

CHANGES ARE TOO EXTENSIVE TO DO A REDLINE



ADMINISTRATIVE POLICY STATEMENT

1 **Policy Title:** Sexual Misconduct, Intimate Partner Abuse, and Stalking

2 **APS Number:** 5014 **APS Functional Area:** **COMPLIANCE**

3
4 **Brief Description:** Prohibits sexual misconduct (hostile environment harassment, intimate partner abuse
5 including dating violence or domestic violence, quid pro quo harassment, sexual assault,
6 sexual exploitation and stalking) and related violations (failure to report, providing false
7 or misleading information, interference with reporting, failing to comply with orders or
8 sanctions and related retaliation)

9 **Effective:** August 1, 2024

10 **Approved by:** President Todd Saliman

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12 **Responsible University Officer:** [Vice President of Compliance and Equity](#)

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14 **Responsible Office:** Offices of Equity

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16 **Policy Contact:** Offices of Equity

17 **Supersedes:** Sexual Misconduct, Intimate Partner Violence and Stalking Policy, September 2, 2021

18 **Last Reviewed/Updated:** August 1, 2024

19 **Applies to:** All campuses. The system administration is considered a campus for the purposes of this
20 policy and is required to adopt any campus requirements stated herein.

21 **Reason for Policy:** This Policy is intended to comply with the requirements of all applicable federal and
22 state civil rights and nondiscrimination laws, their implementing regulations, and the Laws of the Regents.
23 The information contained within this Policy is intended to provide information to members of the
24 university community and is not intended to, nor does it, create an express or implied contract between the
25 university and community members.

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27 **I. INTRODUCTION AND POLICY STATEMENT**

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29 At the University of Colorado (“university”), our vision pursuant to [Regent Policy 10.A](#) (“Diversity,
30 Equity, and Inclusion”) is to be a premier, accessible, and transformative public research university
31 that has diverse and inclusive working and learning environments woven into the fabric of our entire
32 organization. Such environments are crucial to promoting academic excellence, most notably
33 outstanding teaching, learning, research, creative work, meaningful community engagement, and
34 culturally responsive health care.

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36 This Sexual Misconduct, Intimate Partner Abuse and Stalking Policy (“Policy”) prohibits
37 discrimination and harassment on the basis of sex, and related violations. Sex discrimination includes
38 discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual

orientation, and gender identity consistent with [Regent Law Article 8A](#). This Policy is intended to ensure equal access to the academic and professional experiences at the university, defines prohibited conduct and reporting obligations, and provides information regarding campus support services for involved parties.

The university must have an office at each campus and a Title IX Coordinator with specialized expertise to address allegations of prohibited conduct under this Policy in a manner that safeguards the dignity and rights for all involved. The Equity Offices and respective Title IX Coordinator at each campus below implement this Policy and administer related campus procedures:

- CU Boulder
- CU Denver | Anschutz
- CU System Administration
- UCCS

Anyone who encounters an issue or seeks guidance related to this Policy should consult with a campus Equity Office. University employees who are Responsible Employees (mandatory reporters) must promptly report allegations of prohibited conduct, as further outlined in the Policy. It is also critical that anyone who may have been the target of, or who has experienced, prohibited conduct in the context of university educational programs, activities, or employment, feel free to report their concerns without fear of retaliation.

All members of the university community enjoy freedom of speech as guaranteed by the United States Constitution, Colorado Constitution, and [Regent Law, Article 1.E](#). This Policy is intended to protect members of the campus community from prohibited conduct, not to regulate protected speech. The university also recognizes academic freedom, as defined in [Regent Law, Articles 5.B and 7.C](#), and this Policy will not be interpreted to prohibit conduct that is legitimately related to course content, teaching methods, research, or scholarship, or the expression of political and academic views of students and faculty.

The university also prohibits protected class discrimination and harassment pursuant to the [Administrative Policy Statement 5065](#) and requires the removal of direct evaluative authority in amorous relationships pursuant to [Administrative Policy Statement 5015](#). Any person who has experienced protected class discrimination and harassment in the context of a university educational programs, activities, or employment or needs to report an amorous relationship for removal of the direct evaluative authority should also report this to the campus Equity Office.

II. PROHIBITED CONDUCT

A. Sexual Misconduct

This Policy prohibits sexual misconduct and sex-based harassment. Sex-based harassment means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. *To report information or make a complaint about conduct that may violate this Policy, individuals may contact their campus Equity Offices above.*

Each of the following categories of sex-based harassment are prohibited and could be charged as potential violations of this Policy in a formal adjudication:

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88 1. **Hostile Environment harassment:** Unwelcome sex-based conduct that, based on the totality
89 of the circumstances, is subjectively and objectively offensive and is so severe or pervasive
90 that it limits or denies a person’s ability to participate in or benefit from the university’s
91 education program or activity (i.e., creates a hostile environment). For purposes of this
92 Policy, “sex-based” conduct includes any hostile environment based on sex, gender, gender
93 identity, gender expression, sexual orientation or pregnancy.

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95 Whether a hostile environment has been created is a fact-specific inquiry that includes
96 consideration of the following:

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98 (i) The degree to which the conduct affected the complainant’s ability to access the
99 university’s education program or activity;
100 (ii) The type, frequency, and duration of the conduct;
101 (iii) The parties’ ages, roles within the university’s education program or activity,
102 previous interactions, and other factors about each party that may be relevant to
103 evaluating the effects of the conduct;
104 (iv) The location of the conduct and the context in which the conduct occurred; and
105 (v) Other sex-based harassment in the university’s education program or activity.
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- 107 2. **Intimate Partner Abuse (Dating/Domestic Violence)** An act or threatened act of violence
108 upon a person with whom the actor is or has been involved in an intimate relationship.
109 Intimate relationship means a relationship between spouses, former spouses, past or present
110 unmarried couples, or persons who are both the parents of the same child regardless of
111 whether the persons have been married or have lived together at any time. Domestic
112 violence also includes any other crime against a person, or against property, including an
113 animal, or any municipal ordinance violation against a person, or against property, including
114 an animal, when used as a method of coercion, control, punishment, intimidation, or revenge
115 directed against a person with whom the actor is or has been involved in an intimate
116 relationship.
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- 118 3. **Quid Pro Quo harassment:** An employee, agent, or other person authorized by the
119 university to provide an aid, benefit, or service under the university’s education program or
120 activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service
121 on a person’s participation in unwelcome sexual conduct.
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- 123 4. **Sexual assault:** Any attempted or actual sexual act directed against another person,
124 without consent* (see below) of the victim, including instances where the victim is
125 incapable of giving consent. This includes:
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- 127 a. **Rape:** the penetration, no matter how slight, of the vagina or anus, with any body part
128 or object, or oral penetration by a sex organ of another person, without the consent of
129 the victim. This offense includes the rape of all persons and is properly applied
130 regardless of the age of the victim if the victim did not consent or if the victim was
131 incapable of giving consent.
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- 133 b. **Nonconsensual Sexual Contact:** Touching of another person’s body, or forcing a
134 person to touch another person’s body, for the purpose of sexual gratification, without

the consent* (see below) of the person being touched or being forced to touch someone else's body.

- c. **Statutory Rape:** sexual intercourse with a person who is under the statutory age of consent if the victim consented and the offender did not force or threaten the victim. Under Colorado law, a person under the age of 15 cannot legally consent to sex with someone who is 4 or more years older than they are. A person who is 15 or 16 cannot legally consent to sex with someone who is more than 10 years older.
 - d. **Incest:** sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
5. **Sexual exploitation:** Taking or attempting to take non-consensual* (see below) or abusive sexual advantage of another for one's own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. For example, sexual exploitation could include but is not limited to such actions as (1) prostituting another person; (2) taking possession of the intimate personal property of another person without that person's consent; (3) recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness; (4) distributing images (e.g., video, photograph) or audio of another person's sexual activity, private body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure; (5) viewing or listening to another person's sexual activity, private body parts, or nakedness in a place where that person would have a reasonable expectation of privacy; or (6) knowingly transmitting a sexually transmitted infection to another person.
6. **Stalking:** engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
- (i) Fear for the person's safety or the safety of others; or
 - (ii) Suffer substantial emotional distress

* Consent means affirmative consent, which is unambiguous and voluntary agreement to engage in a specific sexual activity. Consent is clear, knowing, and voluntary words or actions that create mutually understandable clear permission of willingness to engage in, and the conditions of, sexual activity. Consent must be active; silence by itself cannot be interpreted as consent. Consent is not effectively given if it results from the use of force, including threats or intimidation, or if it is from someone who is incapacitated:

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

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

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

- A person who does not want to consent to sex is not required to resist.
- Consent to some forms of sexual activity does not automatically imply consent to other forms of sexual activity.
- Silence, previous sexual relationships, or the existence of a current relationship do not imply consent.
- Consent cannot be implied by attire or inferred from the giving or acceptance of gifts, money, or other items.
- Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly.
- Withdrawal of consent can be manifested through conduct and need not be a verbal withdrawal of consent.
- In order to give effective consent, the person giving consent must be of legal age under Colorado law for the purposes of determining whether there was a sexual assault.
- A respondent’s intoxication resulting from intentional use of alcohol or drugs will not function as a defense to engaging in sexual activity without an individual’s consent.

B. Related Violations

This Policy prohibits violations related to sexual misconduct and sex-based harassment. *To report information or make a complaint about conduct that may violate this Policy, individuals may contact their campus Equity Offices above.*

Each of the following actions are violations related to sex-based harassment, are prohibited, and could be charged as potential violations of this Policy in a formal adjudication:

1. ***Failure to Comply with Orders or Sanctions:*** Not complying with orders of the Equity Office or other appropriate university officials related to this Policy, including but not limited to No-Contact Orders, Exclusion Orders, and Orders for Interim Suspension. Members of the university community must abide by and complete sanctions related to prohibited conduct.

- 232 2. **Failure to Report:** When (1) the Responsible Employee received information that a member
 233 of the university community was subjected to or committed an act of alleged prohibited
 234 conduct and (2) the Responsible Employee intentionally, knowingly, or recklessly
 235 disregarded the obligation to report, thus resulting in harm to a member of the university
 236 community. A Responsible Employee is defined below in Section II(E)(2). This provision
 237 will be applied in a manner that promotes the reporting of prohibited conduct and avoids
 238 disciplinary actions when Responsible Employees conscientiously discharge their reporting
 239 obligations.
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- 241 3. **Interference with Reporting:** Prohibiting or interfering with a Responsible Employee’s or
 242 any other person’s reporting to the Equity Office. A Responsible Employee is defined below
 243 in Section II(E)(2).
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- 245 4. **Providing False or Misleading Information:** When a person knowingly or recklessly
 246 provides false or misleading information to an Equity Office in the course of a resolution
 247 process. Making a report or providing information in good faith, even if the information
 248 reported is not later substantiated, will not constitute a violation of this Policy.
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- 250 5. **Retaliation:** Intimidation, threats, coercion, or discrimination against any person by the
 251 university, a student, or an employee or other person authorized by the university to provide
 252 aid, benefit, or service under the university’s education program or activity, for the purpose
 253 of interfering with any right or privilege provided by this Policy or because the person has
 254 reported information, made a complaint, testified, assisted, or participated or refused to
 255 participate in any manner in an investigation, proceeding, or hearing under this Policy
 256 including in an informal resolution process, grievance procedures, and in any other actions
 257 taken by a Title IX Coordinator or designee. Nothing in this definition or this part precludes
 258 the university from requiring an employee or other person authorized by the university to
 259 provide aid, benefit, or service under the university’s education program or activity to
 260 participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing
 261 under this part.
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263 **C. Options for Assistance and Reporting Following an Alleged Incident of Prohibited Conduct**
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265 When the university receives a report of prohibited conduct, whether it occurred on- or off-
 266 campus, the campus shall provide the individual with written notification of the following:

- 267 1. Reporting rights and options, including:
 - 268 a. To whom and how to report an alleged offense, including campus authorities and local
 269 law enforcement authorities;
 - 270 b. How to file a complaint;
 - 271 c. To be assisted by campus authorities in making a report; and
 - 272 d. To decline to notify such authorities.
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- 274 2. The importance of preserving evidence that may assist in proving that an alleged criminal
 275 offense occurred or may be helpful in obtaining a protection order;
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- 277 3. The method by which the individual can seek orders of protection, no-contact orders,
 278 restraining orders, or similar lawful orders issued by a court or other competent
 279 authority;

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4. Counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, availability of forensic nurses to administer forensic sexual assault nurse exams (“SANE”), and other services available for victims within the campus and the community; and
 5. Options for, and available assistance in, obtaining supportive measures, which are individualized measures to (1) restore or preserve an individual’s access to the university’s education program or activity, including measures designed to protect the safety of an individual or the university’s educational environment; or (2) provide support during the university’s grievance procedures or informal resolution process. Supportive measures are offered as appropriate and reasonably available, without fee or charge, and cannot unreasonably burden either the person alleging prohibited conduct or the person alleged to have engaged in prohibited conduct. This notification shall be made and supportive measures afforded regardless of whether the person who alleged prohibited conduct chooses to participate in an informal or formal resolution process or reports the alleged crime to law enforcement.

297 ***Reporting Options and Assistance for each campus:***

- 298 [CU Boulder](#)
- 299 [CU Denver | Anschutz](#)
- 300 [CU System Administration](#)
- 301 [UCCS](#)
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303 **D. Confidential Resources and Privacy**

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1. ***Confidential Employees/Independent Reporting Obligations:*** The university supports the use of confidential resources for all parties. Confidential employees are not required to report prohibited conduct under this Policy to the Title IX Coordinator or designee. A confidential employee must explain to an individual alleging prohibited conduct (1) their status as a confidential employee for purposes of this Policy and that they are not responsible employees who report to the Title IX Coordinator or designee; (2) how an individual may contact the Title IX Coordinator or designee and make a complaint under this Policy; and (3) that the Title IX Coordinator or designee may be able to offer and coordinate supportive measures, as well as initiate an informal or formal resolution process.

315 A person who is a confidential resource under this Policy may have an independent obligation to report some forms of criminal conduct to law enforcement officials.

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2. ***Confidential Resources:*** The links below provide information on how to contact the university’s confidential employees.

- 319 [CU Boulder](#)
- 320 [CU Denver | Anschutz](#)
- 321 [CU System Administration](#)
- 322 [UCCS](#)
- 323
- 324

325 Communications of prohibited conduct to a responsible employee are not confidential, and
 326 these employees must report prohibited conduct to the Title IX Coordinator or designee
 327 when it is disclosed to them.

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- 329 3. ***Privacy and Information Disclosure:*** The university will not disclose the identity of any
 330 individual involved in a complaint of prohibited conduct (parties or witnesses for example)
 331 except as may be permitted by prior written consent, required by law, or to carry out an
 332 informal or formal resolution or judicial proceeding related to this Policy. This may require
 333 sharing information, including identification information, between internal university offices.
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- 335 4. ***Requests Not to Proceed and Overriding Factors:*** If an individual has disclosed an incident
 336 of prohibited conduct, but wishes to maintain privacy and does not wish to initiate the
 337 informal or formal resolution process, the Title IX Coordinator or designee must discuss the
 338 availability of supportive measures with the individual, describe the process for filing a
 339 complaint, and explain that the university prohibits retaliation. The Title IX Coordinator or
 340 designee will further explain the steps the university will take to prevent retaliation if the
 341 individual participates in a grievance process and will take responsive action if it occurs.
 342

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

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- 352 a. The individual’s request not to proceed with initiation of a complaint;
- 353 b. The individual’s reasonable safety concerns regarding initiation of a complaint;
- 354 c. The risk that additional acts of prohibited conduct would occur if the complaint is not initiated;
- 355 d. The severity of the alleged prohibited conduct, including whether the prohibited
 356 conduct, if established, would require the removal of the person alleged to have
 357 committed the prohibited conduct or imposition of another disciplinary sanction to end
 358 the prohibited conduct and prevent its reoccurrence;
- 359 e. The age and relationship of the parties, including whether the person alleged to have
 360 committed the prohibited conduct is an employee of the university;
- 361 f. The scope of the alleged prohibited conduct, including information suggesting a pattern,
 362 ongoing prohibited conduct, or prohibited conduct alleged to have impacted multiple
 363 individuals;
- 364 g. The availability of evidence to assist a decisionmaker in determining whether the alleged
 365 prohibited conduct occurred;
- 366 h. Whether the university could end the alleged prohibited conduct and prevent its
 367 reoccurrence without initiating grievance procedures;
- 368 i. Whether the alleged prohibited conduct includes threats of further prohibited conduct;
- 369 j. Whether the alleged prohibited conduct was facilitated by the incapacitation of the
 370 person subjected to the alleged prohibited conduct;
- 371 k. Whether the person accused of prohibited conduct has been found responsible in legal or
 372 other disciplinary proceedings for acts of prohibited conduct;
- 373 l. Whether the alleged prohibited conduct was perpetrated with a weapon; or
- 374 m. Whether the person allegedly subjected to prohibited conduct is a minor;

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 376 If after considering these and other relevant factors, the Title IX Coordinator or designee
 377 determines that the conduct as alleged presents an imminent and serious threat to the health of
 378 safety of the individual alleging prohibited conduct or the safety of another person, or that the
 379 prohibited conduct as alleged prevents the university from ensuring equal access on the basis
 380 of sex, the Title IX Coordinator or designee may initiate a complaint. The decision to file a
 381 complaint by the Title IX Coordinator or designee and initiate the grievance process will be on
 382 a case-by-case basis after an individualized and review. Before initiating a complaint under
 383 this section, the Title IX Coordinator or designee must first notify the person alleging
 384 prohibited conduct and appropriate address reasonable concerns about their safety or the safety
 385 of others, including by providing supportive measures.
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 388 5. ***Findings of a Policy Violation:*** The university recognizes that third parties (either employers
 389 and/or institutions receiving transferring students) may have a legitimate interest in knowing
 390 whether a university employee or student has been found responsible for engaging in
 391 prohibited conduct. In the event that, after a grievance process and any rights of appeal have
 392 been completed, an employee or student has been found responsible for engaging in prohibited
 393 conduct, the university may confirm upon inquiry from a potential employer, licensing or
 394 credentialing agency, or institution that the employee or student has been found responsible for
 395 violating this Policy subject to applicable state and federal laws (e.g., Family Educational
 396 Rights and Privacy Act (FERPA)) regarding such disclosures. The university may also confirm
 397 upon inquiry than an investigation under this Policy is pending against an employee or student
 398 or that an employee or student resigned employment or withdrew while an investigation under
 399 this Policy was pending, again subject to applicable state and federal laws. As required by the
 400 Colorado Open Records Act, the university shall not release any records related to the
 401 investigation of prohibited conduct unless otherwise permitted by law.

402 E. Reporting Allegations of Prohibited Conduct

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 404 1. ***Purpose of Reporting:*** The university provides mechanisms for members of the university
 405 community to report allegations of prohibited conduct. Reporting allows the university to
 406 pursue resolution processes when appropriate and to inform those who have been involved of
 407 supportive measures and to facilitate access to those services. Reporting also allows the
 408 university to identify institutional risks, increase the effectiveness of its training programs, and
 409 identify the need for additional services that will protect the university community from harm.
 410 Reporting allegations of prohibited conduct is fundamental to its ability to provide a campus
 411 environment that allows equal access to educational and employment opportunities.
 412
 413 2. ***Responsible Employees Must Report Prohibited Conduct to the Title IX Coordinator or***
 414 ***Designee:*** Responsible Employees are defined as any employee who (1) has the authority to
 415 hire, promote, discipline, evaluate, grade, formally advise or direct faculty, staff, or students;
 416 (2) has the authority to take action to redress prohibited conduct; and/or (3) has been given the
 417 duty of reporting incidents of prohibited conduct by the Title IX Coordinator. The Title IX
 418 Coordinator may designate in campus procedures that certain individuals who might otherwise
 419 not be considered Responsible Employees are subject to mandatory reporting requirements.
 420 Responsible Employees must promptly report allegations of prohibited conduct as defined by
 421 this Policy to the Title IX Coordinator or designee. A “Failure to Report” as defined by
 422 Section II(B)(2) is considered prohibited conduct.
 423

- 424 a. Any Responsible Employee who witnesses or receives a written or oral report alleging that
425 a member of the university community has been subjected to or has committed an act of
426 prohibited conduct must promptly report the allegations to the Title IX Coordinator or
427 designee. Members of the university community include students, faculty, staff,
428 contractors, patients, visitors to campus, volunteers, Regents, and employees of affiliated
429 entities. Because the university may have the ability to address or prevent future prohibited
430 conduct, the obligation to report exists independently of whether the individual who was
431 subjected to or accused of prohibited conduct is currently enrolled or employed at the
432 university.
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- 434 b. The Responsible Employee is required to promptly report to the Title IX Coordinator or
435 designee all known details about the alleged prohibited conduct, including:
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- 437 i. Name(s) of the person allegedly subjected to the prohibited conduct;
 - 438 ii. Name(s) of person alleged accused of the prohibited conduct;
 - 439 iii. Name(s) of any alleged witnesses; and
 - 440 iv. Any other relevant facts, including the date, time, and specific location(s) of the alleged
441 incident.
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443 If the Responsible Employee is unable to provide this information at the time of making
444 an initial report, but later becomes aware of additional information, the Responsible
445 Employee must supplement the prior report.

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447 Responsible Employees employed by university law enforcement are required to report
448 pursuant to this section unless the information is otherwise excluded by state or federal
449 law (for example, identifying information for the person allegedly subjected to prohibited
450 conduct and/or information related to juveniles).

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- 453 c. In many instances, it may not be immediately apparent whether a person is a member of
454 the university community, whether the alleged prohibited conduct occurred on university
455 property or whether the alleged prohibited conduct occurred in the course of an
456 educational program or activity of the university. Rather than conduct their own inquiries
457 to determine whether these conditions exist, Responsible Employees should report
458 potential prohibited conduct to the Title IX Coordinator or designee to allow a
459 preliminary inquiry to occur.
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- 461 d. Responsible Employees are not required to report information disclosed during an
462 individual's participation as a subject in an Institutional Review Board-approved human
463 subjects research protocol. Institutional Review Boards may, in appropriate cases,
464 require researchers to provide reporting information to all subjects of Institutional
465 Review Board Research.
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- 467 e. Responsible Employees who receive information related to allegations of prohibited
468 conduct in the course of serving in their capacity as ombuds, as designated by the
469 university, are not required to report to the Title IX Coordinator or designee. Otherwise,
470 as a confidential employee, in the capacity as an ombuds, an employee must explain to an
471 individual alleging prohibited conduct (1) their status as a confidential employee for
472 purposes of this Policy and that they are not Responsible Employees who report to the
473 Title IX Coordinator or designee; (2) how an individual may contact the Title IX
Coordinator or designee and make a complaint under this Policy; and (3) that the Title IX

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Coordinator or designee may be able to offer and coordinate supportive measures, as well as initiate an informal or formal resolution process. These Responsible Employees must report alleged prohibited conduct disclosed to them when they are not serving in their capacity as ombuds.

- f. Responsible Employees who receive information related to an allegation of 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 or designee. As confidential employees, these employees must explain to an individual alleging prohibited conduct (1) their status as a confidential employee for purposes of this Policy and that they are not Responsible Employees who report to the Title IX Coordinator or designee; (2) how an individual may contact the Title IX Coordinator or designee and make a complaint under this Policy; and (3) that the Title IX Coordinator or designee may be able to offer and coordinate supportive measures, as well as initiate an informal or formal resolution process. These Responsible Employees must report allegations of 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.
 - g. A Responsible Employee does not satisfy the reporting obligation by reporting alleged prohibited conduct to a supervisor or university personnel other than the Title IX Coordinator or designee.
 - h. Responsible Employees are not required to report allegations of prohibited conduct to which they have been personally subjected to the Title IX Coordinator or designee, but they are nonetheless encouraged to report.
3. **Other Employees:** All employees who are not confidential employees (see Section II(D)(1)) or Responsible Employees (see Section II(E)(2)) must provide the following information to any person who discloses to them information about prohibited conduct: (1) the contact information of the Title IX Coordinator or designee; and (2) information about how to make a complaint of prohibited conduct.

Contact information for the Title IX Coordinators and how to make a complaint for each campus are listed below:

- Campus Title IX Coordinators
- CU Boulder
- CU Denver | Anschutz
- CU System Administration
- UCCS

- 518 4. *Employees who are designated Campus Security Authorities (CSA):* Employees who are a
519 designated CSA have additional obligations under the Clery Act to report certain criminal
520 offenses under the law that occur on university property for statistical purposes. See the links
521 below for Clery resource and information:
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523 [CU Boulder](#)
524 [CU Denver | Anschutz](#)
525 [UCCS](#)
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527 **F. Designation and Responsibilities of Title IX Coordinator**

528 The Title IX Coordinator or designee in the Equity Office is responsible for overseeing complaints
529 of prohibited conduct and identifying and addressing any patterns or systemic problems that arise
530 during review of those complaints. The Title IX Coordinator or designee must also monitor the
531 university’s program or activities for barriers to reporting prohibited conduct and take steps
532 reasonably calculated to address such barriers.

533 Each campus shall designate and provide the name, title, office address, telephone number and
534 email address for the campus Title IX Coordinators and any designated Deputy Title IX
535 Coordinators.

536 The Title IX Coordinator or designee in the Equity Office is responsible for overseeing complaints
537 of prohibited conduct and identifying and addressing any patterns or systemic problems that arise
538 during review of those complaints. The Title IX Coordinator or designee must also monitor the
539 university’s program or activities for barriers to reporting prohibited conduct and take steps
540 reasonably calculated to address such barriers.
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542 For all matters within the scope of this Policy, at a minimum, the Title IX Coordinator or
543 designee in the Equity Office, shall be specifically responsible and have delegated authority
544 from the Chancellor or President for implementing this Policy and to take actions to promptly
545 and effectively end any prohibited conduct in the university’s programs or activities, prevent its
546 recurrence and remedy its effects generally and for any persons subjected to prohibited conduct.
547 To that end and subject to the Title IX Coordinator’s ultimate responsibility and authority, the
548 Title IX Coordinator may further delegate responsibility and authority for following functions:
549

- 550 1. Providing notice of resolution procedures to parties and ensuring that complaints of
551 prohibited conduct are handled appropriately and in a timely manner;
- 552 2. Initiating and overseeing adequate, reliable, and impartial resolutions of complaints of prohibited
553 conduct as appropriate and requested by the parties as applicable and ensuring that parties are treated
554 equitably;
- 555 3. Evaluating any request for privacy by a person allegedly subjected to prohibited conduct
556 pursuant to Section II(D)(4)(override provision);
- 557 4. Evaluating whether a complaint should be dismissed on jurisdictional bases pursuant to Section
558 II(G);
- 559 5. Referring matters for further action or discipline for inappropriate or unprofessional conduct
560 under other applicable policies or procedures even if a prohibited conduct violation is not

561 found. No provision of this Policy shall be construed as a limitation upon the authority of the
562 disciplinary authority, under applicable policies and procedures, to initiate disciplinary action;

- 563 6. Offering and coordinating supportive measures for all parties either before or during the
564 resolution process as applicable;
- 565 7. Ensuring broad publication of the campus complaint process and procedures, including posting
566 the process and procedures on an appropriate campus website;
- 567 8. Creating an annual report documenting a) the number of reports or complaints of alleged
568 violations of this Policy; b) the categories (e.g. students, faculty, staff) of parties involved; c)
569 the number of Policy violations found; d) the number of appeals taken and the outcomes of
570 those appeals; and e) examples of sanctions imposed for Policy violations;
- 571 9. Reviewing and confirming that the relevant policy statements of the campus Annual Security
572 Report pursuant to the Clery Act are consistent with this Policy and campus complaint process
573 and procedures;
- 574 10. Ensuring there is ongoing training and education regarding reporting and preventing prohibited
575 conduct for all students, faculty and staff;
- 576 11. Ensuring that Title IX Coordinators, investigators, and decision-makers are thoroughly trained;
- 577 12. Maintaining records and related documentation of compliance with this Policy, including, but
578 not limited to, retaining copies of any training documentation, tracking student and employee
579 training participation, documenting each step of the campus complaint process and procedures,
580 including supportive measures and resolutions; and
- 581 13. Ensuring broad dissemination of the statement that the university shall not discriminate on the
582 basis of sex in employment or in its education programs and activities.

584 **G. Title IX Coordinator and Equity Office Jurisdiction to Conduct Preliminary Inquiry**
585 **and Further Action**
586

- 587 1. This Policy applies to all members of the university community, including students, faculty,
588 staff, contractors, patients, volunteers, affiliated entities, Regents and other third parties.
589 Subject to any rights of appeal, any person found responsible for engaging in prohibited
590 conduct as defined in this Policy may be subject to disciplinary action, up to and including
591 expulsion or termination of employment. The university will consider what potential actions
592 should be taken, including contract termination or property exclusion, regarding third-party
593 conduct alleged to have violated this Policy, but those options may be limited depending on the
594 circumstances of the affiliation.
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- 596 2. This Policy applies to conduct that occurs on campus. This Policy also applies to off-campus
597 conduct, including online or electronic conduct, in the following circumstances:
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 - 599 a. If the person accused of prohibited conduct is affiliated with the university;
 - 600 b. If the conduct occurred in the context of an employment or education program or activity
601 of the university; or
 - 602 c. In all other cases not falling under (a) or (b), the Title IX Coordinator or designee will
603 consider the degree of the university's control over the persons(s) accused of prohibited

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conduct, the relationship between the parties, the affiliation of the person allegedly subject to prohibited conduct, and assess the surrounding circumstances of the alleged conduct for the presence of the following factors:

- i. Targets or causes harm to an individual connected with the university;
- ii. Threatens violence against the person(s) allegedly subjected to prohibited conduct or others and there is reasonable fear that such further conduct could target or cause harm to someone connected with the university;
- iii. Is of a violent nature or was frequent or severe;
- iv. Prior or current similar complaints about the person(s) accused of prohibited conduct or the person(s) has a known history or records from a prior school indicating a history of violence;
- v. Use of, or threat to use, a weapon, access to or attempts to access weapons, or a history of bringing weapons to the university;
- vi. Multiple persons allegedly subjected to prohibited conduct or persons accused of prohibited conduct.
- vii. The person allegedly subjected to prohibited conduct is a minor;
- viii. Whether the alleged prohibited conduct reveals a pattern of perpetration at a given location or by a particular group; and/or
- ix. 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 exercise jurisdiction for off-campus conduct that does not fall under (a) or (b) above. The Title IX Coordinator or designee is solely authorized to determine whether this Policy applies to alleged prohibited conduct and whether the university has jurisdiction to take any action pursuant to this Policy.

III. GRIEVANCE PROCESS AND PROCEDURES

A. Grievance Procedures for all Complaints of Prohibited Conduct

For all complaints involving any party (for example, student, faculty, or staff) of prohibited conduct (sexual misconduct, Section II(A) and related violations, Section II(B)), each campus shall establish written grievance procedures providing for the prompt and equitable resolution of the complaints as follows:

- CU Boulder (Resolution Procedures, Sections [])*
- CU Anschutz | Denver (Resolution Procedures, Sections [])*
- CU System (Resolution Procedures, Sections [])*
- UCCS (Resolution Procedures, Sections [])*

B. Grievance Procedures and Hearing Requirements for Complaints of Sexual Misconduct Involving Students¹

In addition to the grievance procedures required for all complaints of prohibited conduct, each campus shall establish grievance procedures that also include a hearing for the prompt and equitable resolution of any complaint of sexual misconduct, Section II(A) (hostile environment harassment, intimate partner abuse, quid pro quo harassment, sexual assault, sexual exploitation, or stalking) that also involves a student (as a complainant or respondent) as follows:

- CU Boulder (Resolution Procedures, Sections [])*
- CU Anschutz / Denver (Resolution Procedures, Sections [])*
- CU System (Resolution Procedures, Sections [])*
- UCCS (Resolution Procedures, Sections [])*

C. Reports Involving Two or More Campuses

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

IV. RECORDKEEPING

The university maintains the following records for at least seven years:

- A.** For each complaint of prohibited conduct, records documenting the informal or formal resolution process.
- B.** For each notification the Title IX Coordinator or designee receives of information about conduct that reasonably may constitute prohibited conduct, records documenting the actions the university took to respond promptly and effectively.
- C.** All materials used to provide training to all employees, investigators, decisionmakers and other persons responsible for implementing the grievance procedures, facilitators of informal resolution processes and the Title IX Coordinator and designees. The university shall make these training materials available upon request for inspection by members of the public.

¹ The student can be either a complainant or respondent. When a complainant or respondent is both a student and an employee of the university, the Title IX Coordinator or designee must make a fact-specific inquiry to determine whether the requirements of this section apply. In making this determination, the Title IX Coordinator or designee must, at a minimum, consider whether the party’s primary relationship with the university is to receive an education and whether the alleged prohibited conduct occurred while the party was performing employment-related work.

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V. RELATED POLICIES

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

B. [APS 5065 Protected Class Nondiscrimination Policy](#)

VI. HISTORY

Adopted: June 5, 1989 - University Policy on Sexual Harassment; Revised: November 14, 1996; July 1, 1999; July 1, 2003 (renamed Sexual Harassment Policy and Procedures); July 1, 2009; July 20, 2012; November 29, 2012 (correction to strike Section IV.G. which was not shown in final version for July 20, 2012); July 1, 2015 (renamed Sexual Misconduct); October 1, 2018 (renamed Sexual Misconduct, Intimate Partner Abuse and Stalking); August 14, 2020 (renamed to Sexual Misconduct, Intimate Partner Violence, and Stalking); September 2, 2021; Last Reviewed: August 1, 2024

Approved and Reviewed By: President Todd Saliman

Effective Date: August 1, 2024

Author: Vice President of Compliance and Equity

