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Colorado Springs

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Office of Institutional Equity (OIE) Resolution Procedures

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The University of Colorado Colorado Springs (UCCS or University) does not discriminate on the basis of race, color, national origin, sex, age, disability, creed, religion, veteran status, marital status, political affiliation, political philosophy, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity and gender expression.

The information contained within the Office of Institutional Equity (OIE) Resolution Procedures is intended to provide general information to members of the University community and is not intended to, nor does it, create a contract between the OIE or UCCS and community members. The OIE reserves the right to change or eliminate any of the language herein at its discretion and without notice.

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Office of Institutional Equity

I. Overview and Mission Statement

The Office of Institutional Equity (OIE)'s mission is to foster a safe, inclusive, accessible, and nondiscriminatory environment for all members of the UCCS community. To achieve this mission, the OIE promotes equal access to educational and employment activities utilizing a comprehensive and integrated approach and treats everyone with respect and dignity. The OIE supports prevention education, incident reporting, supportive and safety measures, reasonable accommodations (including those related to disability, pregnancy and pregnancy-related conditions, lactation, and religion), and facilitates fair and unbiased case resolutions.

II. Purpose and Scope

A. Legal Compliance

The OIE Resolution Procedures (“Resolution Procedures”) are intended to comply with the requirements of the following federal and state laws, their implementing regulations, and related agency guidance, including:

- The Constitution of the United States (and Amendments), the State of Colorado Constitution (and Amendments), and Colorado Revised Statutes (CRS), including Title 23 (re: University of Colorado), and Article 8: Laws of the Regents
- Equal Pay for Equal Work Act (CRS § 8-5-101, et. seq.)
- Publication of Change (Name changes) (CRS § 8-13.5-102, et. seq.)
- Civil Rights Act of 1964, including Titles VI, and VII; and the Colorado Anti-discrimination Act of 1979 (CADA) (C.R.S. § 24-34-301, et seq.)
- Creating a Respectful and Open World for Natural Hair Act (CROWN) (2020 and Amendment 2024)
- Title IX of the Education Amendments (1972)
- Rehabilitation Act (1973) Sections 503 and 504
- Vietnam Era Veterans Readjustment Assistance Act (1974)
- Uniformed Services Employment and Reemployment Rights Act (1994)
- Family Educational Rights and Privacy Act (FERPA) of 1974 (and the Higher Education Amendments of 1998)
- Age Discrimination Act (1975), and Age Discrimination in Employment Act (1976)
- Discriminatory or unfair employment practices (CRS § 24-34-402, et. seq.)
- Pregnancy Discrimination Act (1978), Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act (2022), Colorado Workplace Accommodation for Nursing Mother’s Act (2008), Colorado Pregnant Workers Fairness Act (2016), Pregnant Workers Fairness Act

(2023), and Right of Nursing Mothers to Express Breastmilk in Workplace – Private Location – Discrimination Prohibited (CRS § 8-13.5-104, et. seq.)

- Americans with Disabilities Act of 1990 (Amendments Act of 2008)
- The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (1991)
- Violence Against Women Act (1994) and Reauthorization Act of 2022
- Colorado Anti-Discrimination Act (1979), and Protecting Opportunities and Workers’ Rights Act (POWR Act, 2023)

B. Policy Administration

The Resolution Procedures apply to the following policies (“Applicable Policies”):

1. Protected Class Nondiscrimination Policy¹

This policy Prohibits protected class discrimination on the basis of race, color, national origin, sex, age, disability, creed, religion, veteran status, marital status, political affiliation, political philosophy, pregnancy or related conditions, sexual orientation, gender identity and gender expression and related violations (failure to report, providing false or misleading information, interference with reporting, failing to comply with orders or sanctions and related retaliation).

2. Sexual Misconduct, Intimate Partner Abuse, and Stalking Policy²

This policy prohibits discrimination and harassment on the basis of sex. Specifically, this policy prohibits hostile environment harassment, intimate partner abuse, quid pro quo harassment, sexual assault, sexual exploitation, and stalking. The policy also prohibits retaliation and other related violations.

3. Conflict of Interest in Cases of Amorous Relationships Policy³

This policy requires that direct evaluative authority not be exercised in cases where amorous relationships exist or existed within the last seven years between two individuals, whether faculty members, students, administrators, or staff.

The Applicable Policies prohibit discriminatory and harassing conduct, as well as conflicts of interest in amorous relationships (“Prohibited Conduct”).

III. General Jurisdiction

The Applicable Policies apply to all students, faculty, staff, contractors, patients, volunteers, affiliated

¹ University of Colorado Protected Class Nondiscrimination Policy (APS 5065), online at [APS 5065 - Protected Class Nondiscrimination | University of Colorado \(cu.edu\)](#)

² University of Colorado Sexual Misconduct, Intimate Partner Abuse and Stalking Policy (APS 5014), online at <https://www.cu.edu/ope/aps/5014>

³ University of Colorado Conflict of Interest in Cases of Amorous Relationships Policy (APS 5015), online at <https://www.cu.edu/ope/aps/5015>

entities, and other third Parties. 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. [Refer to Section VII.A.](#)

For the purposes of these Resolution Procedures, refer to [Section XIV](#) for a list of all defined terms. The following are key terms referenced throughout:

- **Complainant:** an individual who is alleged to be subjected to prohibited conduct under any Applicable Policy.
- **Respondent:** An individual who is accused of prohibited conduct under any Applicable Policy.
- **Witness:** Any individual who may have information relating to a matter being investigated by OIE.
- **Participants:** Complainant, Respondent, and any witnesses or other third Parties participating in an OIE resolution process.
- **Party:** Complainant or Respondent and collectively referred to as “Parties.”

A. Concurrent Investigations, Proceedings, and Referrals

Actions taken under the OIE Resolution 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(s). The OIE’s jurisdiction does not depend on whether criminal charges are filed. The OIE will not postpone resolving an allegation pursuant to these Resolution Procedures despite a simultaneous criminal or civil proceeding unless there are extenuating circumstances, as determined by the OIE. Dismissal of criminal charges or acquittal in a criminal case does not prevent the OIE from resolving an allegation of misconduct related to the Applicable Policies.

For Employees, any matters outside the jurisdiction of the Applicable Policies shall be referred to the appointing/Disciplinary Authority. For students, the Office of the Dean of Students (DOS) is the Disciplinary Authority and has jurisdiction for all other student conduct matters not listed herein. In the event that there are multiple potential charges or alternative investigation/resolution options, the OIE and the Disciplinary Authority/DOS shall have the discretion to jointly determine the most appropriate way to proceed. Options include concurrent investigations, joint investigations, deferring to the findings of one office, or using the investigation and findings of one office as the basis of further investigation by the other.

The University will consider what potential actions should be taken, including potential contract termination and/or property exclusion, regarding third-party conduct alleged to have violated the Applicable Policies, but those options may be limited depending on the circumstances of the arrangement.

When an alleged violation 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 resolution process 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 resolution process.

University Employees and students sometimes 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 entity; 3) defer to the findings of a resolution process by 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 Associate Vice Chancellor/Title IX Coordinator or designee. In all circumstances, students and University Employees are welcome to contact the OIE to request or discuss campus and community resources.

B. Jurisdictional Stipulations

There is no time limitation for reporting a concern or making a complaint to the OIE; however, the OIE's ability to address the reported concern may be limited by the University's degree of control over a Respondent at the time the report is received. The OIE will address the alleged prohibited conduct in accordance with the policy that was in effect at the time of the alleged incident, and under the Resolution Procedures in effect when the report of the alleged prohibited conduct is received by the OIE.

Prohibited conduct alleged to have occurred before an individual became a student, faculty, staff, contractor, patient, volunteer, or affiliated entity with UCCS may be addressed through applicable supportive and safety measures, educational or adaptable measures, and resolution procedures as determined by the Associate Vice Chancellor/Title IX Coordinator or designee. The Associate Vice Chancellor/Title IX Coordinator or designee will consider whether the alleged prohibited conduct adversely affects the safety of, or equal access to, employment or education for any current UCCS community members.

After proper notice as provided for in this document, the failure of an individual to appear or respond to the OIE does not prevent the OIE from proceeding with or completing the investigation.

IV. Reporting

Call 911 in an emergency or if you have an immediate safety concern!

Prohibited Conduct may be reported to the OIE by anyone, and should be reported to the OIE as soon as possible.

Participation in an OIE resolution process is not required for anyone to request or receive information about resources or services that may help with their experience or circumstances.

The most up-to-date information on reporting prohibited conduct, accessing confidential resources, maintaining evidence, and getting medical attention can be found at: <https://equity.uccs.edu/reporting-oie>

A. Reporting to OIE

To notify the OIE of alleged conduct prohibited by the Applicable Policies, to request supportive measures related to such conduct, or to initiate an OIE resolution process, contact the OIE directly.

Office of Institutional Equity (OIE)

1420 Austin Bluffs Pkwy., Main Hall 312

Colorado Springs, CO 80918

Office phone: 719-255-4324

E-mail: equity@uccs.edu

Website: <https://equity.uccs.edu>

Online reporting form: <https://equity.uccs.edu/reporting-oie>

Associate Vice Chancellor of Institutional Equity/Title IX Coordinator

Laura Emmot

Direct phone: 719-255-3725

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A Complainant may self-report their experience to the OIE but is NOT required to do so. To encourage student reporting and remove potential barriers to student reporting, minor infractions by student Complainants, student Respondents, or student witnesses, will not be subject to disciplinary action under the Student Code of Conduct.

B. Responsible Employees Required Reporting to OIE

“Responsible Employees” *are required* to report conduct prohibited under the Applicable Policies *directly to the OIE*. Responsible Employees are defined as 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; and/or (3) has been given the duty of reporting incidents of prohibited conduct by the Associate Vice Chancellor/Title IX Coordinator. Responsible Employees are required to promptly report to the OIE all known details about the alleged prohibited conduct, including (as known):

- name(s) of the Complainant(s);
- name(s) of the Respondent(s);
- name(s) of any alleged witnesses; and
- 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.

The Associate Vice Chancellor/Title IX Coordinator has designated ALL UCCS Employees, including Student Employees, as “Responsible Employees.”

Communications of alleged prohibited conduct to a Responsible Employee are not confidential, and these Employees must report alleged prohibited conduct to the Associate Vice Chancellor/Title IX Coordinator or designee when it is disclosed to them. Exceptions to this designation are limited to Employees in their capacity of providing confidential services, as described in [Section V\(B\)](#) of these Resolution Procedures.

If an individual discloses alleged prohibited conduct to a Responsible Employee, the Responsible Employee must report the allegations to the OIE. A Responsible Employee does not satisfy their reporting obligation by reporting to a supervisor or other University personnel other than the OIE or Associate Vice Chancellor/Title IX Coordinator or designee. A Responsible Employee may be identified as a party or witness in an OIE resolution. Responsible Employees are encouraged to inform the individual of the Responsible Employee’s obligations to report the allegations to the OIE. The Responsible Employee is also encouraged to share the contact information of the Associate Vice Chancellor/Title IX Coordinator with the individual. Responsible Employees shall NOT inform an alleged Respondent of the report to OIE without prior consultation with the Associate Vice Chancellor/Title IX Coordinator or designee.

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).

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 must report potential Prohibited Conduct to the Associate Vice Chancellor/Title IX Coordinator or designee to allow a Preliminary Inquiry to occur.

Employees who are a designated Campus Security Authority (CSA) have additional obligations under the Clery Act to report certain criminal offenses under the law that occur on University property for statistical purposes. The OIE staff are designated as CSAs. More information about Clery reporting obligations is available at: <https://asr.uccs.edu/annual-security-and-fire-safety-report>.

Additionally, when a student, or a person who has a legal right to act on behalf of the student, informs any University Employee of the student’s pregnancy or related conditions, the Employee is required

to:

- 1) promptly inform the student of the Associate Vice Chancellor/Title IX Coordinator's contact information, and,
- 2) inform the student of the Associate Vice Chancellor/Title IX Coordinator's ability to coordinate specific actions to prevent discrimination and ensure the student's equal access to the University's education program or activity.

Even if an individual who discloses an incident of alleged prohibited conduct wishes to maintain privacy and requests that no resolution process be pursued, that no disciplinary action be taken, or that the allegation not be reported to law enforcement, the Responsible Employee remains required to report all relevant information to the Associate Vice Chancellor/Title IX Coordinator or designee, who will explain that the University prohibits retaliation and that the University will not only take steps to prevent retaliation, but will also take strong responsive action if it occurs.

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

Disclosures that occur during public events are encouraged to be reported to the OIE so that, when possible, the disclosing party and others, as appropriate, can receive information about reporting, supportive measures, resources, and resolution options. In cases where a Complainant is not identified, the Associate Vice Chancellor/Title IX Coordinator or designee will consider the circumstances of the report and whether other action is necessary to preserve the safety of any individuals or the campus community.

C. Confidential Reporting

Confidential Employees are *not required* to report Prohibited Conduct to the Associate Vice Chancellor/Title IX Coordinator or designee. Further, 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 Associate Vice Chancellor/Title IX Coordinator or designee.

However, confidential Employees and Responsible Employees who receive information related to prohibited conduct in the course of providing professional services within a privileged relationship **must** explain to an individual alleging prohibited conduct:

- (1) their status as a confidential Employee for purposes of the Applicable Policies and that they are not Responsible Employees who have a mandatory reporting obligation to the Associate Vice Chancellor/Title IX Coordinator or designee; or
- (2) their status as a Responsible Employee who is providing professional services within a privileged relationship that exempts them from mandatory reporting obligations; and

- (2) how an individual may contact the Associate Vice Chancellor/Title IX Coordinator or designee and make a complaint under the Applicable Policies; and
- (3) that the Associate Vice Chancellor/Title IX Coordinator or designee may be able to offer and coordinate supportive measures, as well as initiate a resolution process.

As described above, Responsible Employees must report prohibited conduct disclosed to them when they are not providing professional services within a privileged relationship.

Any Employee, confidential or otherwise, may also have independent professional obligations to report allegations of criminal conduct to law enforcement officials. Employees are welcome to consult with University Counsel to determine whether an independent reporting obligation exists.

Complainants may report confidentially via the following resources:

Students

- The Wellness Center (719) 255-4444
<https://www.uccs.edu/recwellness/wellness>

Employees

- Colorado State Employee Real Help Hotline: (833) 533-CHAT (2428)
- Colorado State Employee Assistance Program: (800) 821-8154 <https://cseap.colorado.gov>

ROTC

Members of the Army Reserve Officers' Training Corps (ROTC) program may also be eligible to confidentially report sexual misconduct and access services through the Sexual Harassment/Assault Response and Prevention (SHARP) program:

- 24/7 Hotline (voice/text): (202) 498-4009
[DPRR: SHARP \(army.mil\)](https://dprp:SHARP.army.mil) safehelpline.org

Medical Forensic Exam (MFE), Forensic Nurse Examiner (FNE), and Sexual Assault Nurse Examiner (SANE)

SANE and FNE professionals have specialized training to assist individuals who may have experienced sexual assault and dating and domestic violence. Adults 18 years and older who are not considered "at risk" under the law, can speak with an MFE, FNE, or SANE confidentially, and at no cost. Seeking medical support does not mean the assault is reported by medical staff to the police unless an individual requests that they report to police or if they are required to make a report by law. If an individual chooses for the police to be called or the medical staff must make a mandated report, individuals do not have to speak with the police or give their names. For additional information and resources, including reporting options, visit:

<https://youhavetherightco.org/>



Anyone who has experienced domestic violence or a sexual assault can obtain a medical forensic examination at:

UC Health Memorial Hospital Central

1400 E. Boulder Street
Colorado Springs, CO 80909
(719) 365-5000

<https://www.uhealth.org/locations/uhealth-memorial-hospital-central/>

D. Reporting to Law Enforcement

Complainants have the right but are not required to report to law enforcement simultaneously with a report to the OIE. The OIE can assist Complainants in reporting to law enforcement for alleged prohibited conduct that may also be a criminal offense.

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

Contact information for University and local law enforcement is:

UCCS Police Department (PD) On-campus

(719) 255-3111 (non-emergencies)

<https://police.uccs.edu/> and [UCCS Safe App](#)

Colorado Springs Police Department (CSPD) Off Campus

911 (emergency only)

(719) 444-7000 (non-emergencies)

[Colorado Springs Police Department | City of Colorado Springs](#)

E. Protection Orders or Similar Lawful Orders

Complainants who are interested in obtaining protection orders, or any other order issued by a court, must pursue those options on their own behalf. More information about protection order rules and laws in Colorado is located on the [Colorado Judicial Branch website](#), which includes a link to [instructions for obtaining a civil protection order](#) and other forms.

UCCS complies with Colorado law in recognizing protection orders. Any person who obtains protection orders from Colorado or any other state should provide a copy to the UCCS PD and the Associate Vice Chancellor/Title IX Coordinator or designee.

F. Preservation of evidence

It is important to preserve any evidence so that if a Complainant decides at any point in time to

report the incident, that evidence may be used in an OIE resolution and/or criminal or other investigation. In addition to supporting a person's health and wellbeing, medical examinations can be critical in obtaining physical evidence. It is important to note that physical evidence degrades over time. In cases of sexual or other physical assault, it is ideal to receive a medical examination within three days of the incident. If this is not possible, a person who has experienced sexual or other assault is still encouraged to seek medical treatment and potential evidence collection. *A lack of evidence does not preclude an investigation from taking place.*

Examples of evidence to preserve include, but are not limited to:

- clothing worn or removed at the time of the incident.
- bedding (as applicable) from the time of the incident).
- correspondence discussing the incident; this could be with the Respondent, or with friends, family, or other individuals, and can include:
 - text messages, e-mail, social media messages/posts or screenshots, other written correspondence, phone records.
- photographs, videos, video surveillance.⁴
- journal, diary, calendar entries.
- names of witnesses and contact information.

V. Privacy, Confidentiality, and Overriding Factors

Privacy and confidentiality have distinct meanings.

A. Privacy

“Privacy” generally means that information related to a report of alleged prohibited conduct may be shared with a limited number of individuals who “need to know” in order to assist in the active review, adjudication, or resolution of the report, and related issues. All University Employees who are involved in a potential response receive specific training and guidance about safeguarding private information in accordance with applicable laws. Access to personnel records is restricted in accordance with University policy and state law.

1. Family Educational Rights and Privacy Act of 1974

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.

FERPA, as amended by the Higher Education Amendments of 1998, governs access to records, and information from within those records, pertaining to students that are maintained by the University including OIE. Pursuant to FERPA, the University may

⁴ The University's ability to collect video surveillance from University or other cameras, and other records of access may be limited by terms of retention of the records' custodian, and the timeframe in which the allegation is reported to OIE. If you do not want to report an allegation, but you believe there is relevant video footage that you would like the University to preserve, please contact the OIE to discuss this option.



disclose records and information pertaining to a student with the student's written consent.

Even in absence of student consent, FERPA authorizes University officials who demonstrate a legitimate educational need to have access to relevant OIE records and information pertaining to students that are necessary to perform their duties for the University.

Even in absence of written consent or a request otherwise from a student, FERPA authorizes the University to provide records and information pertaining to students to parent(s) who provide proof that their child student is a dependent as defined under the Internal Revenue Code. A copy of the last federal income tax return listing the student as a dependent may serve as proof of dependency and allow the University to provide parent(s) with access to such records maintained by OIE, to the extent determined appropriate by the Associate Vice Chancellor/Title IX Coordinator or designee.

Except as otherwise specified in this document or a pending health or safety emergency as defined under FERPA, student records and information are private and the OIE will not disclose student records or information to any entity or person outside the University without proper written authorization from the student, a court order, subpoena, or as otherwise required by law or authorized government agency.

Under FERPA, students have a right to review and inspect records that directly pertain to them. Students who would like to review such records maintained by the OIE must submit the request to the Associate Vice Chancellor/Title IX Coordinator in writing. The OIE will comply with a properly submitted student request within a reasonable time period not to exceed 45 days, as provided by FERPA, unless otherwise authorized by law. Additional requests to inspect a file may be limited to only allow the inspection of records once every 45 days.

2. Disclosure of Policy Violations or Pending Investigations

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, or licensing or credentialing agency or institution, that the Employee or student has been found responsible for violation of this Policy subject to applicable state and federal laws (e.g., Family Educational Rights and Privacy Act) regarding such disclosures. The University may also confirm upon inquiry that an investigation under this Policy is pending against an Employee or student or that an Employee or student resigned employment or withdrew while an investigation under this Policy was pending, again subject to applicable state and federal laws.

3. Colorado Open Records Act

As a public entity, the University is subject to the Colorado Open Records Act (CORA), C.R.S. §24-72-2014, *et.seq.*, and is legally obligated to comply with any CORA requests that pertain to OIE records.

B. Confidentiality

“Confidential” 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, designated victim advocates, attorneys, and ordained clergy, all of whom normally have privileged confidentiality that is recognized by Colorado state law. These individuals are prohibited from breaking confidentiality unless (1) given permission to do so by the person who disclosed the information; (2) there is an imminent threat of harm to self or others; (3) the conduct involves suspected abuse of a minor under the age of 18; or (4) as otherwise required or permitted by law or court order.

The University supports the use of confidential resources as listed in [Section XIII.A](#) so that Complainants and Respondents can provide information confidentially and still receive supportive or safety measures as necessary through the Associate Vice Chancellor/Title IX Coordinator or designee. Communications with these confidential resources are confidential to the extent permitted by statutory law. Confidential resources are exempt from mandatory reporting pursuant to the policies.

C. Overriding Factors (Obligation to Provide a Safe and Nondiscriminatory Environment)

In response to alleged prohibited conduct, the OIE will make a reasonable effort to meet with the Complainant to discuss the availability of supportive measures, confidential and other resources, resolution options, and explain that the University prohibits retaliation.

If, having been informed of the University’s prohibition of retaliation and its obligations to prevent and respond to retaliation, the Complainant would like to maintain privacy, requests that no resolution process be conducted, or no disciplinary action be taken, the Associate Vice Chancellor/Title IX Coordinator or designee will weigh that request against the University’s obligation to provide a safe, nondiscriminatory environment for all students, faculty, and staff.

In making that determination, the Associate Vice Chancellor/Title IX Coordinator or designee will consider a range of potentially overriding factors through an Individualized Safety and Risk Analysis that would cause the OIE to initiate a resolution process:

1. Individualized Safety and Risk Analysis

- The Complainant’s request not to proceed with the initiation of a complaint or resolution



process;

- The Complainant's reasonable safety concerns regarding initiation of a complaint;
- The risk that additional acts of sex discrimination or other prohibited conduct would occur if a complaint is not initiated;
- The severity of the alleged sex discrimination or other prohibited conduct, including whether the discrimination or other prohibited conduct, if established, would require the removal of the Respondent from campus or imposition of another disciplinary sanction to end the discrimination or other prohibited conduct and prevent its recurrence;
- Use of, or threat to use, a weapon, access to or attempts to access weapons, or a history of bringing weapons to the University;
- Whether the alleged prohibited conduct was facilitated by the incapacitation of the Complainant (through alcohol, drugs, disability, unconsciousness, or other means);
- The age and relationship of the Parties, including whether the Respondent is an Employee of the University;
- The scope of the alleged sex discrimination or other prohibited conduct, including information suggesting a pattern, ongoing sex discrimination or other prohibited conduct, or sex discrimination or other prohibited conduct alleged to have impacted multiple individuals; and, whether any other aggravating circumstances or signs of predatory behavior are present.
- The location of the alleged incident(s);
- The availability of evidence to assist a decision-maker in determining whether sex discrimination or other alleged prohibited conduct occurred;
- Whether the University could end the alleged sex discrimination or other prohibited conduct and prevent its recurrence without initiating its grievance procedures;
- Whether the alleged prohibited conduct includes threats of further prohibited conduct;
- Use of, or threat to use, a weapon, access to or attempts to access weapons, or a history of bringing weapons to the University;
- Whether the Respondent has been found responsible in legal or other disciplinary proceedings for acts of prohibited conduct; or
- Whether the Complainant is a minor.

Before initiating a resolution under this section, the Associate Vice Chancellor/Title IX Coordinator or designee, will make a reasonable attempt to first notify the Complainant and appropriately address reasonable concerns about their safety or the safety of others, and implement appropriate supportive measures.

Nothing in this section limits the Associate Vice Chancellor/Title IX Coordinator or designee from responding to the alleged prohibited conduct in a manner other than a Formal Grievance Process, when determined to be in the best interests of the safety of Complainant/s and the campus, and which serves to remedy the effects of the alleged prohibited conduct and prevent recurrence. Options include, but are not limited to: 1) providing supportive and/or safety measures, 2) conducting an Adaptable Resolution Process, 3) referral to other offices, 4) providing targeted or broad-based educational programming or training, or 4) consulting with other University officials

as appropriate, including, but not limited, to UCCS PD, the Office of the Dean of Students, the Campus Assessment Response and Evaluation (CARE) Team, or Human Resources to determine if other action is necessary to maintain campus safety and order, and/or to address any imminent or serious threat to a Complainant, other individuals, or campus. Additionally, nothing in the Individualized Safety and Risk Analysis limits the ability of a Disciplinary Authority to initiate or impose disciplinary action as necessary, and in accordance with relevant University policies and procedures.

If the OIE honors the Complainant's request for privacy, the University's ability to meaningfully address the incident may be limited and disciplinary action may not be possible.

VI. Supportive and Safety Measures

Supportive and safety measures ("supportive measures") are individualized measures designed to (1) restore or preserve an individual's access to the University's education or employment program or activity, including measures to protect the safety of an individual or the University's educational or work environment; or (2) provide support during an OIE resolution process. Supportive measures are offered as appropriate and reasonably available, without fee or charge, and cannot unreasonably burden any involved party. Supportive measures will be provided to the applicable party(ies) and afforded regardless of participation in an OIE resolution process or reports of an alleged crime to law enforcement.

Supportive measures, as defined above, may involve temporarily restricting a Respondent's access to University programs and activities (Emergency Removal).

Complainants, Respondents, and other Parties involved in an OIE resolution may request supportive measures from the Associate Vice Chancellor/Title IX Coordinator or designee. The Associate Vice Chancellor/Title IX Coordinator or designee will maintain oversight of these requests and the provision of any supportive measures. Additionally, Parties may request modification or termination of a supportive measure applicable to them if their circumstances change materially.

Whether supportive measures are appropriate is determined by the Associate Vice Chancellor/Title IX Coordinator or designee after an Individualized Safety and Risk Assessment (refer to [Section V\(C\)\(1\)](#)), and every effort should be made to avoid depriving any student or Employee of access to their educational or employment activities. Supportive measures may be kept in place, lifted, or modified as additional information is obtained; or, they may be extended indefinitely, as appropriate.

A. Supportive measures

Supportive measures that may be available include, but are not limited to:

- academic services (extensions of deadlines or other course-related adjustments, arranging



for a party to re-take a course, excusing related absences, or withdrawing from a class without penalty);

- support with extra-curricular modifications or related adjustments;
- support in accessing medical services;
- support in accessing counseling or other confidential services;
- support with employment modifications (such as changes to schedule or location);
- campus safety escort services and/or increased security and monitoring of certain areas of campus;
- transportation/parking modifications;
- mutual or individual no-contact orders enforced by the University;
- provision of information for obtaining a protection order through the court system;
- leaves of absence;
- adjustments, modifications, or refund related to campus housing or residency (as applicable);
- training and education programs related to sex-based harassment and other prohibited conduct under the Applicable Policies; and
- Emergency Removals, pursuant to [Section VI\(B\)](#).

B. Safety Measures (Emergency Removal)

The University may remove a Respondent from an education program or activity on an emergency basis after the University:

- 1) undertakes an Individualized Safety and Risk Analysis (refer to [Section \(V\)\(C\)\(1\)](#));
- 2) determines that an imminent threat to the health or safety of any students or other individuals arising from the allegations of misconduct under an Applicable Policy justifies removal; and
- 3) provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.⁵

Emergency removals are done in accordance with other applicable policies and processes, including as administered by the Office of the Dean of Students (for student Respondents) and/or Human Resources (for Employee Respondents). Emergency Removals may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, or the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 *et seq.* The OIE must initiate the Formal Grievance Process before or within a reasonable timeframe after an Emergency Removal has been determined an appropriate course of action.

⁵ When a Complainant or Respondent is both a Student and an Employee, the University will consider whether the Party's primary relationship with the University is to receive an education and whether the alleged misconduct occurred in the context of their employment.

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

- Interim student suspension.
- Interim exclusion order for parts of or entire campus (residence halls, classes, etc.)⁶
- Administrative Leave
 - Decisions to place a non-student Employee on administrative leave during the pendency of an [OIE Formal Grievance Process](#) are made in consultation with Chief Human Resource Officer or designee and appointing/Disciplinary Authority.
- Temporary suspension of supervisory or evaluative authority for Employees in consultation with the Chief Human Resource Officer or designee and appointing/Disciplinary Authority.

C. Implementation of Supportive Measures

The OIE may, as appropriate, modify or terminate supportive measures at the conclusion of a resolution process, or the recipient may continue them beyond that point.

The University will keep private any supportive measures provided, to the extent that maintaining such privacy will not impair the University's ability to provide the supportive measures. The Associate Vice Chancellor/Title IX Coordinator or designee may consult with other campus authorities or individuals whose assistance may be required in order to effectively implement supportive measures, including but not limited to appropriate leadership within departments that support students and/or Employees with matters regarding disability or other accommodations, academics, and employment. When implemented as part of a Formal Grievance Process, supportive measures may be considered as evidence during the investigation and hearing.

The OIE must not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the education program or activity, or when an exception applies:

- When the recipient has obtained prior written consent from a person with the legal right to consent to the disclosure;
- When the information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
- To carry out the Applicable Policies, including action taken to address prohibited conduct in the University's education program or activity;
- As required by Federal law, Federal regulations, or the terms and conditions of a Federal award, including a grant award or other funding agreement; or

⁶ See related campus policy, [UCCS 100-015 Campus Exclusions](#).

- To the extent such disclosures are not otherwise in conflict with the Applicable Policies, when required by State or local law or when permitted under FERPA, 20 U.S.C. 1232g, or its implementing regulations, 34 CFR part 99.

D. Appeal of Supportive Measures (including Safety Measures)

Impacted Parties will be provided written notice of decisions regarding case-specific supportive measures and will ensure that impacted Parties are afforded the opportunity to seek modification or reversal of the decision to provide, deny, modify, or terminate supportive measures that are applicable to them.

Appeals must be submitted to the Associate Vice Chancellor/Title IX Coordinator or designee in writing. *All supportive measures included in the initial Notice of Supportive Measures will remain in effect pending the outcome of any appeal.* An appeal must include a description of why the supportive measures implemented:

- 1) fail to restore or preserve an individual's access to the University's education or employment program, including measures to protect the safety of an individual or the University's educational or work environment;
- 2) fail to provide support during an OIE resolution process;
- 3) requires fee or charge;
- 4) unreasonably burdens any involved party.

The Associate Vice Chancellor/Title IX Coordinator will notify other involved Parties (as applicable) of the receipt of an appeal and refer the appeal to an appropriate trained University authority ("appeal officer"), who is someone other than the person that provided the supportive measures and has the authority to provide, deny, modify, or terminate them.

The appeal officer may decide to lift, uphold, or modify supportive measures. All decisions of the appeal officer are final and will be issued in writing to the appealing party(ies) within 14 days of receipt of the appeal. This 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.

VII. Introduction: Case Resolution Procedures

A. Types of Resolution Procedures

OIE Resolution processes include:

- Preliminary Inquiry
- Informational Report (document only)
- Adaptable Resolution Process (Informal Resolution)
 - Adaptable Resolution
 - Policy Compliance Education
- Formal Grievance Process

- Referrals and Other Remedies

A complaint of conduct prohibited under any of the Applicable Policies may be initiated verbally or in writing to the OIE.

OIE investigations are administrative in nature and are not criminal investigations. Participating in an OIE resolution as a Complainant, Respondent or witness is voluntary, although Responsible Employees are expected to provide information in accordance with their obligations to report conduct prohibited by the Applicable Policies to the OIE.

B. Resolution Process Officials

The OIE's Resolution Processes will be conducted by staff who are appropriately trained and have qualifications and experience that will facilitate prompt, fair, equitable and impartial resolutions. The Associate Vice Chancellor/Title IX Coordinator or designee shall ensure that OIE Resolution Process Officials, including investigators and appeal officers, receive annual training on the Applicable Policies and these Resolution Procedures, including the University's obligations for compliance with applicable laws and regulatory guidance, how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; evidence standards and what is "relevant," recordkeeping, and other training as relevant to the official's specific responsibilities. The Associate Vice Chancellor/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.

C. Participant Rights

Participants shall be afforded the following rights, with specific provisions of the applicable resolution process as noted:

1. The OIE shall treat Complainants and Respondents equitably;
2. Retaliation is prohibited, as defined in the Applicable Policies.
3. Resolutions shall be conducted by trained officials who do not have a conflict of interest or bias for or against the Complainant(s) or Respondent(s). An official shall recuse from participating in a resolution in those instances where the official believes that their impartiality might reasonably be questioned by an independent, neutral observer due to the official's personal bias or prejudice against the Complainant(s) or Respondent(s), 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;
4. Respondents are presumed *not responsible* for the alleged sex discrimination or other alleged prohibited conduct until a determination is made at the conclusion of a Formal Grievance Process; and, prior to the determination, the Parties will have an opportunity to present relevant

and not otherwise impermissible evidence to a trained, impartial decision-maker;

5. A process with reasonably prompt timeframes established for evaluation of a report or complaint, investigation, determination, and appeal (as applicable), that allows for reasonable extension of timeframes on a case-by-case basis for good cause, as discussed further below;
6. Reasonable steps taken by the OIE to protect the privacy of Parties and witnesses during the pendency of an investigation, provided the steps do not restrict the ability of Parties to: obtain and present evidence, including by speaking to witnesses, consult with their family members, confidential resources, or Advisors; or otherwise prepare for or participate in the investigation; and, reasonable steps to prevent and address the Parties' and their Advisors' unauthorized disclosure of information and evidence obtained solely through the Formal Grievance Process, including as related to alleged sex-based harassment or other Prohibited Conduct. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex-based harassment or other Prohibited Conduct are authorized;
7. An objective evaluation of all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence, including that credibility determinations must not be based on a person's status as a Complainant, Respondent, or witness;
8. The exclusion of the following types of evidence, and questions seeking that evidence, as impermissible (i.e., must not be accessed or considered, except by the recipient to determine whether an exception in paragraphs (i) through (iii) applies; must not be disclosed; and must not otherwise be used), regardless of whether they are relevant:
 - (i) Evidence that is protected under a privilege as recognized by Federal or State law or evidence provided to a confidential Employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
 - (ii) A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the recipient obtains that party's or witness's voluntary, written consent for use in the University's Resolution Procedures;and, in cases of alleged sexual misconduct,
 - (iii) Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred;

9. Consistent principles for how the University determines which procedures apply to the resolution of different kinds of complaints.
10. The same opportunity to receive Supportive Measures from OIE before, during, and after a resolution process;
11. The same opportunity to utilize an Advisor of their choosing, who may or may not be an attorney, advocate, or other support person throughout the process and in any meeting or proceeding. In order to protect the integrity of the investigation, an Advisor may not be a potential witness in the investigation, or individual who could otherwise compromise the investigation. During a meeting with the OIE, a party's Advisor, advocate, or support person may not speak on behalf of the party. The Advisor, advocate, or other support person 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;
12. Receive notice before they participate in any interview with the date, time, location, Participants, and purpose of all meetings or proceedings, with sufficient time to prepare for meaningful participation, including presentation of inculpatory and exculpatory evidence or information, and witnesses;
13. Timely and equal access to relevant information, case updates, and applicable Notices;
14. In the case of a Formal Grievance Process, Parties also have the right to review any OIE investigative summary and inspect the case file, which contains all information and evidence collected, including that which a decision-maker does not intend to rely on in reaching a determination, prior to any hearing (as applicable), and prior to the determination of any investigative findings, determination of responsibility, or conclusions, and unless prohibited or confidential under law gathered as part of the investigation;
15. In the case of a Formal Grievance Process, the opportunity to present expert witnesses;
16. In the case any sanctions are issued, Notice will include the basis upon which the sanction was determined, whether any party has a right of appeal and appeal requirements, and Parties will be provided the opportunity to present information about aggravating or mitigating circumstances prior to the sanction's implementation.

D. Investigators

While investigations will generally be conducted by OIE staff who are appropriately qualified and trained, the OIE may also designate other individuals (either from within the University, including an administrator), or from outside the University, to conduct or assist with a resolution. Circumstances which may warrant such outside resolutions include, but are not limited to, conflicts

of interest, allegations of bias, or workload. The Associate Vice Chancellor/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 available. Outside investigators shall have adequate training, qualifications, and experience that will, in the judgment of the OIE, facilitate a prompt, fair, and impartial resolution. Any outside investigator designated to address an allegation must adhere to the requirements of these Resolution Procedures and will confer with the Associate Vice Chancellor/Title IX Coordinator or designee on a regular basis about the progress of the resolution.

E. Timeframes for Complaint Resolution

The OIE is committed to providing a prompt, fair, and impartial resolution of all reports and complaints with timelines as follows:

- [Preliminary Inquiry](#): 30 days
- [Adaptable Resolution Process](#): 90 days
- [Formal Grievance Process](#):
 - Preliminary Inquiry: 30 days
 - Evidence gathering: 90 days
 - Hearing process, including virtual, live cross-examination, the Determination Regarding Responsibility, and any associated sanctions (applicable): 90 days
 - Appeals process: 30 days

These time frames may be extended for good cause with prior written notice to the Complainant and Respondent of the delay and reason for the delay. The University will provide the Complainant and Respondent (as applicable) with regular written updates on the status of resolution throughout the process until conclusion.

Good cause may exist for a variety of factors, including the complexity of the circumstances of each allegation, the integrity and completeness of the investigation, compliance with a request by law enforcement, concurrent law enforcement activity likely to produce materially relevant evidence, absences by the Parties, the availability of witnesses, the necessity to provide translation services or accommodations of a disability, University breaks or vacations, the necessity to access relevant and probative documentation that is not immediately available, or other legitimate reasons.

In order to deliver a reasonably prompt resolution, the Complainant and the Respondent each have an obligation to meet deadlines as requested by OIE during a Formal Grievance Process. Extensions of time shall only be granted for good cause shown, and the Parties shall be provided written notice of extensions or any delay, as applicable, and the reasons for any such extensions or delays. Non-participation by any party, and lack of evidence, does not preclude the OIE from proceeding to the next stage of the investigation process through to conclusion.

VIII. Preliminary Inquiry, Dismissal, Appeal of Dismissal, and Referral

A. Preliminary Inquiry

The OIE has the authority to conduct a preliminary inquiry upon receiving a report or complaint alleging Prohibited Conduct that would fall under the OIE’s jurisdiction. A preliminary inquiry may include, but is not limited to, evaluating whether the complaint implicates an Applicable Policy, whether the complaint and Parties are within the jurisdiction of the OIE, whether the allegations, if true, describe conduct that would violate an Applicable Policy, or whether the complaint presents a safety threat requiring the OIE to report the concern to law enforcement.

B. Dismissal

Prior to dismissing a complaint, the Associate Vice Chancellor/Title IX Coordinator or designee must make reasonable efforts to clarify the allegations with the Complainant, provide supportive measures to Complainant and Respondent as appropriate, and take other appropriate prompt and effective steps to ensure prohibited conduct does not continue or recur.

Upon dismissal, the Associate Vice Chancellor/Title IX Coordinator or designee must promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then the Associate Vice Chancellor/Title IX Coordinator or designee must also notify the Respondent in writing of the dismissal and the basis for the dismissal promptly following notification to the Complainant, or simultaneously if notification is in writing.

The Associate Vice Chancellor/Title IX Coordinator or designee must notify the Complainant that a dismissal may be appealed and provide the Complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the Respondent has been notified of the allegations, then the University will also notify the Respondent that the dismissal may be appealed.

Permissible Reasons for Dismissal:

- Inability to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in the University’s education program or activity and is not employed by the University;
- The Complainant voluntarily withdraws any or all of the allegations in the complaint in writing, the Associate Vice Chancellor/Title IX Coordinator or designee declines to initiate a complaint pursuant to an Applicable Policy, and the University determines that without the Complainant’s withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute prohibited conduct even if proven; or
- The University determines that the conduct alleged in the Complainant, even if proven, would not constitute prohibited conduct.

1. Appeal of Complaint Dismissal

If the OIE dismisses a complaint, the Complainant may submit an appeal to the Associate Vice Chancellor/Title IX Coordinator or designee within seven (7) days, explaining the



reason for appeal, on one or more of the following allowable bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; or
- The Associate Vice Chancellor/Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

Upon receipt of an appeal, the Associate Vice Chancellor/Title IX Coordinator will:

- Notify the applicable Parties of any appeal, including notice of the allegations;
- Implement appeal procedures equally for the Parties;
- Ensure that the decision-maker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decision-maker for the appeal has been trained;
- Provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the dismissal outcome; and
- Notify the Parties of the result of the appeal and the rationale for the result.

The appeal officer may decide to uphold the dismissal in its entirety, or direct that there be reconsideration by the Associate Vice Chancellor/Title IX Coordinator or designee based on information provided to the appeal officer. All decisions of the appeal officer are final and will be issued in writing to the appealing party(ies) within 14 days of receipt of the appeal. This 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.

C. Referral

The OIE will support the Complainant and other Parties, as applicable, by providing information about available resources and referral to other campus offices for consideration of the matter and specific support needs, as appropriate.

IX. Informational Report (Document Only)

At a Complainant's request, and when there are no overriding factors present, or, if insufficient information is obtained through a preliminary inquiry to determine whether the report is within the OIE's jurisdiction, the OIE may close a case by documenting the incident as an informational report and providing the appropriate resource referrals and supportive measures as applicable. The Associate Vice Chancellor/Title IX Coordinator or designee will assess for barriers to reporting and consider implementing further supportive measures or initiation of another resolution process if additional information regarding the initial complaint is received.

X. Adaptable Resolution Process (also known as Informal Resolution)⁷

The OIE may determine that the most prompt and effective way to ensure compliance with an Applicable Policy is through an Adaptable Resolution Process. This approach 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 an individual or campus safety. The primary focus of an Adaptable Resolution Process remains the welfare of the Parties and the safety of the campus community, and this process does not involve a written report or a determination as to whether the policy has been violated. If at any time the OIE determines that an Adaptable Resolution Process is no longer appropriate or an effective way to ensure compliance, the OIE retains the authority to proceed with a Formal Grievance Process.

A. Adaptable Resolution

The Associate Vice Chancellor/Title IX Coordinator or designee will determine the appropriateness of an Adaptable Resolution Process instead of a Formal Grievance Process on a case-by-case basis, including consideration of the roles of each involved party. The Adaptable Resolution Process is designed to resolve complaints while meeting the needs and interests of the Parties.

The University must not require or pressure the Parties to participate in an Adaptable Resolution Process. The University must obtain the Parties' voluntary consent to the Adaptable Resolution Process and must not require waiver of the right to an investigation and determination of a complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right.

The Process is voluntary and will not occur unless the Complainant and Respondent agree in writing to participate. Pursuing the Adaptable Resolution Process will pause any Formal Grievance Process.

The purpose of an Adaptable Resolution Process is to allow the Parties more agency in reaching a mutual written agreement about how to repair alleged harm (to the extent possible) and move forward from the incident(s) at issue. The Parties have latitude to form an agreement that is meaningful to them given the circumstances and impact of the incident(s) at issue.

It is possible for the Adaptable Resolution Process to be initiated after a Formal Grievance Process has been initiated; however, the Adaptable Resolution Process may not be facilitated by the investigator of the complaint within the Formal Grievance Process, and new information provided by the Parties during the Adaptable Resolution Process *will not be used* by the investigator if the complaint is referred back to the Formal Grievance Process. The Associate Vice Chancellor/Title

⁷ The term "Informal Resolution Process" is sometimes used in related federal and state regulations (including Title IX) and University policies. This term should not be construed to mean that alleged sex-based harassment or other prohibited conduct is not taken seriously by the University. It may be used interchangeably with "Adaptable Resolution Process," which is a type of Informal Resolution.

IX Coordinator or designee will oversee the Adaptable Resolution Process, conduct an initial and ongoing assessment as to whether the Adaptable Resolution Process should continue, and make the final determination on all Adaptable Resolutions facilitated by the OIE regarding whether the terms agreed to by the Parties are appropriate in light of all circumstances of the complaint.

In some circumstances, depending on the nature and/or severity of the allegations, an Adaptable Resolution Process may not be appropriate, and the Associate Vice Chancellor/Title IX Coordinator or designee may not approve an Adaptable Resolution Process.

1. Notice of Agreement to Engage in Adaptable Resolution Process

Prior to engaging in an Adaptable Resolution Process, the OIE will obtain the Complainant's and Respondent's voluntary, written consent. For Employee Respondents, the Associate Vice Chancellor/Title IX Coordinator will determine if their appointing/Disciplinary Authority must also provide their voluntary, written consent.

Parties who choose to participate in the voluntary Adaptable Resolution Process will be sent a Notice of Agreement to Engage in Adaptable Resolution. The Notice will include the following:

- The allegations;
- The requirements of the Adaptable Resolution Process including the circumstances under which it precludes the Parties from resuming a Formal Grievance Process arising from the same allegations, provided that at any time prior to reaching a written agreement under the Adaptable Resolution Process, any party has the right to withdraw from the Adaptable Resolution Process and resume the Formal Grievance Process;
- The potential terms that may be requested or offered in an Adaptable Resolution Agreement, including notice that the agreement is binding only on the Parties (“Notice of Agreement”);
- Any consequences resulting from participating in the Adaptable Resolution Process, including the records that will be maintained or could be shared;
- The Parties' right to consult with an Advisor;
- That any resolution must be in writing (“Adaptable Resolution Agreement”) and signed by both Parties and the Associate Vice Chancellor/Title IX Coordinator or designee; and
- That once the Adaptable Resolution Process is finalized, neither party is permitted to file another complaint arising from the same allegations.

2. Timeframe

The Process may take place at any time before a determination of responsibility is made in a Formal Grievance Process, but typically within **90 days** after both Parties provide voluntary, written consent to participate in the Adaptable Resolution Process, unless the Parties and the



Associate Vice Chancellor/Title IX Coordinator or designee agree to an extension for good cause.

3. Adaptable Resolution Process Options

The specific process that Parties follow to reach an Adaptable Resolution Agreement will be determined by the OIE facilitator in consultation with the Parties. This may include, for example, a form of shuttle diplomacy, wherein the Parties separately meet with a facilitator to formulate an agreement, or participation in a Restorative Justice conference wherein the Parties engage in a facilitated dialogue in order to come to an agreement that will repair harm. The Adaptable Resolution Process may include, but is not limited to:

- Mediation (where available);
- Restorative Justice Conference (where available);
- Separating the Parties;
- Supportive and safety measures;
- Referring the Parties to counseling;
- Disciplinary sanctions;
- Targeted preventive educational and training programs; and,
- Follow-up by the OIE to ensure that the Adaptable Resolution Agreement has been implemented effectively.

4. Potential Terms

Terms that may be included in an Adaptable Resolution Agreement include but are not limited to:

- Restrictions on contact; and
- Restrictions on the Respondent's participation in one or more of the University's programs or activities or attendance at specific events, including restrictions the University could have imposed as remedies or disciplinary sanctions had the University determined at the conclusion of the Formal Grievance Process that Prohibited Conduct, including sex discrimination, occurred.

The OIE *will not permit* the following terms to be included in an Adaptable Resolution Agreement:

- Admissions of criminal or civil legal liability;
- Monetary payments among the Parties;
- Non-Disclosure Agreements or clauses prohibiting the Parties or Participants from discussing the allegations, the Adaptable Resolution Process, or the Adaptable Resolution Agreement; or
- Revocation of an earned degree.



5. Effects of Adaptable Resolution Process

Any remedies and disciplinary sanctions agreed to in an Adaptable Resolution Agreement have the same effect as remedies provided and sanctions imposed following a Formal Grievance Process (including any hearing, as applicable).

6. Adaptable Resolution Agreement (Final Agreement)

The terms of any Adaptable Resolution Agreement must be in writing and signed by the Parties, any appropriate appointing/disciplinary authorities, and the Associate Vice Chancellor/Title IX Coordinator or designee. Use of electronic signatures is permitted. A signed agreement to an Adaptable Resolution is enforceable, final, and is not subject to appeal by either Party.

The Adaptable Resolution Agreement must be approved by the Associate Vice Chancellor/Title IX Coordinator or designee and is enforceable by the OIE once signed by the Parties. The OIE may address a party's failure to comply with the signed Adaptable Resolution Agreement via a Formal Grievance Process as outlined in these Resolution Procedures. To the extent necessary, the Associate Vice Chancellor/Title IX Coordinator or designee must still take other appropriate prompt and effective steps to ensure that alleged prohibited conduct does not continue or recur within the University's education program or activity.

B. Policy Compliance Education

The OIE has discretion to conduct a Policy Compliance Education Meeting if it decides that such a meeting is the most appropriate way to respond to an allegation of Prohibited Conduct. Additionally, the OIE retains discretion to proceed with a Formal Grievance Process for allegations that, if proven true, would violate one or more of the Applicable Policies. The OIE will notify the Complainant if it determined appropriate to commence or resume a Formal Grievance Process at any time.

In the case that Policy Compliance Education is appropriate, the OIE may:

- Provide interim or long-term supportive measures to the Complainant, Respondent, or other Parties;
- Provide a referral to other campus-based resolution processes as appropriate for the specific facts of the case;
- Meet with the Respondent to:
 - discuss the impact of the alleged behavior and provide the Respondent an opportunity to respond;
 - review Prohibited Conduct under the Applicable Policy(ies); or
 - identify and discuss appropriate future conduct with the Respondent, as well as how to avoid behavior that could be interpreted as retaliatory.
 - If OIE meets with the Respondent, the OIE may inform the Complainant of the Respondent's responses if appropriate; notify the Respondent's appointing/Disciplinary

Authority of the allegations and responses if necessary, who will determine whether any other disciplinary action is appropriate; or,

- Provide targeted or broad-based educational programming or training as appropriate.

XI. Formal Grievance Process

The OIE may resolve a report of alleged prohibited conduct through the Formal Grievance Process when the alleged conduct, if true, would be prohibited under the Applicable Policies. The University may dismiss a request for a Formal Grievance Process in accordance with [Section V\(C\)](#). The University may also elect to move forward with a Formal Grievance Process, overriding a Complainant’s request, pursuant to [Section V\(C\)](#).

The OIE may consolidate complaints in situations that arise out of the same facts or circumstances and involve more than one Complainant or more than one Respondent, or what amount to counter-complaints by one party against the other.

A. Standard of Review/Burden of Proof

Regardless of whether the Respondent is a student or Employee, the OIE applies the “preponderance of the evidence” standard when making findings of fact and conclusions as to whether violations of the Applicable Policies occurred. A preponderance of the evidence exists when the totality of the evidence demonstrates that an allegation of misconduct is more probably true than not. If the evidence weighs so evenly that decision-maker is unable to say there is a preponderance on either side, the decision-maker must determine that there is insufficient evidence to conclude that a violation of the Applicable Policy occurred.

In applying the preponderance of the evidence standard, the decision-maker may consider both direct and circumstantial evidence. The decision-maker 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 interest, and the person’s manner and demeanor when providing statements.

It is the responsibility of the OIE, not the Parties, to make a determination based on the totality of the available information whether or not the preponderance of the evidence has been met. Neither party bears a burden of proof.

If an Employee Respondent is found not to be responsible for violating the Applicable Policy, the written Notice of Findings and the written Determination Regarding Responsibility may, if applicable, include a determination that the Employee Respondent engaged in conduct that was inappropriate or unprofessional. In such cases, the OIE will refer such matters to the



appointing/Disciplinary Authority, who will make the final determination on appropriate action or response.

The written Notice of Findings and the written Determination Regarding Responsibility may be submitted to the Office of University Counsel to review for legal sufficiency.

B. Decision-makers

The University has designated decision-makers as responsible for determining findings of fact and whether a Respondent has violated the Applicable Policy(ies), as follows:

- Hearing Officer:
 - Allegations of hostile environment sexual harassment (including allegations related to sex stereotypes, sex characteristics, pregnancy and related conditions, sexual orientation, gender identity, or gender expression), intimate partner abuse, quid pro quo sexual harassment, sexual assault (rape, nonconsensual sexual contact, statutory rape, or incest), sexual exploitation, or stalking, as prohibited by CU APS 5014 ***where the Complainant or Respondent is a current student or was a student*** at the time of the alleged incident.
- Investigator
 - Allegations of hostile environment sexual harassment (including allegations related to sex stereotypes, sex characteristics, pregnancy and related conditions, sexual orientation, gender identity, or gender expression), intimate partner abuse, quid pro quo sexual harassment, sexual assault (rape, nonconsensual sexual contact, statutory rape, or incest), sexual exploitation, or stalking, as prohibited by CU APS 5014, ***where the Complainant and Respondent are or were Employees*** at the time of the alleged incident.
 - Allegations of protected class discrimination and harassment, as prohibited by CU APS 5065.
 - Allegations of non-compliance with CU APS 5015.

C. Stages of the Investigation

1. Notice of Allegation(s)

If a Formal Grievance Process is commenced, the OIE shall send the Respondent and the Complainant a written Notice of Allegation(s) (NOA). The written NOA may be sent to the Respondent and the Complainant by email (the University's official means of communication), may be sent via U.S. mail to the permanent addresses appearing in the University's information system or the address appearing in a police report, or may be hand-delivered. Notice will be considered furnished on the date of delivery by any of the above methods.

For student Respondents, the Office of the Dean of Students and other appropriate campus offices or authorities, as applicable and relevant to the investigation (such as leadership of athletics, clubs, or other departments or organizations with which the student is affiliated), will receive a written copy of the NOA.

For Employee Respondents,⁸ the Employee's supervisory upline, including the Chancellor, the Employee's appointing/Disciplinary Authority, and Human Resources, will also receive a copy of the written NOA.

Every NOA will include, at a minimum:

- A link to the Applicable Policy(ies) and these Resolution Procedures;
- Sufficient information about the allegations, including
 - Identities of the alleged Parties involved in the incident(s);
 - The conduct alleged to constitute the alleged Prohibited Conduct;
 - And the date(s) and location(s) of the alleged incident(s), to the extent that information is available.
- A statement that retaliation is prohibited;
- A statement that Parties are entitled to an equal opportunity to present and access the relevant and not otherwise impermissible evidence or an accurate description of this evidence;
- Respondents are presumed not responsible for the alleged Prohibited Conduct until a determination is made at the conclusion of a Formal Grievance Process;
- Parties may have an Advisor of their choice to serve in the role set out in these Resolutions Procedures, and that the Advisor may be, but is not required to be, an attorney;
- The Applicable Policies prohibit knowingly making false statements or knowingly submitting false information during the grievance procedure;
- The investigator(s) who will conduct the investigation;
- Notification to Parties of supportive measures and resources, and notification of supportive measures that impact their participation in any University program or activity pending the outcome of the Formal Grievance Process; and
- A request that the Respondent contact the OIE to schedule a meeting to discuss the Formal Grievance Process.

a. Dismissal

After the NOA is issued, the OIE may, but is not required to, dismiss a Formal Grievance Process at any time if:

⁸ If the respondent is a student employee and the alleged misconduct occurs outside the employment capacity, the OIE may determine that the respondent's supervisory upline has a legitimate need to know information related to the case resolution.



- the Complainant voluntarily withdraws any or all of the allegations in the complaint in writing, and the OIE determines that without the Complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute prohibited conduct even if proven;
- the OIE determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination or other prohibited conduct. Prior to making this decision, the OIE will have made reasonable efforts to clarify the allegations with the Complainant.
- the Respondent is not participating in the University's education program or activity or employed at the University;
- specific circumstances prevent the OIE from gathering evidence sufficient to reach a determination as to the allegations therein.

If the OIE dismisses a Formal Grievance Process, the OIE will consider whether the conduct alleged may constitute a violation of any other University or campus policies, procedures, or conduct codes and refer the matter to other appropriate offices.

The dismissal of a Formal Grievance Process does not preclude a Complainant or the Associate Vice Chancellor/Title IX Coordinator from re-initiating a Formal Grievance Process at a later time.

b. Notice of Dismissal and Opportunity to Appeal

If the OIE dismisses a Formal Grievance Process after the NOA is issued, both Parties will be notified in writing of the dismissal, the basis for the dismissal, and information about the appeal process.

Each party may appeal a dismissal in writing. To file an appeal of the dismissal, a party must submit a written appeal to the Associate Vice Chancellor/Title IX Coordinator within seven (7) days of the notice of dismissal.

An appeal of a dismissal must articulate the basis of the appeal, including why the Formal Grievance Process should continue. Parties may appeal on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when dismissal was made; and
- The Associate Vice Chancellor/Title IX Coordinator, investigator(s), or other decision-maker(s) for the dismissal of the formal complaint had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant(s) or Respondent(s) that affected the dismissal.



Upon receipt of an appeal, the Associate Vice Chancellor/Title IX Coordinator will:

- Notify the applicable Parties of any appeal, including notice of the allegations
- Implement appeal procedures equally for the Parties;
- Ensure that the decision-maker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decision-maker for the appeal has been trained;
- Provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the Parties of the result of the appeal and the rationale for the result.

The appeal officer may decide to uphold the dismissal in its entirety, or direct that there be reconsideration by the Associate Vice Chancellor/Title IX Coordinator or designee based on information provided to the appeal officer, including but not limited to consideration of bias (if applicable), and assignment and/or supervision of the investigation to an appropriate alternate. All decisions of the appeal officer are final and will be issued in writing to the appealing party(ies) within 14 days of receipt of the appeal. This 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.

4. Information Collection/Evidence Gathering

After the written NOA has been issued to the Parties, the OIE's investigator(s) will seek to obtain all relevant and available evidence. Relevant evidence means evidence that is related to the allegations of Prohibited Conduct under investigation. An investigator's questions are relevant when they seek evidence that may aid in showing whether the alleged prohibited conduct occurred, and evidence is relevant when it may aid a decision-maker in determining whether the alleged prohibited occurred.

Impermissible evidence, as defined by [Section VII\(C\)](#), must be excluded from the Formal Grievance Process.

Collection of evidence may include but is not limited to: conducting interviews with the Parties and witnesses; obtaining University or other records such as any that show a party's access to a building or system, video or other recordings; and collection of other documentation such as police reports, emails, text messages, party or witness statements, schedules, journals, or physical evidence.⁹

The University, and not the Parties, holds the burden of gathering evidence throughout the investigation.

⁹ Any relevant physical evidence may be photographed or otherwise documented by the OIE investigator/s and returned to the submitting party or, if property of the University, to the appropriate custodian, unless otherwise as required by law.



Involved Parties may present witnesses and other inculpatory and exculpatory evidence. Involved Parties are not restricted from discussing the allegations under investigation or from gathering or presenting relevant evidence. The OIE may also contact individuals who may have potentially relevant information related to allegations under investigation even if these individuals are not proposed by the Parties.

OIE staff and investigators are not confidential resources and nothing shared with the OIE may be considered “off the record.” The investigator will interview the Complainant, Respondent, and any witnesses separately and provide all Parties the opportunity to be heard and to respond to all relevant information. All interviews with an OIE investigator will occur virtually and/or by another method that produces a written record or transcript that identifies the Parties present and each person’s statements, including the investigator(s).

Parties and witnesses who wish to participate in a meeting with the OIE or provide information for consideration as part of the investigation must do so within a reasonable timeframe and prior to the issuance of a Written Investigative Summary (“WIS”). Following the issuance of the WIS, Parties or witnesses may be requested to provide additional information.

Each party will also have an opportunity to submit questions in writing for the investigator(s) to ask of the other party and of witnesses. Questions must be relevant, which means related to the allegations of Prohibited Conduct under investigation. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decision-maker in determining whether the alleged sex discrimination occurred.

5. Written Investigative Summary and Case File

Following evidence gathering, the investigator(s) shall send to the Complainant and Respondent a Written Investigative Summary (WIS) and the full investigative case file, which will include a summary of the relevant and material information and all information gathered. The WIS will include:

- A description of the allegation(s);
- The Notice of Allegation(s);
- Procedural history and jurisdiction;
- A list of the interviews conducted, including date, time, location, and whether a transcript, audio, or video recording is included;
- A name key including Parties’ and witness identities and a brief description of their role at the University (as applicable) and within the investigation; and,
- A list and description of all Exhibits.

The full investigative case file will include:



- Interview transcripts;
- Evidence collected; and,
- Email communication relevant to the investigation.

Parties will have at least **seven (7) days** to review and submit any response in writing within the seven (7) day period. Any request for extension 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 granted for good cause shown and considered on their merits; these requests will not automatically be granted. When an extension is granted, other Parties will be notified and provided the same extension, if granted.

The Parties will have the opportunity to respond to the WIS and full investigative case file 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 any party is 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;
- 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.

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 investigator(s) will consider the Parties' responses, if any, prior to completing the written Notice of Findings and Determination of Responsibility; OR, proceeding with steps to initiate the hearing step in the Formal Grievance Process (as applicable).



Where the investigator(s) receives information that warrants further investigation or review, the investigator(s) may extend the investigation in order to review that 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 WIS 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 Associate Vice Chancellor/Title IX Coordinator or designee.

b. 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 and will be considered by the investigator(s) in consultation with the Associate Vice Chancellor/Title IX Coordinator or designee. 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).

D. Notice of Findings and Determination of Responsibility (Investigator Decision-maker)

After the review period for the WIS has concluded, and in cases where the decision-maker is the investigator, the investigator will provide Parties with a written Notice of Findings and Determination of Responsibility that will include:

- identification of the allegation(s) potentially constituting prohibited conduct;
- a description of the procedural steps taken from the receipt of the complaint through the determination of findings of fact supporting the determination;
- Conclusions regarding the application of the Applicable Policy(ies) to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- the University's procedures and permissible bases for the Complainant and Respondent to appeal; and
- the statement that the decision-maker's written determination and discipline, if any, becomes final either on the date that the University provides the appeal decision, or, if no party appeals, the date on which an appeal would no longer be considered timely.

The OIE shall advise the Complainant and Respondent simultaneously in writing of the outcome of the investigation. A copy of the written Notice of Findings and Determination of Responsibility shall be provided to the Complainant and the Respondent. Additionally, for investigations involving Employee Respondents, the Respondent's supervisory upline, including the appointing/Disciplinary Authority, will also receive the written Notice of Findings and Determination of Responsibility.

The written Notice of Findings and Determination of Responsibility will also notify the Parties of next steps in the process, as applicable. In the event a policy violation is found, Parties will have the

opportunity to present aggravating or mitigating circumstances before a sanction is determined.

In cases where a Respondent is found responsible for violating an Applicable Policy, Parties may appeal the findings of an investigation prior to sanctioning.

1. Appeal

In the event that no policy violation is found, either party may appeal the written Notice of Findings and Determination of Responsibility within seven (7) days of its issuance. In the event that a policy violation is found, sanctioning is required, and either party may appeal the written Notice of Findings and Determination of Responsibility within seven (7) days of the issuance of the Notice of Sanction. Either party may appeal the Notice of Findings and Determination of Responsibility, including a sanction if applicable, on the following bases:

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

The decision-maker for the appeal may not be the same investigator that reached the determination regarding responsibility or the investigator. The decision-maker for the appeal must be trained.

- a. In the appeal, both Parties must have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome of the investigation.
- b. The appeal decision-maker will issue a written decision describing the result of the appeal and the rationale for the result. The appeal decision must be provided simultaneously to both Parties.

If an appeal is received, the Associate Vice Chancellor/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 seven (7) days to respond in writing to the appeal. The response should be sent to the Associate Vice Chancellor/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 either the submission of all documentation or the seven-day deadline for response has passed, the Associate Vice Chancellor/Title IX Coordinator or designee will appoint two additional University Employees (who may include staff from the Anschutz, Denver, and Boulder campuses) who are not otherwise affiliated with the OIE to serve on the three-



person Appeal Advisory Board. The Appeal Advisory Board appointees will have received appropriate training on the Applicable Policy(ies) and appeal procedures. The Associate Vice Chancellor/Title IX Coordinator or designee is the Chair of the Appeal Advisory Board.

Upon review of the appeal, the Appeal Advisory Board may recommend that the Associate Vice Chancellor/Title IX Coordinator:

- Uphold the initial decision in its entirety; or
- Send the case back for reconsideration and potential re-investigation (by the same or different officials).

The appealing party(ies) should be aware that all appeals are documentary reviews, and no interviews are conducted. 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. Generally, appeals are determined solely on the merits of the documents submitted. Appeal documents therefore should be as complete and succinct as possible.

The Appeal Advisory Board members shall not make new findings of fact. The Appeal Advisory 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 30 days of its receipt of all final documentation.

E. Hearing and Cross-Examination (Hearing Officer Decision-maker)

When the hearing officer is the decision-maker, the investigator will initiate the hearing process upon conclusion of the information collection/evidence gathering stage of the investigation, and any new information or responses to the WIS have been provided. The investigator will provide the WIS and the full investigative case file to the Parties, their Advisors, the Hearing Officer, and other administrators of the hearing process. Parties will be informed of next steps by the OIE and/or other University Employees who administer the hearing process.

A trained Hearing Officer will preside over the live hearing, conducted via videoconference, after which the Hearing Officer will make a determination regarding responsibility. Nothing precludes the University from utilizing a single decision-maker (Hearing Officer) or a panel of decision-makers (including the Hearing Officer) for the hearing and to determine responsibility.

Each party may bring one Advisor of their choosing to conduct cross-examination to the live hearing, with prior notice to the University that the Advisor will attend and that Advisor's name. The University will inform both Parties of the identity of the other party's Advisor. If a party does not have an Advisor for the live hearing, the University will provide that party an Advisor for purposes of cross-examination without fee or cost to the party. For University-appointed Advisors, their role will end at the conclusion of the hearing.



Though a party may utilize an Advisor of their own choosing throughout the Formal Grievance Process, the role of the University-appointed Advisor is limited to conducting cross-examination of Parties and witnesses during the live hearing. A party may not personally conduct cross-examination during the hearing. Even if a party declines to work with an Advisor, the party will have a University Advisor appointed, and the University-provided Advisor will be present to conduct cross-examination of the other party and witnesses.

Upon notice that a party needs an Advisor for the hearing, the University will endeavor to assign an Advisor at least 14 days prior to the scheduled pre-hearing conference so the Advisor may prepare. The Advisor provided by the University to conduct cross-examination on behalf of that party may be, but is not required to be, an attorney.

Any individual (Complainant, Respondent, or witnesses) may choose to not participate in the live hearing and cross-examination. 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 may place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The hearing officer must not draw an inference about whether prohibited conduct occurred based solely on a party's or witness's refusal to respond to such questions or absence from the hearing.

Following an investigation and a live hearing for the purpose of evaluating of all relevant and not impermissible evidence via a live hearing, the University will:

- Use the preponderance of the evidence standard of proof to determine whether prohibited conduct occurred. The standard of proof requires the Hearing Officer to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the Hearing Officer is not persuaded by a preponderance of evidence that Prohibited Conduct occurred, whatever the quantity of the evidence is, the Hearing Officer will not determine that Prohibited Conduct occurred.
- Notify the Parties in writing of the determination whether Prohibited Conduct occurred under including the rationale for such determination, and the procedures and permissible bases for the Complainant and Respondent to appeal, if applicable;
- Not impose discipline on a Respondent for Prohibited Conduct unless there is a determination at the conclusion of the Formal Grievance Process that the Respondent engaged in Prohibited Conduct.
- If there is a determination that Prohibited Conduct occurred, the Associate Vice Chancellor of Institutional Equity/Title IX Coordinator or designee will, as appropriate:
 - Coordinate the provision and implementation of remedies to a Complainant and other people identified as having had equal access to the University's education program or activity limited or denied by Prohibited Conduct;
 - Coordinate the imposition of any disciplinary sanctions on a Respondent,



- including notification to the Complainant of any such disciplinary sanctions;
and
- Take other appropriate prompt and effective steps to ensure that Prohibited Conduct does not continue or recur within the University’s education program or activity.
- Comply with the Resolution Procedures before the imposition of any disciplinary sanctions against a Respondent; and
- Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether prohibited conduct occurred.

Additional information regarding the Hearing stage of the Formal Grievance Process is available in the [University of Colorado Equity Offices Hearing Manual](#).

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 hearing;
- Identification of witnesses who will appear at the hearing;
- Identification of exhibits that will be presented for the cross-examination process; and
- Discussion of jurisdictional and evidentiary guidelines.

2. Live Hearing

Requirements for the live hearing are as follows:

- a) A live hearing before a hearing officer (not the investigator) for the purpose of proposing and asking relevant and not otherwise impermissible questions and follow-up questions of Parties and witnesses, including questions challenging credibility (live hearing for purposes of cross-examination). The process must allow the hearing officer to ask such questions and allow each party’s Advisor to ask any party or witness such questions. Such questioning must never be



conducted by a party personally. If a party does not have an Advisor to ask questions on their behalf, the University will provide a party with an Advisor of the University's choice, without charge, for the purpose of Advisor-conducted questioning. The University appointed Advisor must not be a confidential Employee and may be an attorney.

- b) The hearing officer must determine whether a proposed question is relevant and not otherwise impermissible prior to the question being posed and must explain any decision to exclude a question as not relevant or otherwise permissible. The hearing officer must not permit questions that are unclear or harassing of the party or witness being questioned. The decision-maker must give a party an opportunity to clarify or revise a question that the hearing officer has determined is unclear or harassing and, if the party sufficiently clarifies or revised a question, the question must be asked. All rules of decorum must apply equally to all Parties.
- c) The hearing officer may place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The hearing officer must not draw an inference about whether prohibited conduct occurred based solely on a party's or witness's refusal to respond to such questions.
- d) Live hearings will be conducted virtually, with Parties located in separate locations. Technology will enable the hearing officer and Parties to simultaneously see and hear the party or the witness answering questions. Hearings are closed to the public.
- e) The creation of 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.

3. Notice of Findings and Determination of Responsibility¹⁰

Following the hearing, the Hearing Officer shall prepare a written Notice of Findings and Determination of Responsibility that will include:

- identification of the allegation(s) potentially constituting prohibited conduct;
- a description of the procedural steps taken from the receipt of the complaint through the determination of findings of fact supporting the determination;
- conclusions regarding the application of the Applicable Policy(ies) to the facts;

¹⁰ The University may refer to the Notice document as a "Determination Regarding Responsibility" or other title on a case-by-case basis; however, the document will include all elements as noted in this section.



- a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility
- the University's procedures and permissible bases for the Complainant and Respondent to appeal;
- the statement that the Hearing Officer's written determination and discipline, if any, becomes final either on the date that the University provides the appeal decision, or, if no party appeals, the date on which an appeal would no longer be considered timely.

The OIE shall advise the Complainant and Respondent simultaneously in writing of the outcome of the investigation. A copy of the written Notice of Findings and Determination of Responsibility shall be provided to the Complainant and the Respondent. Additionally, for investigations involving Employee Respondents, the Respondent's supervisory upline, including the appointing/Disciplinary Authority, also receives the written Notice of Findings and Determination of Responsibility.

The written Notice of Findings and Determination of Responsibility will also notify the Parties of next steps in the process, as applicable. In the event a policy violation is found, sanctioning is required, and Parties will have the opportunity to present aggravating or mitigating circumstances before a sanction is determined.

In cases where an Employee Respondent is found responsible for violating an Applicable Policy, Parties may appeal the findings of an investigation prior to sanctioning.

F. Sanctioning

1. General Sanctioning Information

a. Optional Impact Statement

Within seven (7) days of the issuance of the written Notice of Findings and Determination Regarding Responsibility, both Parties may submit an optional written statement to the Dean of Students detailing any aggravating or mitigating circumstances that may impact sanctioning. The statement should only contain information about the factors considered in sanctioning, as described below.

b. Factors Considered in Sanctioning

The Disciplinary Authority will conduct an individualized review in making a sanctioning determination. This review will include consideration of the final written Notice of Findings and Determination of Responsibility, any written statement submitted by either party at the sanctioning stage, the entire investigative file, as well and consultation with OIE or other University staff, as needed. Factors pertinent to a sanctioning decision may include, but are not limited to:

- Severity and/or pervasiveness of conduct;



- The impact of separating a student from their education;
- Relationship between the Parties, including degree of control of one party over another;
- Whether the Complainant was incapacitated at the time of the conduct;
- 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 Student Code of Conduct and any active disciplinary sanctions in place at time of the conduct;
- Impact of incident on Complainant;
- Acceptance of responsibility by Respondent; and
- On-going safety risk to Complainant or community.

c. Notice of Sanction

The University will provide written notification to the Respondent of the imposed sanction(s). If the Respondent is found to have violated CU APS 5014, the University will also provide written notification to the Complainant of the imposed sanction. The Associate Vice Chancellor/Title IX Coordinator or designee will ensure to the extent possible that both Parties simultaneously receive notice of any sanctions imposed.

Unless any applicable Notice of Sanction specifies otherwise based on safety considerations, 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.

Regardless of the OIE findings, there is no preclusion of discipline by the Appointing Authority for other misconduct or for inappropriate or unprofessional conduct, although that discipline may be private personnel information that would not be shared with a Complainant.

2. Sanctioning Process for Student Respondents

In order to remediate the effects of misconduct, the Dean of Students will impose sanctions. The Dean of Students will determine the type of sanctions in consultation with the Associate Vice Chancellor/Title IX Coordinator or designee, and any other administrative staff with a need to know. Even if the student Respondent is found to not have violated an Applicable Policy, nothing precludes the Associate Vice Chancellor/Title IX Coordinator or designee from referring the matter to the Dean of Students or designee for consideration of discipline for other student misconduct under the Student Code of Conduct.

The range of sanctions for student Respondents found responsible for violating one or more Applicable Policies are stated in the Student Code of Conduct, posted online at: [Student Conduct | Office of the Dean of Students \(uccs.edu\)](#), and includes those designed to provide education or remedial measures up to and including expulsion or termination of



employment.

3. Sanctioning Process for Employee Respondents

The Associate Vice Chancellor/Title IX Coordinator or designee will notify the Disciplinary Authority if an Employee Respondent was found to have violated an Applicable Policy or acted inappropriately or unprofessionally. In order to remediate the effects of misconduct, the Disciplinary Authority will impose sanctions. The Disciplinary Authority will determine the type of sanctions in consultation with the Chief Human Resources Officer or designee, the Associate Vice Chancellor/Title IX Coordinator or designee, and any other administrative staff with a need to know. Any applicable sanctioning meeting for an Applicable Policy violation pursuant to these Resolution 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; Privilege and Tenure process for faculty).

The range of sanctions for Employee Respondents found responsible for violating one or more Applicable Policies is:

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.

Suspension/Unpaid Leave. The Employee is suspended from employment without pay for a definite period of time.

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, action may be taken by the police for 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.

Initiation of Employment Status-Specific Process. Classified staff and tenured/tenure-track faculty have rights to specific disciplinary processes. The Disciplinary Authority may choose to initiate that process as a sanction for an Applicable Policy violation.

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.

G. Appeals of Formal Grievance Process

1. Appeal of Notice of Findings and Determination of Responsibility

Regardless of whether a policy violation is found, either party may appeal the written Notice of Findings and Determination of Responsibility within seven (7) days of its issuance on the following bases:

- 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; or
- The Title IX Coordinator, investigators, or Hearing Officer had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

2. Appeal Process and Appeal Advisory Board

If an appeal is received, the Associate Vice Chancellor/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 seven (7) days to respond in writing to the appeal. The response should be sent to the Associate Vice Chancellor/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 or the seven-day deadline for response has passed, the Associate Vice Chancellor/Title IX Coordinator or designee will appoint two additional University Employees (who may include staff from the Anschutz, Denver, and Boulder campuses) who are not otherwise affiliated with the OIE to serve on the three-



person Appeal Advisory Board. The Appeal Advisory Board appointees will have received appropriate training on the Applicable Policy and appeal procedures. The Associate Vice Chancellor/Title IX Coordinator or designee is the Chair of the Appeal Advisory Board.

3. Appeal Decisions

Upon review of the appeal, the Appeal Advisory Board may recommend that the Associate Vice Chancellor/Title IX Coordinator:

- Uphold the initial decision in its entirety; or
- Send the case back for reconsideration and potential re-investigation (by the same or different officials).

The Appeal Advisory Board members shall not make new findings of fact. The Appeal Advisory 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 twenty-one (21) days of its receipt of all final documentation.

4. Appeal of Sanction

A Respondent may be afforded an appeal right via a separate and applicable sanctioning process. In the following cases, the applicable sanctioning process will govern the appeal of a sanction:

- Students: [Code of Conduct](#).
- Tenured and tenure track faculty: [Regent Policy 5](#).
- Classified Staff: [Colorado State Personnel Board Rules](#).

In cases where a Respondent is found to have violated CU APS 5014, the OIE will provide specific information to a Complainant regarding their opportunity to appeal a sanction.

If not otherwise provided for by separate policy or in these Resolution Procedures, all sanctions are final.

XII. Compliance with Conflict of Interest in Cases of Amorous Relationships Policy

There is a conflict of interest when a direct evaluative relationship exists between two Employees or between an Employee and a student, either during the time that the amorous relationship is occurring or within seven years after it has occurred. The [University of Colorado Conflict of Interest in Cases of Amorous Relationships Policy](#) is intended to:

- (1) provide direction concerning how to terminate evaluative responsibilities between the two Parties in the reported relationship; and

- (2) establish a reporting structure to protect Participants in these relationships from violations of University conflict of interest guidelines. If the individuals do not report the relationship, and the evaluative authority continues, the OIE may conduct an adjudication into a potential violation of the Amorous Relationships Policy.

Examples of conflicts of interests in cases of amorous relationships include but are not limited to:

- a faculty member/student direct evaluative relationship (for example, a student currently enrolled in the faculty member's course);
- a faculty member/faculty member direct evaluative relationship (for example, a department chair and a faculty member of the same department); and
- supervisor/supervisee direct evaluative relationship

A. Removing Direct Evaluative or Supervisory Responsibilities

If a conflict of interest in an amorous relationships exists, the OIE will evaluate if investigation following the Formal Grievance Process will be used to resolve the conflict of interest or if compliance can be achieved through the following:

1. The relationship must be disclosed to the appropriate unit head(s), such as the department chair, dean, or head of the primary unit. The responsibility to disclose a conflict of interest to a unit head rests with the person in the evaluative position. The individual to whom disclosure is made bears responsibility for keeping the disclosure confidential to the fullest extent possible.
2. The unit head must meet with each party to discuss how best to remove the evaluative authority, and may do so with all Parties present or through separate meetings.
3. The individual in the evaluative position shall recuse themselves from all future evaluative actions involving the other person. The unit head, or other individual with such authority, is responsible for ensuring the conflict of interest has been removed by terminating the evaluative relationship.
4. The unit head will report the relationship to the OIE for documentation, including details regarding the steps taken to remove the evaluative authority between the involved Parties.

The Parties may choose to have this disclosure in written form placed in their own personnel files. When information concerning an amorous relationship has been placed in personnel files, it will be removed and destroyed seven years after the time of initial disclosure if the interested party should so request, specifying, in addition, that the prior relationship has now ended.

B. Recusal and Disclosure in the Direct Line of Report

When an amorous relationship, either current or within the last seven years, exists between an

individual and an Employee who, although not their direct supervisor, is in the direct line of report (e.g., a dean who is involved with a faculty member in their college, or a second or higher level supervisor who has a relationship with a staff member in their unit), the higher level Employee may not act in an evaluative capacity in relation to the other individual. Specifically, when the individual at the higher level of evaluative authority and the other individual in the relationship are Parties to a personnel action as defined in this policy, the evaluative authority must recuse themselves from participating in that action. In this circumstance, either the individual at the higher level or their supervisor must report the action taken to resolve the conflict to the Chancellor or the OIE. If the Chancellor or the OIE should find that the actions do not adequately resolve the conflict, the Chancellor or the OIE may require other action.

XIII. Resources¹¹

A. Confidential Resources

Students:

[Gallogly Recreation & Wellness Center](#), (719) 255-4444

Operating under a model of holistic health and wellness, the UCCS Wellness Center provides confidential mental health, health, nutritional and educational services in a collaborative and accessible environment to meet the needs of our diverse student population.

Employees

[Real Help Hotline](#), (888) 533-2428

The Real Help Hotline is open to assist UCCS Employees if they ever feel overwhelmed by the stress in their life, no matter what causes the stress. The Real Help Hotline's confidential representatives are trained counselors who can offer free and immediate crisis counseling or find local resources to give further assistance.

[Colorado State Employee Assistance Program \(CSEAP\)](#), (303) 866-4314

The CSEAP is available to all Employees of the State of Colorado. CSEAP offers professional assessment, referral, and short-term counseling services to address both personal and work-related concerns. CSEAP is also a resource for supervisors and managers seeking individual managerial consultation, work group organizational development, assistance with conflict resolution, or help in addressing workplace critical incidents (traumatic events).

Anyone

[TESSA](#), 24-Hour Crisis Line (719) 633-3819, Main Office (719) 633-1462

TESSA is the only provider of confidential services specifically for victims of Domestic Violence and Sexual Assault (DVSA) in El Paso and Teller Counties. TESSA fundamentally does three

¹¹ Contact the OIE if you need assistance finding or connecting to specialized resources that may meet your needs.



things: 1) Provide immediate safety at their confidential Safehouse for women, children, and other victims escaping abuse, 2) Empower survivors through programs and support such as advocacy and counseling, 3) Create a safer future through education and outreach to schools, businesses, and other organizations.

B. Campus Resources

[Lactation Space](#)

UCCS provides dedicated lactation space for students, Employees, and visitors for people who wish to breastfeed and/or express breastmilk on the UCCS campus. Lactation spaces are available in Main Hall, University Center, William J. Hybl Sports Medicine and Performance Center, Kraemer Family Library, and the Ent Center for the Performing Arts. There are plans for additional spaces in Columbine Hall, Dwire Hall, and University Hall. OIE's website will have the most current map posted on our website's home page.

[Dean of Students Office](#), (719) 255-3091

The Office of the Dean of Students helps advocate for students and provides problem solving assistance. The office is also responsible for maintaining and administering the UCCS Student Code of Conduct.

[Disability Services](#), (719) 255-3354

Provides services and/or accommodations primarily to students with disabilities who must submit documentation for review. Provides consultation, information, and referrals to faculty and staff regarding disability related issues. <https://disability.uccs.edu/>

[Human Resources and ADA Coordinator](#), (719) 255-3372

Provides guidance and information to faculty, classified staff and professional exempt Employees and supervisors regarding Employee relations matters including performance management, progressive discipline, grievance and dispute resolution procedures, and leave issues. Services are not confidential; however, the office attempts to honor requests to keep information confidential to the extent permitted by law and policy.

[Multicultural Office for Student Access, Inclusiveness, and Community \(MOSAIC\) and LGBTQ+ Resource Center](#), (719) 255-7527

MOSAIC supports and creates opportunities that assist all UCCS students in developing a sense of community and place on campus, with an emphasis on supporting and advocating for students from underrepresented communities. MOSAIC strives to create a safe place that encourages and nurtures connections and engagement across social identities, cultures, international status, experiences, gender identities, and sexual orientations.

The [LGBTQ+ Resource Center \(RC\)](#) exists as part of UCCS's on-going commitment to fostering a positive and inclusive atmosphere for everyone on campus. The LGBTQ+RC is designed to provide resources and information to LGBT students, advocate for LGBTQ+ interests throughout campus, conduct outreach and education, and to ensure LGBTQ+ voices are represented among the campus at large.

[UCCS Police](#), Gateway Hall, (719) 255-3111

The UCCS Police Department is a full-service police agency that operates 24 hours a day, 7 days a week, 365 days a year. Officers have full police authority on campus as well as in pre-defined boundaries off campus within the City of Colorado Springs.

[Veteran & Military Affairs](#), Gateway Hall, (719) 255-3253 This office supports the recruitment and retention of veterans to UCCS. It provides a key point of contact for counseling and program information for the veteran/military community on campus, while also developing and maintaining productive relations with off-campus organizations and programs serving veterans. Serves students, staff, and faculty who are currently serving in the military (e.g. active, reserve, guard, etc.) or those who have served in the past.

C. Off-Campus Resources

[Colorado Springs Police Department](#), 705 S. Nevada Avenue, (719) 444-7000 or 911

This department will respond to reports of off-campus criminal conduct, harassment and assault within the City of Colorado Springs.

[El Paso County Sheriff Department](#), 27 E. Vermijo Avenue, (719) 520-7100 or 911

This department will respond to reports of off-campus criminal conduct, including sexual harassment and assault, within El Paso County.

[Pikes Peak United Way](#) (phone: 2-1-1)

Pikes Peak United Way 2-1-1 provides referrals for: food, housing, utilities, home repair, emergency shelter, clothing, transportation, military assistance, legal services, mental health, senior issues, substance abuse, medical care, faith-based resources, LGBTQ+, disability services, pregnancy resources, and more.

[Local and National Hotlines](#)

Colorado-based and other hotlines and resources for support and assistance with various needs.

D. Legal Services

[Rocky Mountain Victim Law Center](#)

Rocky Mountain Victim Law Center is a Colorado nonprofit law firm providing free legal services to victims of crime in Colorado through our Victim Rights Legal Services, Legal Information Network of Colorado, and Title IX programs.

[Colorado Legal Services - Colorado Springs Office - Legal Aid Services \(legalaidoffices.com\)](#)

The mission of Colorado Legal Services is to provide meaningful access to high quality, civil legal services in the pursuit of justice for as many low-income persons and members of vulnerable populations throughout Colorado as possible.

E. State and Federal Civil Rights Compliance Offices

(For reporting complaints of harassment or discrimination)

[Colorado Civil Rights Division](#)

Phone: (303) 894-2997

[U. S. Department of Education, Office for Civil Rights](#)

Phone: (303) 844-2024

[U.S. Department of Justice](#)

Phone: (202) 514-2000

[United States Equal Employment Opportunity Commission](#)

Phone: (303) 866-1300

XIV. Definitions for purposes of these Resolution Procedures¹²

Advisor: An individual designated by the Complainant or Respondent to be present at interviews and/or conduct cross-examination. Advisors may be, but do not have to be, attorneys. If a party does not designate an Advisor, the OIE will appoint an Advisor for cross-examination in cases of alleged Sexual Misconduct.

Aggravating Factor: Relevant circumstances accompanying the commission of misconduct or occurring prior to the misconduct as specified in Prohibited Conduct that add to its seriousness. Examples may include the use of violence or force, violation of a trust or duty, premeditation of an incident, and the existence of a previous conduct violation.

Appointing/Disciplinary Authority: An Appointing Authority is the individual with the authority or designated authority to make ultimate personnel decisions concerning a particular Employee. A Disciplinary Authority is the individual or office that has the authority or delegated authority to impose discipline upon a particular Employee or student.

Complainant: An individual who is alleged to be subjected to prohibited conduct under any Applicable Policy.

Day: For purposes of these policies and procedures, a day is a day, excluding business days that UCCS is officially closed. The OIE will not require Parties to submit documents or responses or

¹² See Applicable Policies for specific definitions that apply under each policy.



participate in any meetings on a weekend, holiday, or any other campus closure. In the event that a scheduled meeting or deadline falls on a weekend, holiday, or any other campus closure, the OIE will extend a deadline to the next business day or promptly reschedule a meeting. (Please refer to the UCCS Holiday calendar here: [Document Library | Human Resources \(uccs.edu\)](#).)

Employee: Anyone under the University’s control (excluding independent contractors) who receives payment from the University for work performed, including but not limited to regular faculty, research faculty, University staff, classified staff, undergraduate and graduate student Employees, or temporary Employees.

Emergency Removal: Removal from the University’s education program or activity on an emergency basis, after an individualized safety and risk analysis and determination that an imminent and serious threat to the health or safety of a Complainant or any students Employees, or other persons arising from the allegations of sex discrimination or other prohibited conduct justifies removal. Emergency removal may include immediate and temporary suspension from classes or any other University building, activity, or program. This could include an interim suspension from all University activities and programs, and exclusions from all University buildings.

Mitigating Factor: Relevant circumstances accompanying the commission of misconduct or other extenuating circumstances that may be taken into account to reduce a sanction. These factors do not constitute a justification or excuse for the behavior in question.

Participants: Complainant, Respondent, and any witnesses or other third Parties participating in an OIE resolution process.

Party: Complainant or Respondent and collectively referred to as “Parties.”

Respondent: An individual who is accused of prohibited conduct under any Applicable Policy.

Sanction: Refers to the discipline imposed as a result of a policy violation.

Student: Per the UCCS policy glossary, “Students shall include, but not be limited to, individuals enrolled in UCCS classes, whether credit or non-credit, on the home UCCS campus, those employing distance learning technologies, those offered through continuing education, and those offered through study abroad programs.”

University: The University of Colorado Colorado Springs.

University Official: A University Employee working in the performance of their duly authorized duties.

University Property: University owned or controlled property.

Witness: Any individual who may have information relating to a matter being investigated by OIE.

XV. Appendix 1: Selected Colorado Criminal Definitions

In Colorado, the criminal definitions of sexual assault, domestic violence (which also includes dating violence) and stalking are distinctly different from some of the definitions outlined in University policy. Below are the relevant sections of the Colorado Criminal Code that demonstrate these differences.

Definition of Consent – Colorado Revised Statute § 18-3-401

(1.5) “Consent” for sexual activity means cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A current or previous relationship shall not be sufficient to constitute consent. Submission under the influence of fear shall not constitute consent.

Definition of Sexual Assault – Colorado Revised Statute § 18-3-402

Any actor who knowingly inflicts sexual intrusion or sexual penetration on a victim commits sexual assault if:

- The actor causes submission of the victim by means of sufficient consequences reasonably calculated to cause submission against the victim’s will; or
- The actor knows that the victim is incapable of appraising the nature of the victim's conduct; or
- The actor knows that the victim submits erroneously, believing the actor to be the victim’s spouse; or
- At the time of the commission of the act, the victim is less than fifteen years of age and the actor is at least four years older than the victim and is not the spouse of the victim; or
- At the time of the commission of the act, the victim is at least fifteen years of age but less than seventeen years of age and the actor is at least ten years older than the victim and is not the spouse of the victim; or
- The victim is in custody of law or detained in a hospital or other institution and the actor has supervisory or Disciplinary Authority over the victim and uses this position of authority to coerce the victim to submit, unless incident to a lawful search; or
- The actor, while purporting to offer a medical service, engages in treatment or examination of a victim for other than a bona fide medical purpose or in a manner substantially inconsistent with reasonable medical practices; or
- The victim is physically helpless and the actor knows the victim is physically helpless and the victim has not consented.

Definition of Unlawful Sexual Contact – Colorado Revised Statute § 18-3-404

(1) Any actor who knowingly subjects a victim to any sexual contact commits unlawful sexual contact if:



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

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

Definition of Domestic Violence – Colorado Revised Statute § 18-6-800.3 (1)-(2)

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

Domestic violence also includes any other crime against a person, or against property, including an animal, or any municipal ordinance violation against a person, or against property, including an animal, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship.

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

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

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

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



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