechanisms. The Complainant can decide at any point to move from an informal process into a formal investigation process. If the alleged complaint results in a formal investigation, the University may have one of their trained Investigators, may use more than one Investigator, and may invite trained professionals from outside of the University to investigate an alleged complaint. In some cases, such as complaints of alleged sexual assaults, mediation will not be appropriate, even on a voluntary basis.

When the complaint results in a formal investigation, the Complainant and Respondent will receive a written notice of investigation. The notice will provide a description of the alleged conduct and the alleged violations to the University’s Sexual Harassment Policy and Procedures policy. Both parties will be requested to attend at least one meeting with a Title IX Investigator. The Title IX Coordinator and the Chancellor are also notified of the investigation.

A Complainant may decide to withdraw his or her complaint. Choosing not to participate in the investigation process may significantly limit the University’s ability to respond to the alleged complaint. Based upon the initial information provided, the University may need to proceed forward with the investigation in order to keep the campus safe. A Complainant can decide to initiate the complaint again at a future time.

Barring extenuating circumstances, the University will make every effort to conduct an investigation and resolve the alleged complaint within 60 calendar days, upon receipt of the notice.  The Complainant and Respondent will be contacted about changes made to proposed timelines.

The Complainant and the Respondent may have a person (parent, advocate, lawyer, adviser, etc.) present during any meeting to provide support. The support person may not speak on behalf of the Complainant or Respondent. The Complainant and Respondent may provide evidence and the names of witnesses that are relevant to the complaint. The Title IX Investigator will keep written and audio recordings of the meetings. The Complainant and Respondent are not required to question each other or meet face to face at any time throughout the investigation process. If the either student chooses to not attend a meeting on the date specified in the notice, or if either student chooses to attend but does not participate, the Title IX Investigator may complete the investigation based on the information obtained.

When the investigation is complete, the Title IX Investigator shall prepare a written report that shall include a statement of factual findings based upon the information and evidence provided by the Complainant, Respondent, and any witnesses involved. The University will maintain a case file of the final written report and all other relevant documentation, such as evidence, transcriptions, and audio-recordings.

The Title IX Investigator will send the written report to a standing review committee, trained in reviewing reports that result in Title IX investigations. This review is limited; the standing review committee may consult with the Title IX Investigator, the Title IX Coordinator, or other relevant University officials, may request further investigation needs to be done, and/or may request a different Investigator conduct the investigation again. The standing review committee may adopt the Investigator’s report as its own or may prepare a separate report based upon the findings of the investigation. The standing review committee may not conduct an investigation or hearing.

Once the standing review committee approves the final written report, they will send it back to the Title IX Investigator. The Title IX Investigator will send a copy of the report to the Title IX Coordinator and forward the report to The Office of Community Standards and Wellness to initiate the conduct process if necessary. The student conduct process is outlined in greater detail in the Student Code of Conduct: [**http://www.ucdenver.edu/life/services/standards/Pages/default.aspx**](http://www.ucdenver.edu/life/services/standards/Pages/default.aspx)

Both parties will be notified concurrently, in writing, about the outcome of the investigation.

The Complainant and Respondent may file an appeal based upon three criteria: 1) procedural error, 2) new evidence, and 3) sanction. The Complainant and Respondent may file an appeal with the Title IX Investigator, who will forward the appeal to the Title IX Coordinator. The Title IX Coordinator will oversee appeals when there is an alleged error in the process and when there is new evidence, unavailable at the time of the investigation, to review. Once the Title IX Coordinator has reached a decision, the Complainant and Respondent will be notified of the final outcome. The Office of Community Standards and Wellness will oversee an appeal of sanctions and their appeal process is outlined in the Student Code of Conduct.

#### On-Campus Resources:

**The Phoenix Center at Auraria:**

The Phoenix Center at Auraria, Tivoli 227: pcauraria@gmail.com and 303-556-6011

The Phoenix Center at Auraria Helpline:303-556-CALL (2255) (24/7)

Lisa Ingarfield, The Phoenix Center at Auraria Associate Director: 303-556-6011, Lisa.Ingarfield@ucdenver.edu

**Community Standards and Wellness**

 900 Auraria Way, Tivoli 227

            303-556-2444

**Auraria Police**

Administrative Building, Suite 110

303-556-5000

**Ombuds Office**

CU Denver Building 1250 14th St. Room 110P Denver, CO 80202

303-556-4493

#### Off-Campus Resources:

**Office of Civil Rights:** <http://www.hhs.gov/ocr/civilrights/complaints/index.html>

**Office of Civil Rights, Denver:** Voice Phone (303)844-2024, FAX (303)844-2025, TDD (303)844-3439

**Denver Police Non-Emergency:** 720-913-2000

**Denver Police Victim Assistance Unit:** 720-913-6035

Once the standing review committee approves the final written report, they will send it back to the Title IX Investigator. The Title IX Investigator will send a copy of the report to the Title IX Coordinator and forward the report to The Office of Community Standards and Wellness to initiate the conduct process if necessary. The student conduct process is outlined in greater detail in the Student Code of Conduct: [**http://www.ucdenver.edu/life/services/standards/Pages/default.aspx**](http://www.ucdenver.edu/life/services/standards/Pages/default.aspx)

Both parties will be notified concurrently, in writing, about the outcome of the investigation.

The Complainant and Respondent may file an appeal based upon three criteria: 1) procedural error, 2) new evidence, and 3) sanction. The Complainant and Respondent may file an appeal with the Title IX Investigator, who will forward the appeal to the Title IX Coordinator. The Title IX Coordinator will oversee appeals when there is an alleged error in the process and when there is new evidence, unavailable at the time of the investigation, to review. Once the Title IX Coordinator has reached a decision, the Complainant and Respondent will be notified of the final outcome. The Office of Community Standards and Wellness will oversee an appeal of sanctions and their appeal process is outlined in the Student Code of Conduct.

#### APPENDIX 2: Parent/Guardian Contact Policy Resulting from FERPA Amendments Related to Section 952:

If a parent or guardian contacts the University seeking information regarding a student’s alcohol or drug-related conduct record, and the student is under 21 years of age, information may be shared by an informed, full-time staff member in the Office of Community Standards and Wellness or his/her designee.

The designated staff member will share information regarding any alcohol or drug-related infraction in which a student, afforded due process through the conduct procedures, has been found responsible for the infraction. Parents seeking information regarding behaviors, for which charges are pending or in process, must have their student’s written consent to the disclosure.

When the University is aware of an alcohol or drug overdose requiring hospitalization, and the student is personally unable to make contact with family, an informed University staff member may notify the parents or guardians, regardless of whether or not an infraction occurred.

Further, notification to parents/guardians is allowed when:

·       The violation involved was of sufficient severity or related to a pattern of drug or alcohol related infractions which warrant a drug or alcohol evaluation; or

·       The violation involved was of sufficient severity or related to a pattern of drug or alcohol related infractions which, should a further infraction occur, would likely result in suspension or expulsion from the University; or

·       The violation involved harm or threat of harm to self or another person; or

·       There was a significant risk to the health or safety of the student as a result of consumption of alcohol or use of drugs.

Any student may request that information not be disclosed to parent/guardians, if the nondisclosure request is related to personal safety or other serious family circumstances. The request must be made in writing to the Conduct Officer, prior to the disposition of the case. The Conduct Officer may, at his or her discretion, honor the non-disclosure request.

In order to best facilitate communication with parents/guardians, Conduct Officers should encourage students to speak first to their parents/guardians regarding conduct issues.

#### Appendix 3: Good Samaritan Provision

####

The health and safety of members of the University of Colorado at Denver are the primary concerns of the University. The University is committed to ensuring that students obtain timely medical assistance for themselves and for their peers. To this end, we have instituted a “Good Samaritan” Provision.

The Auraria Campus Police Department will assist those individuals whose judgment or health is severely affected due to alcohol consumption by facilitating transport to a local detox center or hospital, or by taking other protective measures. Students are encouraged to inform local or state police, student housing staff, or security when assistance is needed.

Whenever a student assists an intoxicated individual in procuring the assistance of local or state police, security, residence life staff, or other medical professionals, neither the intoxicated individual, nor the individual who assists will be subject to University disciplinary action (such as probation, suspension in abeyance, suspension or expulsion) with respect to the alcohol incident. (This provision does not preclude disciplinary action regarding other violationsof University standards, such as theft, sexual harassment/assault, vandalism, harassment, etc.).

This provision offers a health related response to the incident rather than a disciplinary consequence **and does not excuse or protect those individuals or organizations that** **deliberately or repeatedly violate the University’s Alcohol Policy.**

In order for this policy to apply, the intoxicated student(s) must agree to timely completion of alcohol education activities, assessment, and/or treatment depending on the level of concern for student health and safety. Serious or repeated incidents will prompt a higher degree of medical concern. Failure to complete recommended follow-up may result in disciplinary action and could prompt the imposition of a medical withdrawal. Likewise, organizations involved in an incident must agree to take recommended steps to address concerns.

This provision only governs the application of the University’s Student Code of Conduct and has no status in other jurisdictions such as local or state courts. It should also be noted that this provision may only be invoked by a student at the time when his or her case is being heard or investigated by a Conduct Officer or investigator. Based on the totality of the incident, the Conduct Officer will make the final determination as to the applicability of this provision and reserves the right to reduce sanctions or dismiss charges.

The Good Samaritan provision does not limit the authority of law enforcement personnel or University staff to act as required at the time of an alleged violation of University standards or state or local laws.

#### Appendix 4: Colorado Law Regarding Riots

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*Section 18-9-101(2), Colorado Revised Statutes* states:

“**Riot** means a public disturbance involving an assemblage of three or more persons which by tumultuous and violent conduct creates grave danger of damage, destruction or death.”

*Section 18-9-102, C.R.S*. states:

**“Inciting riot**.

1.     A person commits inciting riot if he:

a.      Incites or urges a group of five or more persons to engage in a current or impending riot; or

b.     Gives commands, instructions, or signals to a group of five or more persons in furtherance of a riot.

2.     A person may be convicted under sections 18-2-101, 18-2-201, or 18-2-301 of attempt, conspiracy, or solicitation to incite a riot only if he engages in the prohibited conduct with respect to a current or impending riot.

3.     Inciting riot is a class 1 misdemeanor, but, if injury to a person or damage to property results therefrom, it is a class 5 felony.”

*Section 18-9-103, C.R.S.* states:

**“Arming rioters.**

1.     A person commits arming rioters if he:

a.     Knowingly supplies a deadly weapon or destructive device for use in a riot; or

b.     Teaches another to prepare or use a deadly weapon or destructive device with intent that any such thing be used in a riot.

2.     Arming rioters is a class 4 felony.”

*Section 18-9-104, C.R.S.* states:

"**Engaging in a riot.**

1.     A person commits an offense if he or she engages in a riot. The offense is a class 4 felony if in the course of rioting the actor employs a deadly weapon, a destructive device, or any article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon, or if in the course of rioting the actor represents verbally or otherwise that he or she is armed with a deadly weapon; otherwise, it is a class 2 misdemeanor.

2.     The provisions of section 18-9-102 (2) are applicable to attempt, solicitation, and conspiracy to commit an offense under this section."

*Section 23-5-124, C.R.S.* states:

**“Student enrollment - prohibition - public peace and order convictions.**

1.     No person who is convicted of a riot offense shall be enrolled in a state-supported institution of higher education for a period of twelve months following the date of conviction.

2.     A student who is enrolled in a state-supported institution of higher education and who is convicted of a riot offense shall be immediately suspended from the institution upon the institution's notification of such conviction for a period of twelve months following the date of conviction; except that if a student has been suspended prior to the date of conviction by the state-supported institution of higher education for the same riot activity, the twelve month suspension shall run from the start of the suspension imposed by the institution.

3.     Nothing in this section shall be construed to prohibit a state-supported institution of higher education from implementing its own policies and procedures or disciplinary actions, in addition to the suspension in subsection (2) of this section, regarding students involved in riots.

4.     The court in each judicial district shall report to the Colorado commission on higher education the name of any person who is convicted in the judicial district of a riot offense.

a.     The Colorado commission on higher education shall make the conviction reports received pursuant to paragraph (a) of this subsection (4) available to all state-supported institutions of higher education with the notification that the persons included in the conviction reports are subject to the provisions of this section and that the state-supported institution of higher education in which any of such persons are enrolled shall consider appropriate disciplinary action against the student.

5.     Each state-supported institution of higher education shall notify its students and prospective students of the requirements of this section. The governing board of each state-supported institution of higher education shall prescribe the manner in which this information shall be disseminated.

6.     For purposes of this section, unless the context otherwise requires:

a.     Convicted’ means having received a verdict of guilty, pleaded guilty or nolo contendere, or having received a deferred judgment and sentence.

b.     ‘Riot offense’ means:

                                           i.         Inciting riot, as described in section 18-9-102, C.R.S.;

                                          ii.         Arming rioters, as described in section 18-9-103, C.R.S.;

                                         iii.         Engaging in a riot, as described in section 18-9-104, C.R.S.”

#### Appendix 5: Colorado Law Regarding Hazing

*Section 18-9-124(2), C.R.S.* defines hazing as follows:

(2) As used in this section, unless otherwise requires:

(a)    ‘Hazing’ means any activity by which a person recklessly endangers the health or safety of or causes a risk of bodily injury to an individual for purposes of initiation or admission into or affiliation with any student organization; except that “hazing” does not include customary athletic events or other similar contests or competitions, or authorized training activities conducted by members of the armed forces of the state of Colorado or the United States.

(b)         ‘Hazing’ includes but is not limited to:

(I)              Forced and prolonged physical activity;

(II)            Forced consumption of any food, beverage, medication or controlled substance, whether or not prescribed, in excess of the usual amounts for human consumption or forced consumption of any substance not generally intended for human consumption;

(III)           Prolonged deprivation of sleep, food, or drink.

###  Use of University/Auraria Property or Facilities

Nothing in this code of conduct shall be construed to prevent peaceful and orderly assembly for the voicing of concerns or grievances. The university is dedicated to the pursuit of knowledge through a free exchange of ideas, and this shall be a cardinal principle in the determination of whether or not a proposed use of university facilities is appropriate.

The Auraria Higher Education Center has established campus regulations and procedures governing the use of CU Denver/Auraria grounds, buildings and other facilities. Such regulations are designed to prevent interference with university functions and activities. Except where otherwise specifically authorized, or when members of the public are invited, the use of CU Denver/Auraria facilities shall be limited to faculty, staff and students of the CU Denver/Auraria Campus and to organizations having chapters, local groups or other recognized university-connected representation among faculty, staff or students of the three academic institutions on the Auraria Campus.

### Classroom Conduct

Students are expected to conduct themselves appropriately in classroom situations. If disruptive behavior occurs in a classroom, an instructor has the authority to ask the disruptive student to leave the classroom. Should such disorderly or disruptive conduct persist, the instructor should report the matter to the Auraria Campus Police Department and/or the appropriate dean’s office. The appropriate dean or his/her representative may dismiss a student from a particular class for disruptive behavior, while the student discipline committee may recommend to the director of community standards and wellness to withdraw, suspend, permanently expel and/or permanently exclude the student from the campus. Appeal questions concerning disruptive behavior should be directed to the academic dean’s office when withdrawal from a class is involved and to the director of community standards and Wellness when suspension or expulsion from the university is involved.

### Tri-Institutional Violations

Procedures in deciding violations of the code of student conduct involving students from other academic institutions on the Auraria Campus have been developed by the Denver Campus and the institution(s) involved. In such cases, the assistant director of student life should be contacted.

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| Amorous Relationships |  |

Amorous relationships exist when two individuals mutually and consensually understand a relationship to be romantic and/or sexual in nature. The policy requires only that direct evaluative authority not be exercised in cases where amorous relationships exist or existed within the last seven years between two individuals whether the same or opposite sex.

The policy is intended to establish a reporting structure to protect participants in these relationships from violations of university conflict-of-interest guidelines (when a direct evaluative relationship exists between two employees or between an employee and a student). The relationship must be disclosed to the unit head, department chair, dean or head of the primary unit with all parties present. The person to whom disclosure is made must take action to resolve the conflict and must keep the information confidential. The individual in the evaluative position shall recuse her or himself from all future evaluative actions. The parties may choose to have this disclosure in written form placed in their own personnel files. (This information is removed and destroyed seven years after the time of disclosure if requested and if the relationship has ended.) The responsibility to disclose rests with the person in the evaluative position. A report of the action taken to resolve the conflict must be made to the chancellor or designee who may require other action.

When a relationship exists, either current or within the last seven years, between an individual and an employee who, although not his/her direct supervisor but is in a direct line of report (e.g., dean involved with a faculty member in his/her college or a second or higher level supervisor who is involved with a staff member in the unit), the higher-level employee may not act in an evaluative capacity. When these individuals are parties to a personnel action (appointments/hiring, firing/layoff, promotions/demotions, tenure decisions, salary setting, performance appraisals, grievance and disciplinary procedures), the evaluative authority must recuse himself/herself from participating in the action. The action taken to resolve the conflict must be reported to the chancellor or designee.

Please contact the Office of Human Resources at 303-315-2700 for policy clarification and explanation.

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| Anti-violence |  |

The University of Colorado Denver strives to maintain a campus free of and prohibits violent behavior, including but not limited to verbal and/or physical aggression, attack, threats, harassment, intimidation or other disruptive behavior in any form or by any media, which causes or could cause a reasonable person to fear physical harm by any individual(s) or group(s) against any person(s) and/or property. This policy applies to academic, administrative, research and service departments, programs activities and/or services wherever university business is conducted, including extended studies and international locations.

Employees, students and visitors who engage in prohibited behavior shall be held accountable under university policy, as well as local, state and federal law. Any employee or student who commits or threatens to commit violent behavior shall be subject to disciplinary action, up to and including dismissal or expulsion, as well as arrest and prosecution. Any visitor who commits or threatens to commit violent behavior shall be subject to exclusion from the campus, termination of business relationships and/or arrest and prosecution.

### Prohibited Behaviors

Examples of prohibited behaviors may include but are not limited to: (1) disturbing the peace by violent, tumultuous, offensive or obstreperous conduct; (2) engaging in intimidating, threatening or hostile statements or actions; (3) making gestures that convey threats; (4) raising one’s voice in anger or using fighting words; (5) uttering ethnic, racial or sexual epithets; (6) using unseemly, profane, offensive or obscene language or making obscene gestures; (7) making bizarre comments about or references to violent events and/or behaviors; (8) waving fists, pushing, stalking, bullying, hazing; (9) engaging in the abusive exercise of legitimate authority; (10) destroying personal property in the workplace; (11) destroying university property; (12) throwing objects at persons or property; (13) physically assaulting or attacking persons or property; (14) engaging in vandalism, arson or sabotage.

### Weapons

The possession, display or use of any weapon, including any firearm, or the display or use of any object as a weapon, by any person other than a law enforcement officer in the course of his/her duty, in any location where university business is conducted, is in violation of Regent's Policy (14-I) and is strictly prohibited. Possession of a firearm or weapon on University of Colorado Denver-owned property or the Auraria Campus is cause for immediate termination of employees or expulsion of students.

### Reporting Procedures

#### Emergency or Life-Threatening Situations

In the case of an emergency or life-threatening situation, immediately call 911. A call to 911 will go to the appropriate campus, city or county law enforcement agency. A call to 911 from any campus telephone automatically registers the location of the telephone on which 911 a call was placed, even if no words are spoken.

#### Nonemergency Situations

In all other situations, notify the Office of Human Resources, 303-315-2700. Before or after normal business hours or if human resources is otherwise unavailable, notify the Anschutz Medical Campus Police at 303-724-4444 or Auraria Police Department at 303-556-5000.

#### Responsibility to Report

Anyone witnessing or receiving a report of prohibited behavior or possession, display or use of any weapon shall immediately notify the appropriate authority as listed above.

### Emergency Notification System

The emergency notification system allows students, faculty and staff to register to receive alerts about threats of imminent danger at or near any CU Denver location. This service is used in conjunction with other communication channels including: public address systems, broadcast e-mail, voice-mail messages to campus telephone extensions, electronic signage, a coordinated use of public media outlets and 24-hour recorded emergency and information hotlines (Anschutz Medical Campus in Aurora 303-724-4636; Downtown/Auraria Campus 303-556-2401). Participants choose from various notification options including text messaging, e-mail, phone, instant messaging, pager, fax and BlackBerry devices. Visit the [website](http://www.ucdenver.edu/about/departments/UniversityPolice/EmergencyPreparedness/EmergencyNotificationSystem/Pages/UCDenverEmergencyNotificationSystemRAVE.aspx) for details.

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| Drugs and Alcohol Information |  |

### Standards of Conduct

The University of Colorado Denver complies with the federal Drug Free Schools and Communities Act. CU Denver does not allow the unlawful manufacture, dispensation, possession, use or distribution of a controlled substance (illicit drugs and alcohol) of any kind and of any amount. These prohibitions cover any individuals actions which are part of university activities, including those occurring while on university property or in the conduct of university business away from the campus.

### Health risks associated with the use of drugs and the abuse of alcohol

#### Alcohol

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

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

Females who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk of becoming alcoholics than are other youngsters.

#### Drugs

For a description of the uses and effects of various drugs go to:

[www.justice.gov/dea/pubs/all fact sheets.pdf](http://www.justice.gov/dea/pubs/all%20fact%20sheets.pdf) and [www.usdoj.gov/dea/concern/cocaine.html](http://www.usdoj.gov/dea/concern/cocaine.html).

### Assistance in recognizing and dealing with the abuse of alcohol and illegal drugs

Information from the Department of Health, Alcohol and Drug Division, Licensed Treatment Programs is available at: [www.colorado.gov/TreatmentDirectory/interview1.jsf](http://www.colorado.gov/TreatmentDirectory/interview1.jsf).

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

For drug and alcohol related emergencies, call 911.

University employees may contact human resources at 303-315-2700 for more information regarding available resources, programs and services.

All CU Denver faculty and staff members may receive free confidential counseling from the Colorado State Employee Assistance Program (C-SEAP): 1-800-821-8154 or 303-866-4314.

Denver Campus employees and students may contact the university Student and Community Counseling Center at 303-556-2525/North Classroom 4036, for confidential information and/or referrals. Students at the Anschutz Medical Campus may contact the Student Health Office at 303-724-4716 (after-hours, call 720-848-0000), or their respective school student affairs offices for referral information.

**Anschutz Medical Campus Student Health:** [www.ucdenver.edu/life/services/student-health/mental-wellness/Pages/default.aspx](http://www.ucdenver.edu/life/services/student-health/mental-wellness/Pages/default.aspx)

### Additional Information

National Institute on Drug Abuse (NIDA) Hotline: 1-800-662-HELP

National Clearinghouse for Alcohol and Drug Information: Substance Abuse Mental Health Services Administration **(SAMHSA)**

E-mail: SAMHSAInfo@samhsa.hhs.gov
Phone: 1-877-SAMHSA-7 (1-877-726-4727)
TTY: 1-800-487-4889
Fax: (240) 221-4292
Mail: SAMHSA's Health Information Network; P.O. Box 2345; Rockville, MD 20847-2345
Websites: [store.samhsa.gov](http://store.samhsa.gov), [www.cocommunity.net/agency/national-clearinghouse-alcohol-and-drug-information.html](http://www.cocommunity.net/agency/national-clearinghouse-alcohol-and-drug-information.html)

### Related Policies

University of Colorado System Alcohol Policy: <https://www.cu.edu/psc/procedures/PPS/PPS-Alcohol.pdf>

CU Denver Alcohol Policy: <http://www.ucdenver.edu/faculty_staff/employees/policies/Policies%20Library/Fiscal/Alcohol_UCDenverCampus.pdf>

### Legal Sanctions

#### Federal

See: [www.usdoj.gov/dea/agency/penalties.htm](http://www.usdoj.gov/dea/agency/penalties.htm)

#### State Drug Laws

State criminal statues, (which may be generally found under Titles 12 and 18 of the Colorado Revised Statues) cover the same scope of conduct as the federal laws, and although the sentences and fines are generally less severe than federal law provides, life sentences are possible for repeat offenders. The maximum penalty for the most serious single offense, (manufacture, sale, or distribution) is 16 years in prison and a $750,000.00 fine. The maximum penalty for the least serious state offense (possession or use of one ounce or less of marijuana) is a fine of $100.00. The state laws concerning driving under the influence of alcohol (see below) apply equally to driving under the influence of drugs.

Local ordinances such as the Denver, Boulder, Longmont, Louisville and Lafayette municipal codes impose a variety of penalties.

Secondary civil consequences may also flow from criminal drug violations. Property associated with the criminal acts, including homes and vehicles, can be confiscated by the state or the federal governments.

Those who are convicted of felony violations may be barred from governmental employment and from licensed professions such as law, medicine and teaching.

#### State Alcohol Laws

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

Criminal sanctions may also apply to those who operate motor vehicles while under the influence of alcohol and/or drugs. Under Section 42-4-1301 (1) (a), Colorado Revised Statutes, the maximum penalty for such an act is two years in jail and a $5,000.00 fine.

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

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

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

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

#### Disciplinary sanctions for CU employees who violate drug and alcohol laws in violation of this policy

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

### Implementation

A copy of the policy statement shall be annually distributed to all current employees and students by e-mail, the university’s website, at new student orientation and at a new employee orientation.

### Review

The university will conduct a biennial review of the program to determine its effectiveness and to ensure that the disciplinary sanctions described above are consistently enforced. Changes to this program will be implemented as needed. The most recent biennial review was conducted September 2010.

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| Inclusiveness and Nondiscrimination |  |

The University of Colorado Denver is committed to enhancing the inclusiveness of its work force and its student body. Inclusiveness among students, faculty, staff and administrators is essential to educational excellence and to accomplishing CU Denver’s urban mission. Inclusiveness among faculty, staff and administrators provides role models and mentors for students, who will become leaders in academe and in the larger society, and ensures that a broad array of experiences and world views informs and shapes teaching, research, service and decision making at CU Denver.

Pursuant to Article 10, Laws of the University of Colorado Board of Regents, the university does not discriminate on the basis of race, color, national origin, sex, age, disability, creed, religion, sexual orientation or veteran status 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.

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.

A statement of Article 10 may be found online at <http://www.cu.edu/regents/Laws/Article10.html>.  CU Denver procedures for investigating complaints of discrimination may be found online at [ucdenver.edu/faculty\_staff/employees/policies/Policies%20Library/HR/Nondiscrimination.pdf](http://ucdenver.edu/faculty_staff/employees/policies/Policies%20Library/HR/Nondiscrimination.pdf).

To report a violation of Article 10 or for additional information, contact the CU Denver Equal Opportunity/Affirmative Action Compliance Officer at 303-315-2724; mailing address: EO/AA Compliance Office, CU Denver, P.O. Box 173364, Campus Box 130, Denver, CO 80217-3364.

### Disability Accommodation

The Americans with Disabilities Act (ADA) provides that individuals who are otherwise qualified for jobs or educational programs will not be denied access simply because they have a disability. Its goal is to guarantee that individuals with disabilities are not discriminated against or denied equal access to the same programs, services and facilities available to others. The ADA prohibits employers, including CU Denver, from discriminating against applicants and workers with disabilities in all aspects of employment. The act also prohibits the university from discriminating on the basis of disability in access to its programs and services.

The ADA requires that CU Denver provide reasonable accommodations to qualified individuals with disabilities who are employees or applicants for employment, and for persons who participate in or apply for participation in the university’s programs and activities. Exceptions to the obligation for providing accommodation may be made if doing so would cause undue financial or administrative burdens, fundamental alteration to a program or activity, or significant risk to health or safety to self and/or others. Additional information regarding the ADA may be obtained online at [www.usdoj.gov/crt/ada/adahom1.htm](http://www.usdoj.gov/crt/ada/adahom1.htm).

If you are a student at CU Denver and need assistance with access to or participation in the academic curriculum, contact the Office of Disability Resources and Services at: 303-556-3450; TTY 303-556-4766; mailing address P.O. Box 173364, Campus Box 118, Denver, CO 80217-3364.

### Reporting Disability Discrimination

Article 10 of the laws of the University of Colorado Board of Regents prohibits discrimination on the basis of disability (or on the basis of membership in other protected classes) in admission and access to, and treatment and employment in, University of Colorado educational programs and activities. To report discrimination or to obtain additional information, contact the CU Denver ADA coordinator, 303-315-2724; mailing address: P.O. Box 173364, Campus Box 130, Denver, CO 80217-3364. Complaints of discrimination based upon disability will be processed according to the provisions of the CU Denver nondiscrimination procedures, which may be found online at: [ucdenver.edu/faculty\_staff/employees/policies/Policies%20Library/HR/Nondiscrimination.pdf](http://ucdenver.edu/faculty_staff/employees/policies/Policies%20Library/HR/Nondiscrimination.pdf).

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| Sexual Discrimination, Sexual Harassment, and Sexual Misconduct |  |

**Title IX Grievance Procedures for the University of Colorado Denver**

**Sex Discrimination, Sexual Harassment, Sexual Violence, and Retaliation**

The University of Colorado Denver is required by Title IX law and applicable guidance to adopt and publish grievance procedures for students explaining a process for prompt and equitable resolution of sex discrimination complaints.

The University of Colorado Denver is committed to maintaining a positive learning, working and living environment for its entire community. The University does not discriminate on the basis of race, color, national origin, sex, age, disability, creed, religion, sexual orientation, or veteran status in admission and access to, and treatment and employment in, its educational programs and activities (Regent Law, Article 10). The University will not tolerate acts of sex discrimination and retaliation (CU Denver Administrative Policy Statement Sexual Harassment).

In 1972, federal law was passed with the intention to end sex discrimination in all areas of education. Title IX of the Education Amendments of 1972 states:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.” (Title 20 U.S.C. Sections 1681-1688)

Sexual harassment and sexual violence are forms of sex discrimination as defined by the “Dear Colleague Letter” issued by the Department of Education and its Office of Civil Rights, on April 4, 2011, as further clarification of the Title IX law. Students have a right to attend educational programs and activities at an institution, free of sex discrimination, sexual harassment, and sexual violence. Additionally, Title IX law prohibits acts of retaliation against any person who files a complaint and/or is involved in the process of investigating allegations of sex discrimination. The University is committed to taking prompt and effective actions to end discrimination, prevent its reoccurrence, and remedy the effects upon the victims and community.

When cases of alleged harassment involve issues of speech and expression, the First Amendment must be considered. Individuals have a right to freedom of speech that applies in the classroom and in educational programs and activities. In order to establish a violation of campus rules that may fall within the scope of Title IX, the harassment must rise to a level that it limits or denies his or her ability to participate in or benefit from the education program. Title IX is not intended to regulate the content of speech.

The University employs trained staff members who have responsibility for Title IX compliance which includes investigating allegations of sex discrimination and retaliation. To file a complaint or raise a question about Title IX, please contact one of the Title IX officers listed below. The Title IX Coordinator oversees the development, implementation, and evaluation of Title IX policies, procedures, and training efforts and will refer all complaints to the appropriate Investigator.
 **The Title IX Coordinator for the University of Colorado Denver is:**
Dr. Raul Cardenas, Associate Vice Chancellor of Student Affairs
Phone number: 303-315-2110 Email address: Raul.cardenas@ucdenver.edu
Office address: Lawrence Street Center, 14th Floor Denver, CO 80202; Mailing address: Campus box 146

**The Title IX Coordinator for the Anschutz Medical Campus is:**
Dr. Regina Kilkenny, Associate Vice Chancellor, Office of Academic Resources & Services
Phone number: 303-724-8070 Email address: Regina.kilkenny@ucdenver.edu
Office address: Education II North, Room 5101; Mailing address: Campus Box A095

**All student complaints will be referred to or can be filed with**
Tara Buckley, Title IX Investigator & Trainer
Tivoli 127, Room F
Phone number: 303-352-3578 Email address: Tara.buckley@ucdenver.edu
 **All non-student related complaints can be filed with**
Human Resources
Phone number: 303-315-2700
Email address: Human.resources@ucdenver.edu

In addition to publishing grievance procedures, the University has implemented policies and procedures prohibiting sexual harassment and sexual misconduct.

**Sexual Harassment**

* For further information, please review the University’s Sexual Harassment Policy and Procedures document: <https://www.cu.edu/policies/aps/hr/5014.pdf>

**Sexual Misconduct**

* For Denver Campus Students: Prohibited student conduct and the student conduct process are explained in the Student Code of Conduct: <http://www.ucdenver.edu/life/services/standards/students/Documents/CU%20Denver%20Code%20of%20Conduct%202012-2013.pdf>

If you believe you have experienced a form of sex discrimination, sexual harassment, sexual violence, and/or retaliation, it is important to tell someone so you can get to the appropriate resources. Confidential on-campus resources are: 1) The Phoenix Center at Auraria: 303-556-6011 and 303-556-CALL (2255) for 24 hour support, 2) CU Denver Counseling Clinic: 303-556-4372, and 3) Ombuds office: 303-556-4493.

Discussing an allegation of sex discrimination and retaliation with any other official at the University may trigger that official’s responsibility to report to the University as it is defined in the University’s Sexual Harassment Policy and Procedures. Since employees have a duty to report, your confidentiality may not be guaranteed. However, it is important for the University to become aware of such allegations so that it may take appropriate steps as necessary.

You may file a Title IX complaint directly with one of the Title IX officers at the University. If you decide to file a Title IX complaint including allegations about misconduct, you would be considered the Complainant. The Respondent is the person against whom the allegations have been made.

If the alleged incident has occurred on-campus, you may also contact the Auraria Police Department at 303-556-5000. If the alleged incident has occurred off-campus, you may also contact the Denver Police Department at 720-913-2000. University officials, including the confidential resources listed above can provide you assistance and support to report to Title IX officers and law enforcement. If you report to law enforcement first, you will need to give consent for them to refer cases to the Title IX officers at the University. A Complainant can file complaints with the University and law enforcement at the same time, however, the timeliness of the investigation may be different. Additionally, students may file a complaint with the Office of Civil Rights of the U.S. Department of Education (<http://www.hhs.gov/ocr/civilrights/complaints/index.html>).

The University of Colorado Denver has the ability to address allegations of sex discrimination, sexual harassment, sexual violence, and retaliation in a noncriminal context. The CU Denver process is separate from law enforcement or the judicial system. If a University official has enough reason to believe a crime has been committed, he or she may be obligated to report the allegation to the police, if they have not yet been contacted.

The identity of the Respondent determines who the primary Investigator will be for the complaint. If the Respondent is a CU Denver student, the Title IX Investigator for Students will investigate the complaint and determine if a violation to the University’s Sexual Harassment policy has occurred. Also, the Office of Community Standards and Wellness will review the facts outlined in the investigation report to determine if a violation to the Student Code of Conduct has occurred. Student safety is the primary concern, therefore any alcohol or drug violations by the Complainant will be handled informally and usage does not make the Complainant at fault for sexual violence. A conduct officer will review the factual information provided in the written report and determine a finding based a “preponderance of the evidence” standard. A preponderance of evidence means what happened is more likely than not, or “50% plus a feather.” The Office of Community Standards and Wellness will use its standard procedures for review and may impose sanctions, when appropriate. Please refer to the applicable Student Code of Conduct for more information.

When the complaint involves two or more University of Colorado campuses or other institutions on the Auraria Campus, the complaint will 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 of the affected campus of the progress and results of the investigation.

If the Respondent is an employee, Human Resources will be involved in the investigation process and one of their Investigators will work with the Title IX Investigator for Students and the Office of Community Standards and Wellness to investigate the complaint. If you are uncertain whether the Respondent is a student or an employee, you can make a report to either of the Title IX officers. If the Respondent is not a student or employee, CU Denver can help you connect with appropriate on-campus and off-campus resources.

Once they have notice of alleged sexual discrimination of students, the Title IX Investigator and other qualified University Officials will determine if initial remedial actions need to be taken in order to attempt to alleviate issues regarding Complainant’s personal safety. Initial remedial actions will differ for each complaint and be tailored to address the unique needs of the parties involved. The Title IX Investigator will review the initial facts and make a determination that is consistent with the best interests of all the parties involved. The Title IX Investigator and other qualified University Officials will also assess their duty to warn others on and/or off the campus if appropriate under the circumstance of the allegation. They also may initiate an interim suspension of the Respondent based upon the severity of the initial evidence regarding the alleged complaint.

The Title IX officers and other appropriate University employees will review the alleged complaint and determine if there is enough initial evidence to move forward with an investigation under the University’s Sexual Harassment Policy and Procedures. If an Investigator feels an investigation is warranted then one will begin as soon as possible.

When the decision has been made to conduct an investigation, the University will determine the appropriate timeline and plan of action to address the alleged complaint. Some complaints of sexual harassment may be resolved through the use of informal mechanisms. The Complainant can decide at any point to move from an informal process into a formal investigation process. If the alleged complaint results in a formal investigation, the University may have one of their trained Investigators, may use more than one Investigator, and may invite trained professionals from outside of the University to investigate an alleged complaint. In some cases, such as complaints of alleged sexual assaults, mediation will not be appropriate, even on a voluntary basis.

When the complaint results in a formal investigation, the Complainant and Respondent will receive a written notice of investigation. The notice will provide a description of the alleged conduct and the alleged violations to the University’s Sexual Harassment Policy and Procedures policy. Both parties will be requested to attend at least one meeting with a Title IX Investigator. The Title IX Coordinator and the Chancellor are also notified of the investigation.

A Complainant may decide to withdraw his or her complaint. Choosing not to participate in the investigation process may significantly limit the University’s ability to respond to the alleged complaint. Based upon the initial information provided, the University may need to proceed forward with the investigation in order to keep the campus safe. A Complainant can decide to initiate the complaint again at a future time.

Barring extenuating circumstances, the University will make every effort to conduct an investigation and resolve the alleged complaint within 60 calendar days, upon receipt of the notice. The Complainant and Respondent will be contacted about changes made to proposed timelines.

The Complainant and the Respondent may have a person (parent, advocate, lawyer, adviser, etc.) present during any meeting to provide support. The support person may not speak on behalf of the Complainant or Respondent. The Complainant and Respondent may provide evidence and the names of witnesses that are relevant to the complaint. The Title IX Investigator will keep written and audio recordings of the meetings. The Complainant and Respondent are not required to question each other or meet face to face at any time throughout the investigation process. If the either student chooses to not attend a meeting on the date specified in the notice, or if either student chooses to attend but does not participate, the Title IX Investigator may complete the investigation based on the information obtained.

When the investigation is complete, the Title IX Investigator shall prepare a written report that shall include a statement of factual findings based upon the information and evidence provided by the Complainant, Respondent, and any witnesses involved. The University will maintain a case file of the final written report and all other relevant documentation, such as evidence, transcriptions, and audio-recordings.

The Title IX Investigator will send the written report to a standing review committee, trained in reviewing reports that result in Title IX investigations. This review is limited; the standing review committee may consult with the Title IX Investigator, the Title IX Coordinator, or other relevant University officials, may request further investigation needs to be done, and/or may request a different Investigator conduct the investigation again. The standing review committee may adopt the Investigator’s report as its own or may prepare a separate report based upon the findings of the investigation. The standing review committee may not conduct an investigation or hearing.
Once the standing review committee approves the final written report, they will send it back to the Title IX Investigator. The Title IX Investigator will send a copy of the report to the Title IX Coordinator and forward the report to The Office of Community Standards and Wellness to initiate the conduct process if necessary. The student conduct process is outlined in greater detail in the Student Code of Conduct: <http://www.ucdenver.edu/life/services/standards/students/Documents/CU%20Denver%20Code%20of%20Conduct%202012-2013.pdf>

Both parties will be notified concurrently, in writing, about the outcome of the investigation.

The Complainant and Respondent may file an appeal based upon three criteria: 1) procedural error, 2) new evidence, and 3) sanction. The Complainant and Respondent may file an appeal with the Title IX Investigator, who will forward the appeal to the Title IX Coordinator. The Title IX Coordinator will oversee appeals when there is an alleged error in the process and when there is new evidence, unavailable at the time of the investigation, to review. Once the Title IX Coordinator has reached a decision, the Complainant and Respondent will be notified of the final outcome. The Office of Community Standards and Wellness will oversee an appeal of sanctions and their appeal process is outlined in the Student Code of Conduct.

On-Campus Resources:

The Phoenix Center at Auraria:
Tivoli 227
pcauraria@gmail.com
303-556-6011
24/7 Helpline: 303-556-CALL (2255)

Community Standards and Wellness
900 Auraria Way, Tivoli 227
303-556-2444

Auraria Police
Administrative Building, Suite 110
303-556-5000

Ombuds Office
CU Denver Building 1250 14th St. Room 110P Denver, CO 80202
303-556-4493

CU Denver Counseling Clinic
North Classroom #4036 1200 Larimer Street Denver, CO 80217-3364 303-556-3159

Dean of Students
Tivoli 127
303-556-3519
**Off-Campus Resources:**

Office of Civil Rights: http://www.hhs.gov/ocr/civilrights/complaints/index.html
Office of Civil Rights, Denver: Voice Phone (303)844-2024, FAX (303)844-2025, TDD (303)844-3439
Denver Police Non-Emergency: 720-913-2000
Denver Police Victim Assistance Unit: 720-913-6035

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|  Who to Call When You Need Help |  |

### ADA Coordinator

**Contact:** ADA Coordinator
**Office:** Lawrence Street Center, 1050
**Telephone:** 303-315-2724

Contact the ADA coordinator to report disability discrimination.

### Auraria Police Department

**Office:** Administration Building, 110 (1201 5th Street)
**Telephone:** 303-556-5000
**Emergency:** 911

Contact the Auraria Police Department to report on-campus criminal conduct, including sexual assault or other serious allegations of sexual harassment in which the complainant believes that his or her safety is threatened. Allegations of serious sexual harassment should be reported to the Auraria Police Department if they occur after hours or on weekends.

### Disability Resources and Services

**Director:** Lisa McGill
**Office:** Arts Building, 177
**Telephone:** 303-556-3450
**TTY:** 303-556-4766

The Office of Disability Resources and Services provides equal opportunities and fosters the personal growth and development of students with disabilities. Contact DRS for priority registration for classes, assistance in identifying volunteer note takers, alternative testing, oral/sign language interpreters, real-time captioning and textbooks in alternative formats.

### Campus Assessment, Response, Evaluation Team

 **Office:** Tivoli Student Union, 127
**Contact:** (303) 352-3579, email shareaconcern@ucdenver.edu or by complete an online form at www.cudenver.edu/csw
**Website:** <http://www.ucdenver.edu/life/services/BETA/Pages/default.aspx>

The University of Colorado Denver is concerned for the safety and well being of all students. If students are concerned for their own personal safety or for the safety of others, and the situation is not imminent or life threatening, they can share these concerns with a case manager by calling (303) 352-3579, emailing shareaconcern@ucdenver.edu or by completing an online form at www.cudenver.edu/csw.

### Equal Opportunity/Affirmative Action

**Contact:** Equal Opportunity/Affirmative Action Compliance Officer
**Office:** Lawrence Street Center, 1050
**Telephone:** 303-315-2724

Contact the compliance officer to report discrimination on the basis of race, color, national origin, sex, age, disability, creed, religion, sexual orientation or veteran status.

### Human Resources

**Office:** Lawrence Street Center, 1050
**Telephone:** 303-315-2700

Contact the Office of Human Resources for a referral and to speak to someone immediately about your problem.

### Ombuds Office

**Associate Director:** Mary Chavez Rudolph
**Office:** CU-Denver Building, 107P
**Telephone:** 303-556-4493
**E-mail:** mary.chavezrudolph@ucdenver.edu
**Website:** [www.ucdenver.edu/about/departments/OmbudsOffice/Pages/OmbudsOffice.aspx](http://www.ucdenver.edu/about/departments/OmbudsOffice/Pages/OmbudsOffice.aspx/)/

The Ombuds Office is a confidential and impartial resource for students, faculty and staff. Contact the Ombuds Office: as a first step if you don’t know where to turn, as a last resort, or anywhere along the way; when you are confused about university policy or procedure and would like clarification; to explore your options, share your concerns, evaluate your situation and plan your next step; when you feel as if you have been treated unfairly; and for information and identification of resources to resolve issues.

**Sex Discrimination, Sexual Harrassment, and Sexual Misconduct**

To file a complaint or raise a question, please contact one of the Title IX officers listed below.

**The Title IX Coordinator for the Denver Campus is:**
Raul Cardenas, PhD. Associate Vice Chancellor of Student Affairs
Phone number: 303-315-2110
Email address: Raul.cardenas@ucdenver.edu
Office address: Lawrence Street Center, 14th Floor Denver, CO 80202
Mailing address: Campus Box 146

**All student complaints will be referred to or can be filed with**
Tara Buckley, Title IX Investigator & Trainer
Office address: Tivoli 127, F
Phone number: 303-352-3578
Email address: Tara.buckley@ucdenver.edu

**All non-student complaints will be referred to or can be filed with**
Human Resources
Phone number: 303-315-2700
Email address: Human.resources@ucdenver.edu

**Student and Community Counseling Center**

**Contact:** Patricia Larsen
**Office:** North Classroom, 4036 New Location: Tivoli, 454 (effective Spring 2013)
**Telephone:** 303-556-4372
**Website:** [www.ucdenver.edu/counselingcenter](http://www.ucdenver.edu/life/services/counseling-center/Pages/default.aspx)

The Student and Community Counseling Center provides mental health counseling services to the student body as well as the metropolitan community. CU Denver students receive 10 counseling sessions at no cost per fiscal year as part of their student fees.