

UNIVERSITY POLICIES

Alcohol and Drug Policies

The University of Colorado Anschutz Medical Campus is committed to providing an environment in which learning and scholarship can flourish, which includes a drug-free educational environment and drug-free workplace. This policy statement on drugs and alcohol is designed to ensure that the Anschutz Medical Campus complies with the Federal Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989. These Acts require the University, as a recipient of federal funds, to take measures to combat the abuse of drugs and alcohol. The continuation of federal financial aid support for students, academic programs, and academic support services programs is based upon compliance with these statutes and their regulations.

The possession or use of illegal drugs, or the abuse of those which may otherwise be legally possessed, seriously affects the University environment, as well as the individual potential of our students and employees. The University enforces state laws and related University policies which prohibit the use and abuse of illegal drugs and alcohol.

The University of Colorado Anschutz Medical Campus prohibits the unlawful manufacture, distribution, dispensation, possession, or use of any controlled substance (illicit drugs of any kind or amount, including marijuana) and the abuse of alcohol by students and employees on University property or as part of any of its activities, as well as providing alcoholic beverages to individuals under 21 or possession or consumption of alcoholic beverages by individuals under 21. This prohibition covers any individual's actions which are part of any University sponsored activities, including those occurring while on University property or in the conduct of University business away from the campus (including officially sanctioned field trips, student-sponsored social activities, club sports travel, recognized student organization activities, professional meetings attended by employees, and institution-sponsored activities abroad).

Pursuant to the State of Colorado Constitution and related laws and regulations, possession and use of marijuana for certain medical conditions, and the possession and use of less than one (1) ounce of marijuana by persons twenty-one years of age or older is legal in limited circumstances. However, the possession and use of marijuana remains prohibited on University property or as part of any University sponsored activities as defined above.

It is a violation of University policy for any member of the faculty, staff, or student body to jeopardize the operation or interest of the Anschutz Medical Campus through the use of alcohol or drugs. Individuals found to be in violation are subject to legal sanctions under local, state, or federal law and to disciplinary action consistent with the Student Code of Conduct (at the Downtown Denver Campus), the Student Honor and Conduct/Ethics/Professionalism Codes (Anschutz Medical Campus). Sanctions to be imposed on employees and students who are found to be in violation of this policy may include requiring satisfactory participation in a substance abuse treatment, counseling, or education program as a condition of continued enrollment and/or employment, suspension or termination of employment, and referral for prosecution.

The University strongly encourages students and employees to voluntarily obtain assistance for dependency or abuse problems before such behavior results in an arrest and/or disciplinary referral, which might result in their separation from the University. Help is available both on

campus and within the community for students and employees who are dependent on, or who abuse the use of alcohol or other drugs. Students at the Anschutz Medical Campus may contact the Student Mental Health Service (303-724-4716) and the Campus Health Center (303-724-6242).

Alcoholic Beverages at Official Functions

University of Colorado Denver | Anschutz Medical Campus official functions that include the serving of alcohol require the completion of an "Event with Alcohol" form and prior approval by the designated school/college/unit officer (Dean, Associate Vice Chancellor, or higher). Purchase of alcohol for personal consumption at official functions is allowed only if the source of the University funds is (1) gifts restricted for entertainment, donor cultivation, or personnel recruitment purposes and (2) approved by the Deputy Controller.

Sales of alcohol at University events may only be made at licensed establishments. Pooling resources to purchase alcohol constitutes sale of alcohol without a license and is therefore not allowed on University property or at University events.

To ensure proper management of an activity where alcohol is provided at a pre-approved official function, the following rules include but are not limited to:

1. All persons being served alcoholic beverages must be at least 21 years of age and have proper identification for proof of age.
2. An Event Manager will be present and will monitor the alcoholic beverage service area. The Event Manager/Sponsor is a responsible and accountable individual who will be present for the entire event.
3. Food items and non-alcoholic beverages will be available. These items must be available at no cost, in the same general location, and of such a variety as to make them attractive alternatives to the alcoholic beverages being provided.
4. Persons checking ID's will have knowledge of proper identification techniques and are over 21 years of age.
5. Persons dispensing alcohol will monitor individual's consumption and not continue to dispense to persons that show signs of impairment.
6. Alcoholic beverages will not be available for individuals to pour their own. There will be no open or unattended kegs, containers, or bottles.
7. If the event lasts more than two hours, alcohol will not be served during the last hour. For events lasting less than two hours, service will discontinue at least 30 minutes prior to the scheduled end of the event.
8. The entrance/exit access area will be monitored so as not to allow persons to carry in or take alcoholic beverages from the consumption area.
9. Designated drivers or other means of alternate transportation will be available.
10. Campus Police are notified in advance for on-campus events, as applicable.

For a complete listing of University rules for managing an official function with alcohol, please see the following policies or contact the campus Deputy Controller.

Campus Administrative Policy 3050

CU System University Risk Management Page (<https://www.cu.edu/risk/>)

Email Account

Email is an official means for communication within CU Denver. Therefore, CU Denver has the right to send communications to students/staff/faculty via email and the right to expect that those communications will be received and read in a timely fashion.

FERPA

FERPA deals specifically with the education records of students, affording them certain rights with respect to those records. For purposes of definition, education records are those records which are:

1. Directly related to a student and
2. Maintained by an institution or a party acting for the institution.

FERPA gives students who reach the age of 18 or who attend a post secondary institution the right to inspect and review their own education records. Furthermore, the right to request amendment of records and to have some control over the disclosure of personally identifiable information from these records, shift from the parent to the students at this time.

FERPA applies to the education records of persons who are or have been in attendance in post secondary institutions, including students in cooperative and correspondence study programs, video conference, satellite, internet or other electronic forms. FERPA does not apply to records of applicants for admission who are denied acceptance or, if accepted, do not attend an institution.

Notice of Student Rights

Students at the University of Colorado Anschutz Medical Campus (CU Anschutz) have certain rights concerning their education records under the Family Educational Rights and Privacy Act (FERPA). These rights include:

1. The right to inspect and review the student's education records within 45 days of the day that the university receives a request for access. Students should submit to the registrar, dean, head of the academic department or other appropriate official, written requests that identify the record(s) they wish to inspect. The university official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the university official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
2. The right to request the amendment of the student's education records that the student believes are inaccurate or misleading. Students may ask the university to amend a record that they believe is inaccurate or misleading. They should write the university official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the university decides not to amend the record as requested by the student, the university will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3. The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the university in an administrative, supervisory, academic or research or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the university has contracted (such as an attorney, auditor or collection agent); a person serving on the Board of Regents; or a student serving on an official committee, or assisting another school official in interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the university discloses education records without consent to officials of another school, in which a student seeks or intends to enroll.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University of Colorado Denver to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5920

FERPA generally requires the University to obtain student consent prior to disclosing their education records or personally identifiable information contained therein. One exception, which permits disclosure without student consent, is information about the student that the University has designated as "directory information." The following items are designated "directory information" and may be released at the discretion of the University of Colorado unless a student files a request to prevent their disclosure:

- name
- address, telephone number, and e-mail address
- dates of attendance
- registration status
- class (i.e. freshman, sophomore, junior, senior)
- major
- awards
- honors
- degrees conferred
- photos

Although these items are designated by CU Anschutz as directory information, only a limited amount of this information is routinely disclosed by CU Denver | Anschutz Medical Campus officials, and the University retains the discretion to refuse to disclose directory information if it believes such disclosure would be an infringement of student privacy rights.

Forms to prevent disclosure of directory information can be obtained at the Registrar's Office in Education II North, or visit the Registrar's website. Questions regarding your rights under FERPA should be directed to the Registrar's Office:

CU Anschutz Medical Campus
Campus Box A054
Phone: 303-724-8000
Fax: 303.724.8060

Email: Registrar@cuanschutz.edu

Definition - Education Record

Those records directly related to a student and maintained by the institution or by a party acting for the institution are considered education records. The term "education records" does not include the following:

- Records of instructional, supervisory, administrative, and certain educational information that is in the sole possession of the maker thereof, and are not accessible or revealed to any other individual except a substitute who performs on a temporary basis (as defined in the institutional personnel policy) the duties of the individual who made the records.
- Records maintained by a law enforcement unit of the educational agency or institution that were created by that law enforcement unit for the purpose of law enforcement.
- Records relating to individuals who are employed by the institution, which are made and maintained in the normal course of business, relate exclusively to individuals in their capacity as employees, and are not available for use for any other purpose. Records of individuals who are employed as a result of their status as students (for example, work study students) are education records.
- Records relating to a student which are:
 - Created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, acting in his/her professional capacity or assisting in a paraprofessional capacity or assisting in a paraprofessional capacity. Used solely in connection with the provision of treatment to the student.
 - Not disclosed to anyone other than individuals providing such treatment.

Definition - Legitimate Educational Interest

This means the demonstrated need to know by those officials of an institution who act in the student's educational interest, including faculty, administration, student employees, clerical and professional employees, and other persons who manage student records information.

Any school official who needs information about a student in the course of performing instructional, supervisory, advisory, or administrative duties for the University of Colorado Anschutz Medical Campus has a legitimate educational interest.

This includes contractors, consultants, volunteers and other outside providers used by the University of Colorado Anschutz Medical Campus, such as the University of Colorado Foundation and the National Student Clearinghouse.

Directory Information

FERPA directory information is information contained in a student's education record that generally would not be considered harmful or an invasion of privacy if disclosed. Under current CU Anschutz policy, the following information is designated as directory information:

Student name. If provided, a preferred name will be used when there is not a documented business or legal reason to provide a student's primary name. Students may also select a diploma name for graduation and commencement materials.

- Hometown (city, state).
- Campus email address. *
- Dates of attendance.

- Previous educational institutions attended.
- School/college or division of enrollment.
- Majors, minors and field of study.
- Classification level (e.g., freshman, sophomore, graduate student).
- University-recognized honors and awards.
- Degree status (e.g. expected graduation date and/or conferral dates/terms).
- Enrollment status.
- Employment related to student status (e.g. teaching assistant, resident assistant or work-study) and dates for positions held.
- Participation in officially recognized activities/sports, including height and weight of athletes.
- Photos and videos taken or maintained by the university.

*Campus email addresses are only disclosed to requestors who agree not to use them for solicitation.

Although these items are designated by CU Anschutz as directory information, only a limited amount of this information is routinely disclosed by CU Anschutz university officials. The university retains the discretion to refuse disclosure of directory information if it believes such disclosure would be an infringement on student privacy rights.

Nondisclosure of Directory Information

Students may ask the University not to publicly disclose directory information. Students should be advised, however, if they are seeking employment, the Registrar's Office cannot release their enrollment, degree status or major to anyone unless the student comes to the Registrar's Office with a photo ID.

Forms to prevent disclosure of directory information can be obtained at the Registrar's Office in Education II North, or by visiting the CU Anschutz Registrar's website (<https://www.cuanschutz.edu/registrar/>). Questions regarding student rights under FERPA should be directed to the Registrar's Office:

CU Anschutz Medical Campus
Campus Box A054
Phone: 303-724-8000
Fax: 303.724.8060
Email: Registrar@cuanschutz.edu

Exceptions to Student Consent for Release of Educational Records

FERPA allows the institution the right to disclose student records or identifiable information without the student's consent under the following circumstances:

- To authorized representatives for audit of Federal or State supported programs.
- To university employees who are in the process of carrying out their specifically assigned educational or administrative responsibilities acting in the student's educational interest, including contractors, consultants, volunteers and other outside providers used by the University of Colorado Anschutz Medical Campus, including the University of Colorado Foundation and the National Student Clearinghouse.
- Veteran's Administration official.
- Officials of other institutions in which a student seeks or intends to enroll, after transfer enrollment or admission, disability and other health records may be released in the event of an emergency in the

need to protect the health and safety of a student or other persons under FERPA.

- Persons or organizations providing financial aid to students.
- Organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate, and administer predictive tests, to administer student aid programs or to improve instruction, provided that individual identity of students is not made.
- Accrediting organizations carrying out their accrediting functions.
- Parents of a student who have established that student's status as a dependent according to Internal Revenue Code of 1954, Section 152; in connection with a health and safety emergency in connection with § 99.36; or the student is under 21 and has violated a federal, state or local law or a policy of the university related to the use or possession of alcohol or a controlled substance.
- Persons in compliance with a judicial order or a lawfully issued subpoena, provided that the institution makes a reasonable attempt to notify the student in advance of compliance. NOTE: The institution is not required to notify the student if a federal grand jury subpoena, or any other subpoena issued for a law enforcement purpose, orders the institution not to disclose the existence or contents of the subpoena.
- Persons in an emergency, if the knowledge of information, in fact, is necessary to protect the health or safety of students or other persons.
- An alleged victim of any crime of violence of the results of any institutional disciplinary proceeding against the alleged perpetrator. The information may only be given in respect to the crime committed.
- Schools may disclose personally identifiable information from education records to an outside contractor without prior written student consent if the outside contractor is a "party acting for" the institution and is performing a service which the institution would otherwise have to perform for itself (as in the case of the National Student Loan Clearinghouse for loan verification).
- Representatives of the Department of Homeland Security or Immigration and Customs Enforcement, for purposes of the coordinated inter-agency partnership regulating the Student and Exchange Visitor Information System (SEVIS).
- FERPA has been amended to permit educational agencies and institutions to disclose personally identifiable information from the student's records to the Attorney General of the United States or to his designee in response to an ex parte order in connection with the investigation or prosecution of terrorism crimes, under the US Patriot Act.
- Allows the return of an educational record, or information from an education record, to the party identified as the provider or creator of the record.
- Information regarding a registered sex offender's enrollment or employment status, or any changes of such.
- If the school determines that there is an articulable and significant threat to the health and safety to a student or other individuals, it may disclose information from educational records to appropriate parties.

Release of Disciplinary Information

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 disciplinary file. The student and/or those university officials who demonstrate a legitimate educational need for disciplinary information may have access to the student's disciplinary file.

The Campus Security Act permits higher education institutions to disclose to alleged victims of any crime of violence (murder, robbery, aggravated assault, burglary, motor vehicle theft) the results of the conduct proceedings conducted by the institution against an alleged perpetrator with respect to such crime. The Campus Security Act also requires that both accused and the accuser be informed of campus conduct proceedings involving a sexual assault.

Additionally, the Higher Education Amendments of 1998 permit disclosure of the final results of disciplinary cases in which a student has been found responsible for a violation involving violence or for a sex offense.

Concerns for Student Behavior, Health, and Safety

Across campuses nationwide, there has been a great deal of discussion related to the privacy of student records in relation to tragedies on college campuses. Most CU Anschutz Campus faculty and staff are aware that FERPA protects student rights to view their educational record, access and amend records, and control what disclosures can be made from these educational records. However, many University employees do not realize that FERPA does allow them to disclose information about students who they perceive to be behaving out of character, perceive the student to have a disturbing change in their normal behavior, or generate concerns about the safety of the student or others. It is important for faculty and staff to understand that FERPA does not prohibit the disclosure of personal observations of students.

FERPA allows university staff and faculty the discretion to release this information under specified circumstances, and through proper channels, to appropriate personnel on campus.

What are the "specified circumstances"?

FERPA allows the disclosure of information from the educational record, without the written consent of the student, under the following: "Persons in an emergency, if the knowledge of information, in fact, is necessary to protect the health or safety of the student or other persons". The Department of Education interprets FERPA to permit institutions to disclose information from education records to parents if a health or safety emergency involves their son or daughter. For clarification purposes, the Department of Education recently proposed to amend the language of a "strictly construed" interpretation, and replace it with language that states the institutions have far "greater flexibility and deference" to "bring appropriate resources to bear on a circumstance that threatens the health or safety of individuals".

Some concerns have been expressed by faculty and staff on campus that they are reluctant to share any information with the appropriate personnel on campus if the student advised them, verbally or in writing, that they were seeing a mental health or other medical professional. Note that anything expressed verbally by a student is not part of the "educational record", and can be shared. If the student has advised a staff or faculty member of this in writing, it can still be shared with someone with "an educational need to know" as described by FERPA regulations, which would include those listed as the "appropriate personnel on campus" below.

To summarize: FERPA does not prohibit disclosure of personal observations to appropriate campus personnel about students of concern. Observers of such behaviors do not have to determine if this is an emergency that will be considered a threat of health or safety. They can consult with other appropriate personnel on campus for additional perspective, suggestions, resources, referral or assistance.

Who are the “appropriate personnel on campus”?

There are a variety of offices and personnel on campus who can be of assistance when you are faced with a student of concern. Some of these resources are listed below:

Department Chair/Associate Dean/Director – in many cases these individuals are excellent resources and can help you to support the student and/or find additional support and resources on campus.

Student and Resident Mental Health Services – located in the Fitzsimons Building, Level 2 (East hallway), and available by phone at 303.724.4716. Clinical service hours are 8 a.m. to 8 p.m. Monday, Tuesday, and Wednesday, and 8 a.m. to 5 p.m. Thursday and Friday. Appointments can be made by phone, or by emailing SMHservice@ucdenver.edu (smhservice@ucdenver.edu).

The Campus Assessment Response & Evaluation Team (CARE) – is a multidisciplinary team that reviews and evaluates student behavioral concerns and intervenes as appropriate. Contact the CARE Team to submit a concern online 24 hours a day on their website (<https://www.cuanschutz.edu/student/support/care-team/>) and learn much more about recognizing and responding to students in crisis.

CU Anschutz Office of Case Management – located in Education II North, with additional information available via their website (<https://www.cuanschutz.edu/student/support/case-management/>). This office collaborates with all of the schools and colleges to ensure students have access to resources that help them navigate challenging experiences. This office also manages the Medical Leave of Absence/Fit to Return process, and convenes the CARE Team when applicable. Staff are available to consult regarding disruptive behavior and concerns.

These offices are available for phone consultation to meet individually, or with a group of staff or faculty members to problem-solve about a particularly complex student situation. Other appropriate resources may also be referenced.

Finally, in an urgent situation, never hesitate to call University Police at 303.724.4444, or for emergency calls, 911.

For more information about CU student mental health resources, please visit one of the websites below:

CARE Team (<https://www.cuanschutz.edu/student/support/care-team/>)

CU Anschutz Office of Case Management (<https://www.cuanschutz.edu/student/support/case-management/>)

Student and Resident Mental Health (<https://medschool.cuanschutz.edu/psychiatry/programs/student-resident-mental-health/>)

Some faculty think they should not reveal the name of the student and keep the consultation anonymous. However, this is key information for the consulting party as that professional may already have some information about the student of concern that should be added into the information for the best way to proceed. Some of these professionals may already have had contact with the individual and you may be providing key information which the professional would need to know to be effective. Licensed mental health professionals have strict confidentiality laws to follow which restricts their ability to inform you. FERPA allows great discretion in informing the mental health professional of observed professional observations, as well as allows observers to

share information about a student with a person who has an “educational need to know”.

In conclusion, it is important for all members of the CU Anschutz community to understand that FERPA does not prevent you from contacting others on the campus if you there are concerns about the behaviors of a student on campus. However, only those who are identified as the “appropriate personnel on campus” should be contacting the parents or other relatives of students. These trained individuals are most knowledgeable in human behavior, and can best determine if further concern is warranted.

Requests for Access to and Amendments of Education Records

Brief Description: Establishes procedures for making and responding to requests for access to and amendment of education records, consistent with the Family Educational Rights and Privacy Act of 1974 (FERPA).

Making and Responding to Requests for Access to Education Record

Access Request and Review Procedure

- A student should submit a request to review his or her education records in writing to the registrar, dean, chairperson of an academic department, or other official who maintains the records he or she wishes to inspect. The request should identify, to the extent possible, the specific records the student desires to review by type, topic, date or other criteria.

The university official who has custody of the records will assemble the requested records and review them to determine whether they are eligible for access.

- If an education record includes information about more than one student, the student may review only his or her own information in that record. In this situation, the record custodian must redact the record before allowing the student to review it.
- Any questions about whether a record is eligible for review or how to properly redact an education record should be addressed with the Office of the Registrar.
- Before denying a student access to an education record, record custodians must consult with the Registrar, and should document in writing the reason for the denial.
- The record custodian must respond to a request for access to education records within a reasonable period of time, but in no case more than forty-five (45) days after the request has been submitted to the appropriate custodian. If the records are not maintained by the record custodian to whom the request was submitted, the custodian should assist the student in identifying the custodian to whom the request should be addressed. For information about where certain student education records may be located, consult the Office of the Registrar.

CU Anschutz Medical Campus

Campus Box A054

Phone: 303-724-8000

Fax: 303.724.8060

Email: Registrar@cuanschutz.edu

- The record custodian will make arrangements for access and notify the student of the time and place where the records may be inspected.

- If not personally known to the record custodian, the record custodian must verify the student's identity by inspection of photo identification or other appropriate documentation.

Making and Responding to Requests for Amendment of Education Records

Procedure for Amendment of Education Records

- If a student believes information contained in his or her record(s) is inaccurate, misleading or violates privacy rights, a student may ask the university to amend the record(s). If the problem stems from a clerical or other error in processing, the student should contact the record custodian and follow the established process to effect the necessary corrections. Similarly, a student should pursue the grievance and/or appeal process if he or she has a concern about the appropriateness of a grade awarded or other academic determination.
- This procedure does not apply to students who desire to challenge a grade. Students who wish to challenge a grade should follow the academic grievance policy in their school or college. If the desired correction of processing errors is not accomplished through normal channels, or the requested amendment is not to correct processing errors or address substantive academic decisions, the student should follow the following procedure:
 - The record custodian will review the amendment request and any related documentation submitted by the student. The record custodian may request additional information from the student if deemed necessary to make a determination.
 - Within a reasonable time after receipt of the written request, the record custodian will decide whether to amend the record as requested.
 - If the record custodian grants the student's request, the custodian shall amend the education record and inform the student in writing of the action taken.
 - If the record custodian denies the student's request, the custodian shall inform the student in writing of the decision and of his or her right to a hearing on the matter. Additional information about the hearing procedures will be provided to the student when notified of the right to a hearing.

Right to Hearing and Related Procedures

- Within ninety (90) days of the date of the denial of his or her request by the record custodian, a student may request a hearing.
- The Registrar may serve as the hearing officer, or may appoint another individual to serve as hearing officer. The appointed hearing officer shall not have a direct interest in the outcome of the hearing. The hearing officer shall not review any matter regarding the appropriateness of official grades or other such academic determinations.
- The hearing shall be conducted according to the following procedures:
 - The hearing officer shall give notice to all concerned parties of the date, place and time of a hearing reasonably in advance. The hearing should be scheduled within a reasonable period of time following receipt of the petition.
 - The hearing officer shall give the student an opportunity to present evidence relevant to the contested part of the education record. The student may have a representative present at the hearing, but that person cannot participate in the hearing.

- The hearing officer may receive any evidence and testimony, orally or in writing, relevant to the student's challenge to the record content. The hearing officer shall not be bound by the rules of evidence applicable in courts of law, but may permit the introduction and receipt of evidence he or she determines is relevant.
- Within a reasonable period of time, the hearing officer shall issue a written decision based solely upon the evidence presented at the hearing. A copy of the decision, which must include a summary of the pertinent evidence, shall be provided to the student, to the record custodian, and to the Registrar. The decision of the hearing officer shall be the university's final decision.
- If the Registrar acting as hearing officer or an individual appointed by the Registrar to act as hearing officer determines that the information is inaccurate, misleading or otherwise in violation of the student's privacy rights, the Registrar should require the record custodian to make necessary amendments. The record custodian shall inform the student in writing when the amendment has been made.
- If the hearing officer determines that the information is not inaccurate, misleading or otherwise in violation of the student's privacy rights, he or she shall inform the student in writing of the right to place a statement in the record commenting on the contested information in the record and/or stating why he or she disagrees with the decision.
- The university must maintain the statement with the contested part of the record for as long as the record is maintained, and must disclose the statement whenever it discloses the portion of the record to which the statement relates.

Parental Access to Children's Education Records

At the post secondary level, parents have no inherent rights to inspect a student's education records. The right to inspect is limited solely to the student. Records may be released to the parents only under the following circumstances:

- Through the written consent of the student
- In compliance with a subpoena
- By submission of evidence that the parents declare the student as a dependent on their most recent Federal Income Tax form (IRS Code of 1954, Section 152).
- May disclose education records to a parent under the alcohol and controlled substance exception or in connection with a health and safety emergency under the circumstances set forth in § 99.36 (if the students is under 21 years of age).

Posting of Grades by Faculty

The public posting of grades either by the student's name, institutional student identification number, or any portion of a social security number is a violation of FERPA, whether done via paper source or via electronic means (including the internet).

Instructors and others who post grades should use a system that ensures FERPA requirements are met. This can be done by using code words or randomly assigned numbers that only the instructor and individual students know.

Students' Rights after Ceasing Attendance or Graduation

Students who have ceased attendance or have graduated from an institution of higher education have basically the same FERPA rights as

students currently attending the University of Colorado Denver, including the right to:

- Inspect their education records
- Have a hearing to amend an education record, and
- Have their education privacy protected by the institution.
- Have the institution honor the previously established opt-out request.

Once students leave the university they do not have the right to request a privacy code (non-disclosure) be placed on their records.

References for Students by Faculty

FERPA's prohibition on disclosure of personally identifiable information from an education record of a student applies to any kind of non-directory information (e.g., performance in class, grades, attitude, motivation, abilities, background) conveyed in writing, in person, or over the telephone to third-parties.

Although such information is usually conveyed by faculty members at the informal request of the student and is usually positive, the better practice would be to request a written consent form, meeting the FERPA requirements, before providing the information.

Written Consent

Students may release their academic records to their parents, a prospective employer, insurance companies, etc., by providing written consent. The notice of written consent must include the following information:

1. It must specify the records to be released (transcripts, etc.)
2. State the purpose of the disclosure
3. Identify the party or class of parties to whom disclosure may be made, and
4. Be signed and dated by the student

Disposal of Educational Records

Information about individuals should be retained according to state or University records retention schedule. Those responsible for academic information have an obligation to destroy information when conditions under which it was collected no longer prevail.

Any document containing personally identifiable information must be disposed of properly through some means of confidential disposal. If information is needed on confidential disposal, please contact the Office of the Registrar:

CU Anschutz Medical Campus
Campus Box A054
Phone: 303-724-8000
Fax: 303.724.8060
Email: Registrar@cuanschutz.edu

Honor Code

This campus-wide policy statement on student academic honor and conduct at the University of Colorado Denver | Anschutz Medical Campus was developed in consultation with faculty and student representatives from each health sciences school, and representatives of the campus-wide Faculty Council and Student Senate. It provides general policies for all students on campus, in accordance with the Regents' resolution of March 17, 1988, while at the same time it directs the schools to develop specific procedures to implement the policy in accordance with their unique programs and student populations. While the process for resolving honor code violations may vary from school to school, the

elements listed below will remain uniform. The health professions are based on a high degree of trust by the individuals they serve. Students entering the health professions have a particular obligation, therefore, to conduct themselves at all times in a manner that reflects honesty, integrity, and respect for others.

A. Academic Honor and Conduct Code:

Education at the University of Colorado Denver | Anschutz Medical Campus is conducted under the honor system. All students who have entered health professional programs should have developed the qualities of honesty and integrity, and each student should apply these principles to his or her academic and subsequent professional career. All students are also expected to have achieved a level of maturity which is reflected by appropriate conduct at all times.

Although it is not possible to list every situation that violates the University of Colorado Denver | Anschutz Medical Campus academic honor and conduct code, the following examples will provide a reference point.

- **Academic Honesty** - Students should adhere to the highest standards of academic honesty and integrity. Examples of behavior which violates these standards include: plagiarism (including improper use of web information), cheating illegitimate possession and/or use of examinations, and falsification of official records.
- **Professional Conduct** - As future health professionals, students should also adhere to the highest standards of professionalism. Examples of unprofessional conduct include: misrepresentation of effort, credentials or achievement in either the academic or clinical setting; any action which compromises the quality of patient care; violation of patient confidentiality; and other conduct unbecoming a health professional.
- **Alcohol and Drug Use** - Alcohol and/or drug abuse compromises the student's ability to learn and to practice as a health provider and, thus, is considered unprofessional conduct. Students who have a problem with alcohol and/or drugs should seek assistance from services available on campus. The sale of drugs or the possession of non-prescribed narcotics or other controlled substances is against the law. In order to minimize the potential for alcohol abuse at campus functions, students must work with University and/or their program administration to ensure compliance with the policies and procedures regarding functions where alcohol may be served.
- **Respect for the Rights and Property of Others** - Students should conduct themselves in a manner which recognizes the rights and property of others. Examples of inappropriate behavior include theft, damage to University facilities, harassment or physical assault, and any conduct which threatens the health or safety of others.

The primary responsibility for reporting violations of the student honor and conduct code rests with the individual student who has violated them. However, fellow students and members of the faculty also share in this responsibility.

B. Relationship of Honor and Conduct Code to Local, State, and Federal Laws

The University adheres to all appropriate local, state, and federal laws, and cooperates with law officials in all matters. Any alleged violation of local, state, or federal laws will be referred to the appropriate law enforcement agency, and such laws have precedence over the provisions of this policy.

C. Honor and Conduct Committee

Each school will have a standing Student Honor and Conduct Committee and, as appropriate, individual programs may have standing committees. The composition of the committee will include faculty and student representatives, with the exact composition of the committee to be determined by the dean in consultation with the school's faculty and student governance groups. The primary function of this committee will be to examine alleged violations of the honor and conduct code, and to make recommendations to the dean on these matters as appropriate.

D. Check individual school policies for school-specific procedures.

Student Conduct

"By enrolling as a student in the university, a person shall assume obligations of performance and behavior established by the university relevant to its lawful missions, processes, and functions. As members of the academic community, students have responsibility, equivalent to that of the faculty, for study, learning, academic integrity, and protecting the university as a forum for the free expression of ideas."

(Laws of the Regents 7B Standards of Conduct)

Nondiscrimination Statement (Article 8.A, Laws of the Regents)

The University of Colorado does not discriminate on the basis of race, color, national origin, sex, pregnancy, age, disability, creed, religion, sexual orientation, gender identity, gender expression, veteran status, political affiliation, or political philosophy in admission and access to, and treatment and employment in, its educational programs and activities.

The Office of Equity for the University of Colorado Denver | Anschutz Medical Campus

Location: Education 2 North, Room 5221

Email: Equity@ucdenver.edu

Phone: 303-315-2567

Address: 13120 E. 19th Avenue, Room 5221, Campus Box 187, Aurora CO 80045

Please contact the office if you wish to report a violation of Article 8 or need additional information. A statement of Article 8 may be found online at <https://www.cu.edu/regents/law/8> (<https://www.cu.edu/regents/law/8/>).

The University of Colorado Denver | Anschutz Medical Campus policy and procedures for investigating complaints of discrimination may be found online via the Office of Equity website (<https://www.ucdenver.edu/offices/equity/university-policies-procedures/#ac-nondiscrimination-policy-0>), or by reviewing the policy and procedural document here ([https://www.ucdenver.edu/docs/librariesprovider102/default-document-library/2022-02-28_3054--nondiscrimination-policy-\(2\).pdf?sfvrsn=9a3cb2ba_2](https://www.ucdenver.edu/docs/librariesprovider102/default-document-library/2022-02-28_3054--nondiscrimination-policy-(2).pdf?sfvrsn=9a3cb2ba_2)).

Freedom of Expression and Inquiry

Academic freedom and diverse viewpoints are highly valued at the University of Colorado Anschutz Medical Campus. For students, academic freedom pertains to their course discussion, course assignments, and scholarly work. All members of the University community have the right to free expression as stated in Article 1.E of

Regent Law and further elaborated in Regent Policy 1.D; however this right is distinct from academic freedom.

While faculty have the right to establish classroom procedures to ensure orderly discussion and progress towards the goals of a class, students have the freedom to raise questions and express reasoned opinions on the matters being discussed. Students also have the ability to discuss matters related to their courses with faculty during office hours and take reasoned exception to the views or methods offered in any course of study. Students should be evaluated solely on academic performance, which shall be assessed according to the published requirements established by the instructor or academic unit. Academic freedom does not give either faculty or students the right to disregard the standards of conduct outlined in Regent Laws Article 7.

If students believe their academic freedom rights have been violated, the campus will investigate complaints and remediate confirmed violations.

Also see Laws of the Regents Article 5, Part D.1 Intent and Definition.

Sexual Misconduct, Intimate Partner Violence, & Stalking Procedures (in accordance with Title IX)

I. Overview and Mission Statement of the Office of Equity

The University of Colorado Denver | Anschutz Medical Campus ("University") is committed to providing a safe and non-discriminatory environment for all members of the University community. The University prohibits all forms of Sexual Misconduct¹, including all conduct prohibited by Title IX and other sexual misconduct. These forms of misconduct and Related Violations are defined in APS 5014, Sexual Misconduct, Intimate Partner Violence, and Stalking Policy ("Policy"). This document identifies the procedures ("Procedures") the University follows when it receives a report alleging Sexual Misconduct. The University uses these Procedures to investigate and resolve any such allegations and to impose disciplinary sanctions against individuals found responsible for violating the Policy.

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

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

These Procedures describe the University's Procedures for the investigation and remediation of potential sexual misconduct. It does not constitute a contract, whether express or implied, between the University and any person who is subject to requirements. The University reserves the right to modify these Procedures at its discretion and without notice.

II. Prohibited Conduct

The University will be responsive to any report or complaint of "Prohibited Conduct" as listed below and is committed to providing prompt, fair, impartial, and equitable resolutions of any complaint reported to the OE, whether reported directly by a complainant or by a third party, such as a mandatory reporter. The primary concern is the safety of all University community members. The University will take steps to prevent recurrence

of any prohibited conduct and remedy discriminatory effects on the complainant and others, as appropriate.

The Policy prohibits “Sexual Misconduct,” meaning both conduct on the basis of sex specifically prohibited by Title IX as well as conduct that falls outside of Title IX’s jurisdiction. Specifically, the Policy prohibits sexual assault, dating violence, domestic violence, Title IX stalking, sexual exploitation, Title IX hostile environment, hostile environment, Title IX quid pro quo sexual harassment, and quid pro quo sexual harassment. The Policy also prohibits retaliation and other related violations.

A. Related Violations & Consolidation of Complaints

Other misconduct, while not falling within the definition of Sexual Misconduct, hinders the University’s ability to uphold its legal obligations and ensure equal access to educational and employment opportunities. As such, the University prohibits the following conduct:

1. **Failure to Report** –The University will administer the Policy in a manner that promotes the reporting of prohibited conduct and avoids disciplinary actions when *responsible employees* conscientiously discharge their reporting obligations. A failure to report an allegation of prohibited conduct shall result in a violation of the Policy only if the *responsible employee* received information that a member of the University community was subjected to or committed an act of prohibited conduct and intentionally, knowingly, or recklessly disregarded the obligation to report, thus resulting in harm to a member of the University community.
2. **Retaliation**–The University will not permit *retaliation* against a member of the University community because the individual has made a report or *formal complaint*, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or prohibited conduct, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or *formal complaint* of prohibited conduct constitutes *retaliation*.
3. **Providing Materially False Statements** –Providing materially false statements related to prohibited conduct is contrary to the purposes of the Policy. Members of the University community must provide reports of prohibited conduct in good faith. A person who knowingly or recklessly makes false statements or knowingly or recklessly submits false information during the grievance process violates the Policy. Making a report or providing information in good faith, even if the facts alleged in the report are not later substantiated, will not constitute providing false or misleading information.
4. **Interference with Reporting** –No member of the University community may prohibit or interfere with a *responsible employee* or any other person’s reporting prohibited conduct to the Title IX Coordinator or designee.
5. **Failure to Comply with Orders and Sanctions** –Subject to any rights of appeal, members of the University community must comply with orders of the Title IX Coordinator or other appropriate University officials related to the Policy, including but not limited to no-contact orders, exclusions orders, and emergency removal orders. Subject to any rights of appeal, members of the University community must abide by and complete sanctions related to prohibited conduct.
6. The University may consolidate *formal complaints* of prohibited conduct with charges of related violations in situations that arise out of the same facts or circumstances and proceed under the grievance process applicable to *formal complaints* described in Section V(A)(4)(a and b) of the Policy. Alternatively, in the absence of a *formal complaint*

for prohibited conduct, the University may proceed with adjudication for related violations under other applicable procedures or conduct codes.

Additionally, when more than one formal complaint is received by the OE, the OE may consolidate formal complaints in situations that arise out of the same facts or circumstances and involve more than one complainant, more than one respondent, or what amount to counter-complaints by one party against the other. The OE may also consolidate under the grievance process related violations as designated in the Policy or other prohibited conduct under other policies, procedures, or conduct codes. The OE may initiate an investigation into allegations of related Prohibited Conduct on behalf of the University when there is no individual *complainant* who reports the allegation, but the OE nevertheless becomes aware of the potential related misconduct.

III. Jurisdiction

The Procedures govern all students, faculty, staff, contractors, patients, volunteers, affiliated entities, and other third parties, regardless of sex, gender, sexual orientation, gender expression, or gender identity. Subject to any rights of appeal, any person found responsible for engaging in Prohibited Conduct may be subject to disciplinary action, up to and including expulsion or termination of employment. The University will consider what potential actions should be taken, including contract termination and/or property exclusion, regarding third-party conduct alleged to have violated the Policy, but those options may be limited depending on the circumstances of the arrangement.

The Policy applies to conduct that occurs within an *education program or activity* of the University, or if the *complainant* or *respondent* are affiliated with the University community. This includes off-campus conduct, including online or electronic conduct. Alleged conduct may be considered either *Title IX Sexual Misconduct* or *Sexual Misconduct*, depending on the following jurisdictional requirements:

A. Title IX Sexual Misconduct

Title IX Sexual Misconduct applies to conduct that occurs in an education program or activity against a person in the United States. If the Prohibited Conduct falls under Title IX Sexual Misconduct jurisdiction and definitions, the Title IX Coordinator or designee must utilize the Title IX Sexual Misconduct Procedures as prescribed by the Title IX Regulations.

B. Sexual Misconduct

Sexual Misconduct applies to conduct that does not otherwise meet the jurisdictional standard or definition of Title IX Sexual Misconduct, but where the conduct occurred in the context of an employment or *education program or activity* of the University or where both the *complainant* and *respondent* are affiliated with the University.

For all allegations of *Sexual Misconduct* not falling under Section III(A) above, the Title IX Coordinator or designee will consider the degree of the University’s control over the *respondent* and the relationship between the *complainant* and *respondent*, and assess the surrounding circumstances of the alleged conduct for the presence of the following factors:

1. Targets or causes harm to an individual connected with the University;
2. Threatens further sexual or other violence against the *complainant* or others and there is reasonable fear that such further conduct could target or cause harm to someone connected to the University;
3. Is of a violent nature or was frequent or severe;

4. Prior or current similar, misconduct complaints about the *respondent*, or if the *respondent* has a known history of records from a prior school indicating a history of sexual or other violence;
5. Use of, or threat to use, a weapon, access to or attempts to access weapons, or a history of bringing weapons to the University;
6. Multiple alleged *complainants* or *respondents*;
7. Facilitation by the *incapacitation* of the *complainant* through alcohol, drugs, disability, unconsciousness, or other means;
8. The complainant is a minor;
9. Whether the alleged sexual misconduct reveals a pattern of perpetration at a given location or by a particular group; or
10. Any other signs of predatory behavior.

If the Title IX Coordinator or designee determines that at least one of the above factors is present, then the Title IX Coordinator or designee may determine that the University may exercise jurisdiction, and the Sexual Misconduct Policy standards apply.

The Title IX Coordinator or designee is authorized to determine whether the Policy applies to alleged prohibited conduct and whether the University has jurisdiction to take any action pursuant to the Policy.

The University has an obligation and jurisdiction to conduct at least a preliminary inquiry to determine whether the alleged conduct occurred in the context of, or has continuing effects on, employment or an education program or activity.

Actions taken under the Procedures are separate and apart from any law enforcement or other court process or proceeding, such as a civil lawsuit or criminal prosecution, that may relate to the same underlying factual incident. OE's jurisdiction does not depend on whether criminal charges are filed. Formal investigations or other case resolutions conducted by the OE are not postponed while criminal or civil proceedings are pending unless there are extenuating circumstances, as determined by the OE. Dismissal of criminal or civil charges or acquittal in a criminal or civil case does not prevent the OE from addressing an incident. There is no time limitation for reporting a concern to the OE or for the OE to address matters described in this document. If the alleged conduct is reported to have occurred prior to the effective date of the current Policy, the OE will apply the Policy that was in effect at the time the alleged conduct reportedly occurred, to the extent that the policies differ in defining prohibited conduct. However, regardless of the Policy in force at the time the conduct is alleged to have occurred, the OE's procedural response to the report will be governed by the current Procedures.

The failure of an individual to appear and/or respond to the OE does not prevent the OE from proceeding with or completing the applicable process.

For employees, any matters falling outside the scope of the Policy shall be addressed by the appointing/disciplinary authority. For students on the CU Denver campus, the Office of Student Conduct and Community Standards (SCCS) has jurisdiction for all other student conduct matters. For students on the CU Anschutz campus, the respondent's school, college, or program has jurisdiction for all other student conduct matters falling outside the scope of this Policy. In the event that there are multiple potential charges involving the Policy and the Student Code of Conduct or school, college, or program policies, the OE and related conduct authority shall have the discretion to jointly determine the most appropriate way to proceed. Options include, but are not limited to, concurrent investigations, joint investigations, deferring to the findings of one office

or using the investigation or findings of one office as the basis for further investigation by the other.

University employees and students may work or study at the worksite or program of another organization affiliated with the University. When a violation is alleged by or against University employees or students in those circumstances, the complaint shall be addressed as provided in the affiliation agreement between the University and the other entity. In the absence of an affiliation agreement or a provision addressing this issue, the University may, at its discretion choose to (1) conduct its own resolution process; (2) conduct a joint resolution process with the affiliated party; (3) defer to the findings of a resolution process with the affiliated entity where the University has reviewed the resolution process and is satisfied that it was fairly conducted; (4) use the resolution process and findings of the affiliated entity as a basis for further investigation or adjudication; or (5) take other action as determined appropriate by the Title IX Coordinator or designee.

Conduct alleged to have occurred before an individual became a student, faculty, staff, contractor, patient, volunteer, or affiliated entity with the University may be addressed through applicable remedial, protective, and/or educational measures, if the alleged conduct interferes with or impedes upon equal access to employment or education program or activity for any current University community members, as determined by the OE Director(s).

C. Reports Involving Two or More Campuses or Affiliated Entities

1. Two or More University of Colorado Campuses

When the alleged violation of the Policy involves more than one University of Colorado campus, the complaint shall be resolved by the campus with the disciplinary authority over the respondent. The campus responsible for the investigation may request involvement or cooperation of any other affected campus and should advise appropriate officials of the affected campus of the progress and results of the resolution process.

2. Affiliated Entities

When the alleged violation of the Policy involves an institution affiliated with the University of Colorado Denver | Anschutz (including, but not limited to, Metropolitan State University, Community College of Denver, Children's Hospital, University of Colorado Hospital, or the Veterans Administration), the reported concern will be provided to the entity with primary disciplinary authority over the respondent. In these instances, the OE may be unable to conduct a formal investigation though the OE may be able to work collaboratively with the affiliated entity to assist in the resolution and remedy of the matter. Additionally, while the OE may be unable to conduct a formal investigation, the OE may still consider and implement supportive measures.

D. Supportive and Safety Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent that are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational or work environment, or deter Prohibited Conduct. Supportive measures should be individualized and appropriate based on the information available to the Title IX Coordinator or designee.

Some safety measures involve restricting a respondent's access to University programs and activities and may not become available until after the completion of Formal Grievance Process, unless emergency removal action is determined appropriate. See Section III(E) below.

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

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

The University will keep confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality will not impair the University's ability to provide the supportive measures. Types of supportive and safety measures:

1. Academic support measures (arranging for a party to retake a course, excuse related absences, request extensions on assignments or exams, change sections when available or withdraw from a class without penalty)
2. Accessing medical services
3. Accessing counseling services
4. Employment modifications
5. Transportation changes
6. No-contact orders enforced by the University
7. Discussing options for obtaining criminal or civil protection or restraining orders
8. Residential relocations in CU Denver Housing and Dining and/or offering resources for housing off-campus
9. Changes to, or interim exclusion from, classes
10. Interim exclusion orders (for parts of or entire campus)
11. Interim student suspension. See Section III(E).
12. Administrative leave for employees in consultation with Associate Vice Chancellor and Chief Human Resources Officer or designee and appointing/disciplinary authority
13. Temporary suspension of supervisory or evaluative authority for employees in consultation with Associate Vice Chancellor and Chief Human Resources Officer and appointing/disciplinary authority

E. Emergency Removals

The University may remove a respondent from an education program or activity on an emergency basis after 1) the University undertakes an individualized safety and risk analysis, 2) determines that an immediate threat to the physical health or safety of any students or other individuals arising from the allegations of the Policy justifies removal and 3) provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

Types of Emergency removal include, but are not limited to:

- Interim student suspension
- Interim or permanent exclusion order for parts of or entire campus, classes, etc.
- Administrative Leave. Decisions to place a non-student employee on administrative leave during the pendency of a Formal Grievance Process are made in consultation with Associate Vice Chancellor

& Chief Human Resource Officer or designee and appointing/disciplinary authority.

- Temporary suspension of supervisory or evaluative authority for employees in consultation with Associate Vice Chancellor & Chief Human Resource Officer or designee and appointing/disciplinary authority.

F. Individualized Safety and Risk Analysis

The Title IX Coordinator/Director of Title IX or designee has the authority to conduct an individualized safety and risk analysis. The Title IX Coordinator may consult with other offices on campus such as the CARE Team and FAST Team in conducting the individualized safety and risk analysis. The factors considered in an emergency removal decision include:

1. Seriousness of the alleged conduct;
2. Location of alleged incident(s);
3. The risk that the alleged respondent will commit additional acts of sexual or other violence;
4. Whether the alleged respondent threatened further sexual or other violence against the alleged complainant or others;
5. Whether there have been other misconduct complaints about the same alleged respondent or whether the respondent has a known history of sexual or other violence;
6. The existence of multiple alleged complainants and/or respondents;
7. Whether the conduct was facilitated by the incapacitation of the complainant(through alcohol, drugs, disability, unconsciousness, or other means);
8. Whether the alleged conduct was perpetrated with force, violence, or weapons;
9. Whether the alleged complainant is a minor;
10. Whether the alleged conduct reveals a pattern of perpetration (by the alleged respondent or group or organization, around a particular recurring event or activity, and/or a particular location); and/or
11. Whether any other aggravating circumstances or signs of predatory behavior are present.

In the case of an emergency removal, the student will be provided oral and/or written notice of the alleged Prohibited Conduct and the opportunity to meet, if the student chooses, with the Title IX Coordinator or designee. The Title IX Coordinator or designee will ensure that the student is afforded the opportunity to meet within **five business days** of the notice of emergency removal. This does not preclude additional meetings after the five days has passed to review the emergency removal. **It is the responsibility of the respondent to schedule the meeting if requested.**

After providing the respondent with notice of the allegations and an opportunity to be heard, the Title IX Coordinator or designee may decide to lift or continue the emergency removal, potentially until the completion of the grievance process. The Title IX Coordinator or designee may also determine whether any exceptions may be appropriate based on factors which include, but are not limited to, nature/severity of the behavior, prior misconduct, extent of academic progress to date, and availability of faculty and/or online classes. The interim supportive and safety measures may be re-evaluated during the course of a grievance process if new information is presented that mitigates the threat to campus safety.

In the case of an emergency removal, including campus exclusion, procedures outlined in the Exclusion of Persons from University Property will be followed.

Reporting Options

Call 911 in an Emergency if you have an immediate safety concern.

A. University/Office of Equity

To notify the University of any Prohibited Conduct listed in Sections II, II(A), III, and III(A)(B) to request support measures related to such conduct, or to initiate an OE resolution process, please contact the OE directly via email at equity@ucdenver.edu or via phone at 303-315-2567.

Karey Krohnfeldt, Title IX Coordinator & Director of Title IX

Office of Equity

Lawrence Street Center

Campus Box #187

1380 Lawrence Street,

12th Floor

Denver, CO 80217

Phone: 303-315-2567

Email: equity@ucdenver.edu

For a full list of reporting options, please refer to the OE's website (<https://www1.ucdenver.edu/offices/equity/resolutions/make-a-report> (<https://www1.ucdenver.edu/offices/equity/resolutions/make-a-report>)).

1. Amnesty Provisions

To encourage reporting and participation, personal consumption of alcohol or other drugs by the complainant, respondent, or witnesses will not be subject to disciplinary action. Similarly, minor infractions related to failure to comply with public health and safety provisions in the Student Code of Conduct will not be subject to disciplinary action. The goal of these provisions is to remove potential barriers to reporting and/or participation. However, final jurisdiction and decision-making regarding any conduct not covered by the Applicable Policies will be made by the Director of Student Code Conduct and Community Standards (for students) or the appointing/disciplinary authority (for employees).

Even if a complainant chooses not to report formally and/or chooses not to participate in an adjudicative process (through OE or law enforcement), the complainant can contact the OE for information and assistance accessing on-or off-campus supportive services as set for in Section VIII and to access available supportive and safety measures as set forth in Section III(D).

B. Law Enforcement

Complainants are not required, but do have the right, to file a criminal complaint with law enforcement and the University/OE simultaneously. The OE can assist in reporting to law enforcement for complainants alleging misconduct that is also a criminal offense.

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

- 911 (for emergencies)
- Auraria Police (for non-emergencies) 303-556-5000
- Anschutz Medical Campus Police (for non-emergencies) 303-724-4444
- Denver Police (for non-emergencies) 720-913-2000
- Aurora Police (for non-emergencies) 303-627-3100

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

1. Preservation of Evidence

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

Regardless of whether an individual wants to report the assault to the police, a medical exam can be done to preserve evidence. Sex Assault Nurse Examiner (SANE) programs at the Emergency Department at Denver Health Medical Center, University of Colorado Hospital, Children's Hospital, Porter Adventist Hospital, Medical Center of Aurora –South Campus, Saint Anthony North Hospital, Saint Anthony Hospital 84th Avenue Location, Littleton Adventist Hospital, are available to conduct a SANE exam, ideally within five days of the sexual assault. It is best if an individual does not bathe, shower, eat, drink, douche, or change clothes. However, evidence can be collected if you have done any or all of these things. More information about the SANE can be located on the hospital's respective websites. Contact information and addresses for these and other locations within the state of Colorado can be found on the OE website under the tab Sexual Misconduct Resources (<https://www1.ucdenver.edu/offices/equity/support-resources/sexual-misconduct-resources/>).

Please note that if some or all of this evidence is unavailable or does not exist, you are still encouraged to report a sexual assault. The lack of evidence does not preclude an investigation from taking place.

C. Confidential Reporting Options

The University offers access to confidential resources for individuals who are unsure about whether to report Prohibited Conduct or are seeking counseling or other emotional support in addition to (or without) making a report to the University. Section Support and Resources page (<https://www1.ucdenver.edu/offices/equity/support-resources/>), identify confidential and other resources, both at the University and in the surrounding community. See Section VIII for CU Denver | CU Anschutz on- and off-campus resources.

D. Supportive Services and Assistance including Protective Orders

When an individual notifies the OE (either directly or through a responsible employee, advocate, third party, or other) that they have experienced conduct prohibited by the Policy, the OE will provide referral information as needed (whether or not there is a formal complaint or participation in a formal grievance process, formal adjudication process, or other resolution process) in accessing on- and off-campus services, including but not limited to counseling, academic assistance, housing, mental health services, victim advocacy, legal assistance, visa and immigration services, assessments for no contact orders, and/or forensic sexual assault nurse examiner (SANE) exams.

For a written summary of options and resources available to any person reporting Prohibited Conduct, please refer to this PDF document on the OE website: <https://www1.ucdenver.edu/offices/equity> (<https://www1.ucdenver.edu/offices/equity/>).

E. Orders of Protection, Restraining Orders, or Similar Lawful Orders

Complainants who are interested in obtaining an Order of Protection, or any other order issued by a court, must pursue those options on their own behalf. Restraining orders are obtained through the court with applicable jurisdiction. More information on obtaining a restraining order in Colorado is located in the State of Colorado County Court Restraining Order Brochure: <https://www.courts.state.co.us/userfiles/File/Media/Brochures/restraining.pdf>.

The Phoenix Center at Auraria (PCA) can assist individuals free of charge with the process of obtaining a restraining order. CU Denver | CU Anschutz complies with Colorado law in recognizing orders of protection. Any person who obtains an order of protection from Colorado or any other state should provide a copy to the Auraria Police Department (for those on the Auraria Campus) and/or the University of Colorado Denver Police Department (for those on the CU Anschutz) and the Title IX Coordinator or designee.

Privacy, Confidentiality, and the University's Obligation to Provide a "Safe and Non-Discriminatory Environment"

Privacy and confidentiality have distinct meanings.

Privacy: Means that information related to a report of Prohibited Conduct will be shared with a limited number of individuals on a "need to know" basis in order to assist in the active review, investigation, resolution of the report, and related issues. All University employees who are involved in potential response to a report receive specific training and guidance about safeguarding private information in accordance with applicable laws.

The privacy of student education records will be protected in accordance with the University's policy for compliance with the Family Educational Rights and Privacy Act (FERPA) and state law protections. Access to personnel records is restricted in accordance with University policy and applicable laws.

Confidentiality: Means that information shared by an individual with designated campus or community professionals cannot be revealed to any other person without express permission of the individual, or as otherwise permitted or required by law. Those campus and community professionals who have the ability to maintain confidential relationships include health care providers, mental health professionals, the sexual assault or domestic violence complainant advocate, attorneys, and ordained clergy, all of who normally have privileged confidentiality that is recognized by Colorado state law. The Title IX Coordinator has also designated the Ombuds staff serving in their capacity as a confidential resource for CU Denver | CU Anschutz campus. These individuals are prohibited from breaking confidentiality unless (i) given permission to do so by the person who disclosed the information; (ii) there is an imminent threat of harm to self or others; (iii) the conduct involves suspected abuse of a minor under the age of 18; or (iv) as otherwise required or permitted by law or court order.

A. Confidential Resources and Privacy

Confidential Resources/Independent Reporting Obligations –The University supports the use of confidential resources for all parties, for any reason, including support for medical assistance, counseling, crisis intervention, advocacy, and assistance with legal, housing, and financial matters. Information shared with confidential resources is not disclosed to any party outside of the resource(s) with limited exceptions as defined by law or policy of the resource.

Employees who are confidential resources are not required to report Prohibited Conduct under the Policy. A person who is a confidential

resource under the Policy may have an independent obligation to report some forms of criminal conduct to law enforcement officials. Any person who is a confidential resource may consult with campus legal counsel to determine whether an independent reporting obligation exists.

B. Responsible Employees

All members of the University community may report Prohibited Conduct. Reporting allows the University to undertake investigations when appropriate, but also allows the University to inform those who have been involved of supportive measures and to facilitate access to those services. Reporting also allows the University to identify institutional risks, increase the effectiveness of its training programs, and identify the need for additional services that will protect the University community from harm. The University views reporting of Prohibited Conduct as fundamental to its ability to provide a campus environment that allows equal access to educational and employment opportunities.

1. Reporting Requirements

- a. Responsible employees must report prohibited conduct. Many members of the University community, generally including faculty and members of the administration with supervisory responsibilities, are responsible employees, who must promptly report Prohibited Conduct as set forth in the Policy and these Procedures to the Title IX Coordinator or designee.
- b. Responsible employees means any employee who: (1) has the authority to hire, promote, discipline, evaluate, grade, formally advise or direct faculty, staff, or students; (2) has the authority to take action to redress Prohibited Conduct; or (3) has been given the duty or reporting incidents of sexual violence or any other misconduct by students to the Title IX Coordinator.
- c. Any responsible employee who witnesses or receives a written or oral report alleging that a member of the University community has been subjected to or has committed an act of Prohibited Conduct must promptly report the allegations to the Title IX Coordinator or designee. Members of the University community include students, faculty, staff, contractors, patients, visitors to campus, volunteers and employees of affiliated entities. Because the University may have the ability to address or prevent future Prohibited Conduct, the obligation to report exists independently of whether the individual who was subjected to or committed an act of Prohibited Conduct is currently enrolled or employed at the University.
- d. The responsible employee is required to promptly report to the Title IX Coordinator or designee all known details about the alleged Prohibited Conduct, including:

1. Name(s) of the complainant(s);
2. Name(s) of the respondent(s);
3. Name(s) of any alleged witnesses; and
4. Any other relevant facts, including the date, time, and specific location of the alleged incident.

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

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

f. In many instances, it may not be immediately apparent whether a person is a member of the University community or whether the alleged Prohibited Conduct occurred in the course of an educational program or activity of the University. Rather than conduct their own inquiries to determine whether these conditions exist, responsible employees should report potential Prohibited Conduct to the Title IX Coordinator or designee to allow a preliminary inquiry to occur.

g. Responsible employees are not required to report information disclosed during an individual's participation as a subject in an Institutional Review Board-approved human subjects research protocol. Institutional Review Boards (IRB) may, in appropriate cases, require researchers to provide reporting information to all subjects of IRB research.

h. Responsible employees who receive information related to Prohibited Conduct in the course of serving in the capacity as Ombuds, as designated by the University, are not required to report to the Title IX Coordinator. These responsible employees must report Prohibited Conduct disclosed to them when they are not serving in the capacity as Ombuds.

i. Responsible employees who receive information related to Prohibited Conduct in the course of providing professional services within a privileged relationship, such as health care providers or counselors, are not required to report to the Title IX Coordinator. These responsible employees must report Prohibited Conduct disclosed to them when they are not providing professional services within a privileged relationship. These responsible employees may also have independent professional obligations to report some forms of criminal conduct to law enforcement officials. Any responsible employee may consult with campus legal counsel to determine whether an independent reporting obligation exists.

j. A responsible employee does not satisfy the reporting obligation by reporting Prohibited Conduct to a supervisor or University personnel other than the Title IX Coordinator or designee.

k. Responsible employees are not required to report Prohibited Conduct to which they have been personally subjected to the Title IX Coordinator, but are nonetheless encouraged to report.

l. Communications of Prohibited Conduct to a "responsible employee" are not confidential, and these employees must report Prohibited Conduct to the Title IX Coordinator or designee when it is disclosed to them.

2. Reporting by Students and Other Members of the University Community Who are Not Responsible Employees

The University encourages all members of the University community, even those who are not defined as responsible employees, to report Prohibited Conduct to the Title IX Coordinator or designee.

C. Privacy and Information Disclosure

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

1. Confidential Resources

See Section VIII for CU Denver | CU Anschutz resources.

2. Clery Act Reporting

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

- CU Denver (<https://www.ucdenver.edu/police/clery-act/>)
- CU Anschutz Medical Campus (<https://www.ucdenver.edu/police/clery-act/>)

D. Formal Complaints by Title IX Coordinator and Overriding Factors

If a complainant has disclosed an incident of Prohibited Conduct, but wishes to maintain privacy and does not wish to initiate the grievance process, the Title IX Coordinator or designee must discuss the availability supportive measures with the complainant, describe the process for filing a formal complaint, and explain that the University prohibits retaliation. The Title IX Coordinator or designee will further explain the steps the University will take to prevent retaliation if the individual participates in a grievance process and will take responsive action if it occurs.

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

1. The risk that the respondent will commit additional action of sexual violence or other violence;
2. The seriousness of the alleged misconduct, including whether the respondent threatened further sexual or other violence against the complainant or others, whether the alleged misconduct was facilitated by the incapacitation of the complainant, or whether the respondent has been found responsible in legal or other disciplinary proceedings for acts of sexual or other violence;
3. Whether the alleged misconduct was perpetrated with a weapon;
4. Whether the complainant is a minor;
5. Whether the University possesses means other than the complainant's testimony to obtain relevant evidence of the alleged misconduct (e.g., security cameras or personnel, physical evidence); and
6. Whether the alleged misconduct reveals a pattern of perpetration at a given location or by a particular group.

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

Nothing in this section limits the Title IX Coordinator or designees from responding to the alleged conduct in a manner other than investigation or adjudication that the Title IX Coordinator or designee may determine is appropriate under the circumstances, for example with supportive measures, referral to other offices, or consulting with University officials as appropriate, including but not limited to the University of Colorado Police Department, CU Denver or CU Anschutz CARE Team, CU Denver | CU Anschutz FAST Team, Office of Student Conduct and Community Standards, or CU Denver Housing and Dining. Additionally, nothing in the

override analysis limits the authority to initiate or impose disciplinary action as necessary.

The Title IX Coordinator or designee may also determine that a report to the relevant law enforcement agency is warranted given the factors above, despite an individual's request for privacy. The OE will consider the range of factors listed above in making the determination to report to law enforcement. In those instances, the OE will make a reasonable effort to notify potential complainants prior to reporting to law enforcement. If the University honors the individual's request for privacy, the University's ability to meaningfully investigate the incident may be limited, and disciplinary action may not be possible.

E. Disclosure of Findings of Sexual Misconduct

The University recognizes that third parties (either employers and/or institutions receiving transferring students) may have a legitimate interest in knowing whether a University employee or student has been found responsible for engaging in Prohibited Conduct. In the event that, after a grievance process and any rights of appeal have been completed, an employee or student has been found responsible for engaging in Prohibited Conduct, the University may confirm upon inquiry from a potential employer, licensing or credentialing agency, or institution that the employee or student has been found responsible for violating the Policy subject to applicable state and federal laws (e.g., FERPA) regarding such disclosures. As required by the Colorado Open Records Act, the University shall not release any records related to the investigation of Prohibited Conduct finding of sexual misconduct unless otherwise permitted by law.

Resolution Procedures

The University does not tolerate and will be responsive to any report or complaint of "Prohibited Conduct" listed in these Procedures and is committed to providing prompt, fair, impartial, and equitable resolutions of any complaint that the University knows, or in the exercise of reasonable care should have known, about. The primary concern is the safety of all University community members. The University, through the OE, will take steps to prevent the recurrence of any Prohibited Conduct and remedy any discriminatory effects on the complainant and others if appropriate. The following procedures will apply to resolution of all reports of complaints of Prohibited Conduct:

A. Overview of Resolution Procedures and Options

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

1. Formal Grievance Process. See Section VI (B) through (H) below.
2. Policy Education Remedies. See Section VI(I) below.
3. Preliminary Inquiry: Determining that the facts of the complaint or report, even if true, would not constitute a violation of the Policy and closing the matter following a preliminary inquiry.
4. No limitation on existing authority: Referring the matter to an employee's appointing/disciplinary authority or supervisor. These Procedures do not limit the authority of a disciplinary authority to initiate or impose disciplinary action as necessary.

5. Other referral: Determining a complaint does not fall within the jurisdiction of the Policy and referring the complaint to appropriate office(s) on campus best suited to address the reported concerns.

B. Initiation of the Grievance Process, Including Filing and Evaluation of a Formal Complaint

1. Formal Complaint Required to Initiate Formal Grievance Process

An individual (referred to as the complainant) or Title IX Coordinator or designee must file a document alleging a violation of misconduct under the Policy against an individual (referred to as the respondent) for the University to initiate a formal grievance. The formal complaint must contain the complainant's or Title IX Coordinator's physical or digital signature. The formal complaint form is available on the OE's website.

A complainant who reports allegations of misconduct with or without filing a formal complaint may receive supportive measures. See Section III(D).

2. Who May File a Formal Complaint

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

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

Complainants are encouraged to meet with an investigator(s) prior to filing a formal complaint, but are not required to do so.

3. Evaluation of a Formal Complaint

Once a formal complaint has been filed, the Title IX Coordinator or designee will evaluate whether the conduct alleged in the formal complaint, if proved, would constitute a violation of the Policy. If additional information is needed to evaluate jurisdiction, the Title IX Coordinator or designee will make reasonable efforts to obtain that information.

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

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

- a. Title IX Sexual Misconduct: The Title IX Coordinator or designee must dismiss a formal complaint, subject to appeal, if the alleged conduct would not constitute Title IX Sexual Misconduct or the

University lacks jurisdiction under the requirements of Title IX. If the Title IX Coordinator or designee dismisses a formal complaint pursuant to these Procedures, the Title IX Coordinator or designee will consider whether the conduct alleged in the formal complaint violates other provisions of the Policy and any other University or campus policies, procedures, or conduct codes.

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

If the alleged conduct would not violate the Policy, the Title IX Coordinator or designee will dismiss the formal complaint with regard to that conduct (mandatory dismissal).

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

4. Appeal of Dismissal of Formal Complaint

If a formal complaint is dismissed, either party may appeal. To file an appeal of the dismissal, the complainant or respondent must submit the written appeal to the Title IX Coordinator or designee within **five business days** of the Notice of Complaint and Dismissal. The appeal must include an explanation as to why the alleged misconduct, if true, would violate the Policy and why the formal complaint should not be dismissed. An administrator within the OE, separate from the Title IX Coordinator or decision-maker for the initial dismissal, will consider the appeal and issue a determination in writing to both parties either upholding the appeal or overturning the dismissal within **five business days**.

C. Notice of Allegations and Investigation

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

The OE requests that the respondent contact the investigator(s) within five business days of the issuance of the notice to schedule a meeting. If, in the course of an investigation, a complainant alleges additional violations or the Title IX Coordinator or designee decides to investigate additional allegations about the complainant or respondent that are not included in the initial Notice of Allegations, the OIEC will issue an Amended Notice of Allegations to both parties.

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

1. The identity of the parties involved in the incident;
2. The specific section(s) of the Policy allegedly violated;

3. The conduct allegedly constituting Prohibited Conduct;
4. The date and location of the alleged incident, to the extent known and available;
5. Information about the University's grievance process;
6. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
7. Information about the provisions that prohibit knowingly making false statements or knowingly submitting false information during the grievance process;
8. Information that the parties have equal opportunity to inspect and review evidence; and
9. Information that the complainant and respondent may have an advisor of their choice, including an attorney. The advisor may not engage in any conduct that would constitute harassment or retaliation against any person who has participated in an investigation and may be denied further participation for harassing or retaliatory conduct.

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

D. General Investigation Process

The OE's grievance process and Procedures provide for equitable resolution of any formal complaint of Prohibited Conduct within an **average of 90 calendar days**, except that such time frame may be extended for good cause with prior written notice to the complainant and respondent of the delay and reason for the delay. The OE will also provide the complainant and respondent with regular written updates on the status of the investigation throughout the process until conclusion. A formal grievance process includes four major stages: (1) filing and evaluation of the formal complaint, (2) investigation, investigative report, (3) hearing and determination regarding responsibility (including sanctions, if applicable), and (4) appeal, if applicable and described below.

1. Investigators

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

Investigations will be conducted by staff who are appropriately trained and have qualifications and experience that will facilitate a prompt, fair, equitable and impartial resolution. The Title IX Coordinator or designee shall ensure that OE Investigators and other members involved in the formal grievance process will receive annual training on issues related to sexual assault, intimate partner abuse, stalking, sexual harassment, and retaliation. The Title IX Coordinator or designee shall determine if one or more Investigators shall be assigned to each case depending on the specific circumstances and as warranted.

a. Outside Investigators

The Title IX Coordinator or designee may also designate other individuals (either from within the University, including an administrator, or from outside the University) to conduct or assist with an investigation. Circumstances which may warrant such outside resolutions include, but are not limited to, conflict of interest, allegations of bias, or workload. The Title IX Coordinator or designee retains the discretion to determine whether the use of outside investigator(s) is warranted and reasonable given the circumstances and information known at the time. Outside investigator(s) shall have adequate training, qualifications, and experience that will, in the judgment of the Title IX Coordinator or designee, facilitate a prompt, fair, and impartial resolution. Any outside investigator(s) designated to address an allegation must adhere to the requirements of these Procedures and confer with the Title IX Coordinator or designee on a regular basis about the progress of the investigation.

2. Formal Investigative Process

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

a. Information Gathering During Investigation

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

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

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

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

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

Parties may suggest questions to be posed by the investigator(s) during interviews to other parties and/or witnesses during the course of the investigation. The investigator(s) may decline to ask a question when the question is not reasonably calculated to lead to the discovery of probative evidence, when the probative value is outweighed by the danger of unfair prejudice, or in consideration of undue delay or needless presentation of cumulative evidence. Questions about a complainant's

prior sexual history are normally not probative and will be asked only when directly relevant to the incident where the alleged Prohibited Conduct occurred. See Section II.

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

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

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

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

Information may be developed during the course of the investigation that indicates additional Policy violations to those initially identified in the Notice of Allegations and Investigation. In such circumstances, the investigator shall review such additional potential violations with the Title IX Coordinator or designee, who shall assess whether reasonable cause exists to believe the respondent engaged in the newly-discovered Prohibited Conduct. If so, the Title IX Coordinator or designee shall send a written Amended Notice of Investigation which includes relevant additional information.

Preliminary and Final Investigation Reports may be submitted to the Office of University Counsel to review for legal sufficiency.

b. Preliminary Investigation Report

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

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

The complainant(s) and respondent(s) will have the opportunity to respond to the information in the preliminary investigation report with further

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

- Provide any additional information that they believe is relevant to the investigation or to seek clarification from the investigator on aspects of the draft investigation report;
- Identify any new witnesses who should be interviewed (including a description of what topics/issues the witness should be asked to address and why this is necessary for the investigation);
- Identify any additional evidentiary materials that should be collected and reviewed to the extent that such items are reasonably available (e.g., text messages, social media postings, etc.), understanding that the investigator lacks the power to subpoena evidence; and,
- Identify any information that they believe was inappropriately included or excluded in the draft report.

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

The parties will have at least **10 business days** to submit a written response to the preliminary investigation report to the investigator(s). The investigator(s) will consider the parties' responses, if any, prior to completing the final investigative report.

Where the investigator(s) receive information that warrants further investigation or review, the investigator(s) may extend the investigation in order to collect additional information. If an investigation is extended for this purpose, the parties will be notified in writing. Following such an extended investigation, the investigator(s) will issue an amended preliminary investigation report to include newly gathered information being considered.

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

c. Extension Request - Response to Preliminary Investigation Report

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

d. Requests to Inspect the Investigative File

Requests to inspect directly related information gathered by the investigator(s) can be made at any time during the investigative process.

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

e. Final Investigation Report

After the preliminary investigation report has been reviewed by the parties, and following the completion of any additional investigation if applicable, the investigator(s) will incorporate any responses to the preliminary investigation report to create the final investigation report. This report will fairly summarize relevant evidence without reaching any findings of fact or conclusions.

The final investigation report will be provided to each party and their advisor(if any) and shared with the Title IX Coordinator and Hearing Officer at least ten business days prior to the hearing for the parties' review and response and for the purpose of the live hearing.

E. Hearing and Determination Regarding Responsibility

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

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

Upon notice that a party needs an advisor, the OE will endeavor to assign an advisor at least **ten business days** prior to the scheduled pre-hearing conference so the advisor may prepare. The advisor provided by the OE to conduct cross-examination on behalf of that party may be, but is not required to be, an attorney.

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

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

1. Pre-Hearing Conference

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

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

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

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

2. Hearing Decorum

The Hearing Officer is responsible for maintaining an orderly, fair, and respectful hearing. The Hearing Officer will direct the order of the proceeding and may engage in direct questioning of parties and witnesses during the hearing.

The Hearing Officer has broad discretion and authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the offending individual. The following rules apply:

- Advisors must be respectful of all participants and the hearing process. Abusive, intimidating, and harassing conduct will not be tolerated;
- Advisors may only make objections to questions on the grounds of relevance or to assert a privilege. Advisors must signal for the Hearing Officer's attention, calmly state their objection, and wait for a determination;
- Repetitive or redundant questioning may be deemed both lacking in relevancy and harassing;
- Should an advisor need to confer with their party, they may request that the Hearing Officer grant them a recess. A mid-hearing conferral may not exceed 10 minutes. Every effort should be made to conduct conferrals privately and to not be overly disruptive;
- Parties and advisors may not create audio or audiovisual recordings of the hearing;
- Advisors and parties must acknowledge the rules of decorum in advance of a hearing, including an acknowledgement that failure to abide by the rules may result in adjournment of the hearing and a postponement until the party whose advisor failed to abide by the rules may secure a new advisor.

3. Cross-Examination Procedure

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

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

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

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

4. Submission to Cross-Examination

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

- Title IX Sexual Misconduct: If a party or witness does not submit to cross-examination at the live hearing, the Hearing Officer must not rely on any statement of that party or witness in reaching a determination regarding responsibility.
- Sexual Misconduct: The Hearing Officer is not required to exclude or disregard any prior statement based on a party or witness who does not submit to cross-examination at the live hearing, and may instead decide how much weight to give the prior statements, weighed in light of all the evidence in the case and the issues to be decided.

5. Determination Regarding Responsibility

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

In applying the preponderance of the evidence standard, the Hearing Officer and panelists, if applicable, may consider both direct and circumstantial evidence. The Hearing Officer and panelists, if applicable, may determine the credibility of parties and witnesses and the weight to be given their statements, taking into consideration their means of knowledge, strength of memory and opportunities for observation, the reasonableness or unreasonableness of their statements, the consistency or lack of consistency of their statements, their motives, whether their statements are contradicted or supported by other evidence, any evidence of bias, prejudice or conflict of interest, and the person's manner and demeanor when providing statements.

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

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

The written determination must include:

- Identification of the allegations potentially constituting Prohibited Conduct;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

- Findings of fact supporting the determination;
- Conclusions regarding the application of the Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the University imposes on the respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided by the University to the complainant; and
- The University's Procedures and permissible bases for the complainant and respondent to appeal.

In cases resulting in no Policy violation, the OE will provide the written determination to the parties simultaneously after it is prepared by the Hearing Officer. Both parties have the opportunity to appeal the written determination regarding responsibility. See Section VI(H).

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

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

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

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

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

F. Sanctioning Process for Student Respondents

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

1. Student Sanctioning Board

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

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

a. Factors Considered in Sanctioning

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

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

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

b. Possible sanctions

Sanctions may include one or more of the following:

- **Warning/Written Reprimand:** A warning/written reprimand is a written statement from the Board or designee that the behavior was inappropriate and that more serious action will be taken should subsequent infractions occur.
- **Educational Sanctions:** The student may be required to attend a class, evaluation, or program (e.g., alcohol or anger management classes or training on sexual misconduct or protected-class discrimination and harassment). This is not an exhaustive list but should serve as a reference for the types of educational sanctions that may be imposed.
- **Meeting with the OE Coordinator of Remedies and Protective Measures or designee:** The student may be required to meet with a University official to review the terms of the sanction and ensure compliance prior to eligibility to apply for readmission, as applicable.
- **Residence Hall Reassignment:** A student who resides in a residence hall is assigned to a different residence hall room or floor.
- **Residence Hall Termination:** A student's residence hall agreement is terminated through the OE process, and the student is prohibited from residing in any University residence on either a permanent or temporary basis. Specific exclusion from the residence halls may also be imposed.

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

G. Sanctioning Process for Employee Respondents

In cases where the Formal Grievance Process results in a determination that an employee respondent is responsible for a Policy violation or acted inappropriately or unprofessionally, the matter will be referred, with the written determination (prior to the inclusion of the sanction), to the appointing/disciplinary authority. If the respondent is a student employee and the alleged misconduct occurs outside the employment capacity, the OE may determine that the respondent's supervisory upline has a legitimate need to know information related to the case resolution. Any applicable sanctioning meeting pursuant to these Procedures does not replace any additional meetings that may be required under other applicable personnel processes (e.g., State Personnel Board Rules for

classified employees; Professional Rights and Duties procedure and Privilege and Tenure process for faculty).

1. OE's formal recommendation to disciplinary authority

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

a. Factors Considered in Sanctioning

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

2. Sanction Required

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

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

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

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

Potential sanctions include:

- **Letter of Expectation/Reprimand:** A warning/written letter of expectation or reprimand is a statement from the disciplinary authority that the behavior was inappropriate and that more serious disciplinary action will be taken should subsequent infractions occur.
- **Mandatory Training:** The employee may be required to attend a training, class, or program as relevant to the misconduct.
- **Demotion:** The employee is demoted from their current position.
- **Job Duty Modifications:** The disciplinary authority may modify the employment responsibilities of the employee.
- **Reduction in Salary/Ineligibility for Merit Increases:** The employee's salary is reduced either permanently or temporarily, or the employee is not eligible for merit increases either permanently or temporarily.

- **Ineligibility for Rehire:** The employee is no longer eligible for employment at the University.
- **Exclusion:** The employee is denied access to all or a portion of University property. When an employee is excluded from University property, that employee may be permitted on University property for limited periods and specific activities with the permission of the University official or designee who imposed the exclusion. Should the employee enter University property without permission, police may charge the employee with trespass.
- **Termination of Employment Contract or Termination of Employment:** Pursuant to applicable laws and policies specific to the employee's status, the disciplinary authority recommends or terminates employment.
- **Additional Sanctions:** The disciplinary authority has the discretion to impose any additional sanctions that may be warranted and appropriate given the circumstances of the case.

H. Appeals

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

Basis for appeal of a determination regarding responsibility:

- To determine whether there were procedural irregularities that affected the outcome of the matter;
- If new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter;
- The Title IX Coordinator, investigators, or Hearing Officer, and panelists, if applicable, had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

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

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

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

1. How to File an Appeal and Timeframe

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

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

2. Extension Request

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

3. Appeals Process and Appeals Board

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

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

4. Appeal Decisions

Upon review of the appeal, the Appeal Board may:

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

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

I. Policy Education Remedies

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

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

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

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

For allegations that would warrant a Formal Grievance Process, but the OE proceeded with a Policy Education Meeting because the complainant requested privacy or that no investigation or disciplinary action be taken and that request could be honored consistent with the factors and obligations of the OE as set forth in Section III, the OE will notify the complainant of the ability to end the Policy Education Meeting process at any time and to commence or resume a Formal Grievance Process.

Responsibilities of the Title IX Coordinator

The Title IX Coordinator is responsible for overseeing reports of Prohibited Conduct and identifying and addressing any patterns or systemic problems that arise during review of those reports.

Each campus shall designate and provide notice of the name, title, office address, telephone number, and email address for the campus Title IX Coordinator and any designated Deputy Coordinators.

Title IX Coordinator:

Karey Krohnfeldt, Title IX Coordinator & Director of Title IX Office of Equity
Lawrence Street Center
Campus Box #187
1380 Lawrence Street, 12thFloor
Denver, CO 80217
Phone: 303-315-2567
Email: equity@ucdenver.edu

Additional information about OE staff can be found at:

CU Denver (<https://www1.ucdenver.edu/offices/equity/about-us/meet-the-team/>)

CU Anschutz Medical Campus (<https://www1.ucdenver.edu/offices/equity/about-us/meet-the-team/>)

For all matters within the scope of the Policy, at a minimum, each campus Title IX Coordinator shall be specifically responsible and have delegated authority from the Chancellor for implementing the Policy. Subject to the Title IX Coordinator's ultimate responsibility and authority, the Title IX Coordinator may further delegate responsibility and authority for the following functions:

1. Ensuring that reports of Prohibited Conduct are being handled appropriately and in a timely manner;
2. Overseeing adequate, reliable, and impartial investigations of reports of Prohibited Conduct;
3. Evaluating whether a formal complaint should proceed over a complainant's decision to not move forward pursuant to Section V.C.4 of the Policy;
4. Evaluating whether a formal complaint must be dismissed for jurisdictional bases;
5. Referring matters for further action or discipline for inappropriate or unprofessional conduct under other applicable policies or procedures even if a Policy violation is not found. No provisions of the Policy shall be construed as a limitation upon the authority of the appointing/disciplinary authority to initiate disciplinary action for inappropriate or unprofessional conduct;
6. Facilitating supportive measures for all parties;
7. Ensuring broad publication of the campus complaint process and Procedures, including posting the process and the Procedures on an appropriate campus website;
8. Providing an annual report to the President and the appropriate campus Chancellor documenting: (a) the number of reports or formal complaints of alleged violations of the Policy; (b) the categories (i.e., student, employee, or other) of the parties involved; (c) the number of Policy violations found; (d) the number of appeals taken and the outcomes of those appeals; and (e) examples of sanctions imposed for Policy violations;
9. Reviewing and confirming that the relevant Policy statements of the campus Annual Security Report pursuant to the Clery Act are consistent with the Policy and campus complaint process and Procedures;
10. Monitoring campus compliance with this Policy;
11. Ensuring there is ongoing training and education regarding reporting and preventing sexual misconduct for all students, faculty and staff;
12. Ensuring that Title IX Coordinators, investigators, and decision-makers are thoroughly trained.
13. Maintaining records and related documentation of compliance with the Policy, including, but not limited to, retaining copies of any training documentation, tracking student and employee training participation, documenting each step of the campus complaint process and Procedures, including supportive measures, investigation, hearing, sanctioning, and appeal; and
14. Ensuring broad dissemination of the statement that the University shall not discriminate on the basis of sex in employment or in its education programs and activities.

Student Right to Know and Disclosure Information

Website: <https://www.cuanschutz.edu/student/resources/right-to-know>
(<https://www.cuanschutz.edu/student/resources/right-to-know/>)

Crime Statistics

In compliance with the federal Student Right-to-Know and Campus Security Act, the Auraria Campus publishes crime statistics on campus in the Auraria Campus Clery Report. In an emergency, please contact Auraria Campus Police at 303-556-5000 or dial 911 from a campus phone.

Persistence and Completion Data

Section 103 of Title 1 of Public Law 101-542 as amended by Public Law 102-26 (the Federal "Student Right-to-Know" Act) requires that institutions produce and make available to current and prospective students the completion rate of first-time, full-time, degree-seeking undergraduate students entering the institution. Six years after entering, 40 percent of the fall 2008 cohort graduated.

CU Denver's one-year fall-to-fall retention rate is 75 percent for the fall 2012 cohort. That is, of the first-time, full-time, degree-seeking undergraduate students who entered the university in fall 2012, 75 percent were enrolled at the Denver Campus in fall 2013 at the end of the term.

Voluntary System of Accountability (VSA) data indicate that the 2008 Denver Campus first-time, full-time, degree-seeking freshman cohort has an overall 4-year success rate of more than 80%, with 21% retained at another institution, 40% retained at CU Denver, nearly 15% graduated from CU Denver, and another 5.6% received degrees elsewhere.

Riot Law (Student Riot Bill)

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 12 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 12 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 under (2) of this section, regarding students involved in riot.

Sex Offender Information (Campus Sex Crimes & Prevention Act)

Sex offenders are required to list the locations of all institutions of post-secondary education where they volunteer or are enrolled or employed. The Colorado Bureau of Investigation maintains a database identifying all such persons and makes it available to all law enforcement agencies in which jurisdiction the institution of postsecondary education is located. The campus community can obtain this information by contacting the Auraria Police Department at 303-556-5000.

Voter Registration (National Voter Registration Act)

In compliance with the National Voter Registration Act, the state of Colorado voter registration application form and information is available online at www.sos.state.co.us/pubs/elections/ (<http://www.sos.state.co.us/pubs/elections/>) or www.fec.gov/votregis/vr.shtml (<http://www.fec.gov/votregis/vr.shtml>)

University System Policies

Phone: 303-860-5711

Website: <https://www.cu.edu/ope> (<https://www.cu.edu/ope>)

The University of Colorado System Office of Policy and Efficiency (<https://www.cu.edu/ope/>) - with input from system and campus policy owners - develops, oversees and maintains the University's system wide policy-making process; facilitates the development, review, approval, and maintenance of University-wide policies.

Policies include:

- Intercampus Enrollment and Tuition
- Adopting Standards for Intercampus Transfer of Credits
- Sexual Misconduct, Intimate Partner Violence, and Stalking
- Digital Accessibility