



Office of Institutional Equity

UNIVERSITY OF COLORADO **COLORADO SPRINGS**

The Office of Institutional Equity (OIE) addresses all complaints of Protected Class Discrimination and Harassment, Sexual Misconduct, Conflict of Interest in Cases of Amorous Relationships, and related retaliation. To achieve a positive environment for all members of the UCCS community, OIE conducts fair and unbiased investigations, while treating all individuals who seek our assistance with respect and dignity.

OIE has jurisdiction over all students, faculty, staff, and third parties on our campus. We also address conduct that occurs on campus and off-campus, including online or electronic conduct, if the conduct occurred in the context of University educational programs, activities, or employment, or has the potential to have continuing adverse effects on campus.

Jurisdiction Facts

- OIE's jurisdiction does not depend on whether criminal charges are filed.
- There is no statute of limitations for OIE matters.
- The failure of an individual to appear and/or respond to OIE does not prevent OIE from proceeding.

Support Services & Partnerships

- Counseling
- Health Services
- Academic accommodations
- Housing accommodations
- On-campus employment accommodations
- Other appropriate accommodations as determined by the Title IX Coordinator or designee

Report to Support

By reporting incidents of sexual misconduct, protected class discrimination, and harassment, or related retaliation, you are:

- Helping ensure that person is safe
- Getting the individual support
- Making negative behaviors stop
- Allowing OIE to gather more in depth information from the individual

Prohibited Conduct

- Discriminating and/or harassing on the basis of one or more protected class status
- Engaging in Sexual Misconduct including:
 - Non-Consensual Sexual Contact
 - Non-Consensual Sexual Intercourse
 - Sexual Exploitation
 - Intimate Partner Abuse
 - Stalking
 - Sexual Harassment
- Violating the CU Conflict of Interest in Amorous Relationships Policy
- Failure to Report
- Retaliation
- Providing False or Misleading Information
- Interference with Reporting
- Failure to Comply with Orders and Sanctions

The University will maintain the privacy of any remedial and protective measures provided under this policy to the extent practicable, and will promptly address any violation of the measures. These measures may be kept in place until the end of an investigation, may be lifted or modified as additional information is presented, or may be extended permanently as appropriate. The Title IX Coordinator or designee has the discretion to ensure the appropriateness of any remedial or protective measures based on all available information, including whether they are reasonably available, and will meet with a complainant or respondent to address any concerns about the provision of these measures.

INFORMAL RESOLUTION

The University does not tolerate and will be responsive to any complaint of Prohibited Conduct. We are committed to providing prompt, fair, impartial, and equitable resolutions of any complaint. The primary concern is the safety of all University community members. The University, through the OIE, will take steps to prevent recurrence of any prohibited conduct and remedy discriminatory effects on the complainant and others if appropriate.

The OIE may determine that the most prompt and effective way to address a concern is through the informal resolution process. The primary focus during an informal resolution remains the welfare of the parties and the safety of the campus community, but it does not involve a written report or an official determination as to whether a policy has been violated.

This type of approach provides the University with a “remedies-based” resolution option that allows the University to tailor responses to the unique facts and circumstances of an incident, particularly in cases where there is not a broader threat to an individual or campus safety.

In these cases, the OIE may do one or more of the following:

- Provide interim or long-term remedial measures to complainant that do not require notification to the respondent;
- Provide targeted or broad-based educational programming or training; and/or
- Meet with the respondent to:
 - (1) discuss the behavior as alleged and provide an opportunity to respond;
 - (2) review prohibited conduct under the applicable policies;
 - (3) identify and discuss appropriate future conduct and behavior moving forward and how to avoid behavior that could be interpreted as retaliatory;
 - (4) inform the complainant of the respondent’s response if appropriate; and
 - (5) notify the Office of the Dean of Students or the respondent’s supervisor of the allegations and responses if necessary, who will determine whether any other disciplinary action is appropriate

Although mediation may be appropriate as an additional resolution option for many allegations of prohibited conduct, it is not appropriate for allegations of sexual assault or other serious cases.

Definitions

Advisor: An individual designated by the complainant or respondent to be present at any meetings with OIE staff. It is preferred that the advisor is not a witness.

Affirmative Consent: The unambiguous and voluntary agreement to engage in a specific sexual activity. Consent is not effectively given if it results from the use of force, including threats, or intimidation, or if it is from someone who is incapacitated.

Complainant: A person who is subjected to alleged prohibited conduct.

Party: Complainant or respondent and collectively referred to as “parties.”

Preponderance of the Evidence: The evidentiary standard of proof used in all OIE procedures, meaning it is “more likely than not” that the alleged behavior occurred.

Respondent: A person who is accused of alleged prohibited conduct.

Retaliation: Any adverse action threatened or taken against a person because an individual has filed, supported or provided information in connection with an OIE complaint.

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