



**Office of Institutional Equity
Policies, Compliance & Procedures,
Community Support**



University of Colorado
Colorado Springs

**Office of
Institutional Equity
(OIE)**

Office of Institutional Equity

Contact Information:



Main Hall Room 201



(719) 255-4324



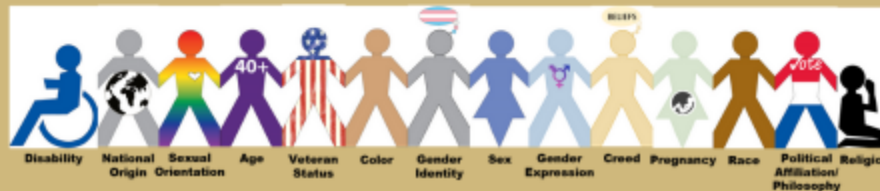
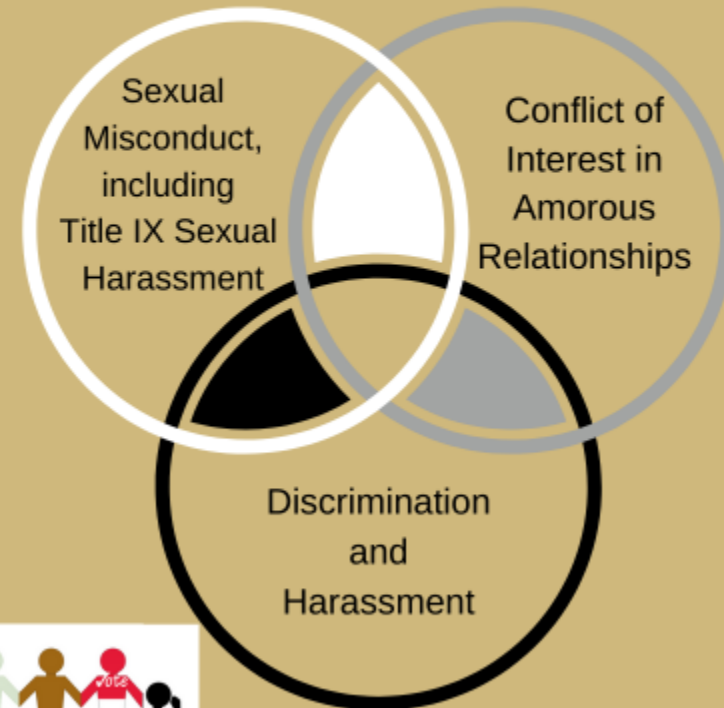
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What does OIE
do?



OIE Partners

OIE partners with other trained investigators and staff as needed to provide necessary supports and to assure impartiality.

- Assistance with resolution procedures
 - Provide supportive measures
 - Conduct OIE investigations (trained civil investigators)
 - Review investigative reports
- Address matters outside OIE jurisdiction upon referral



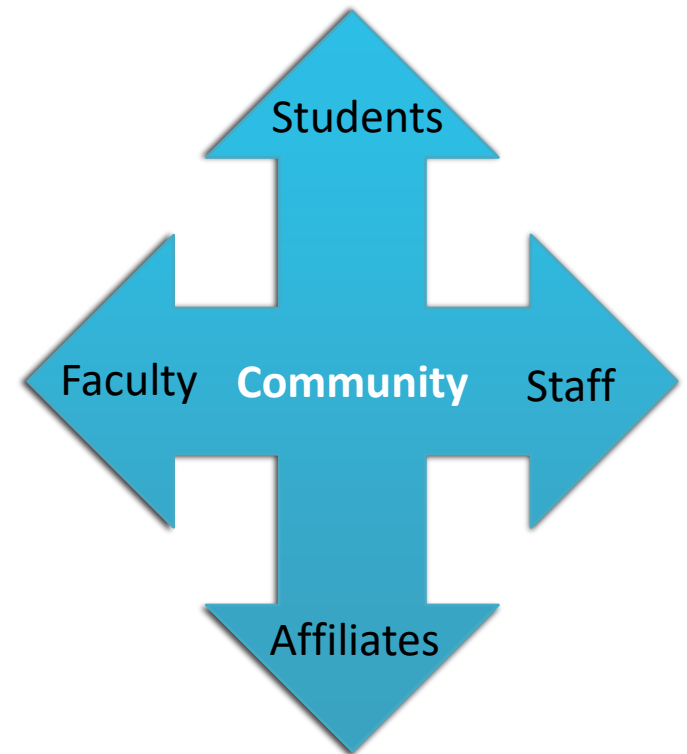
Mountain Lion Values

- Inclusive Diversity
- Integrity
- Integration
- Collaboration
- Student Focus



Objectives

- Review policies addressed by OIE
- Review OIE procedures
 - Resolution options
 - Regulatory compliance
 - Mandatory Reporting
 - Roles
 - Resources
- Review community support
 - Risk Reduction
 - Prevention and Awareness
 - Bystander Intervention
 - Resources



Federal Regulations

- Title IX (Education)
- Violence Against Women Act (VAWA)
- Clery Act
- Title VII (Civil Rights)
- Equal Pay Act
- Age Discrimination Act
- Americans with Disabilities Act

State Regulations

- Title 13 (Protection Orders)
- Title 18 (Criminal Code)
- Title 23 (State Universities)

University Policy

- CU APS 5014 Sexual Misconduct
- CU APS 5015 Conflict of Interest in Cases of Amorous Relationships
- UCCS 300-017 Discrimination and Harassment (Protected Class)



Protected Class Discrimination and Harassment (UCCS Policy 300-017)

University Policy: 300-017

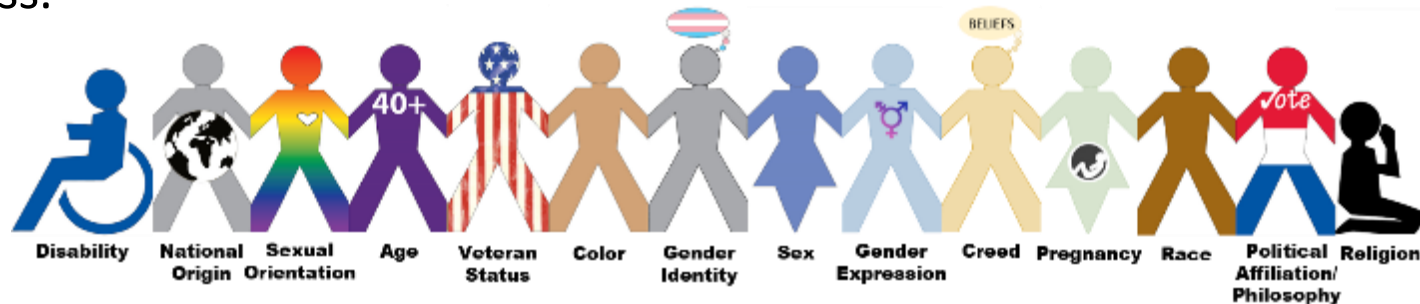
Protected Class Discrimination and Harassment

Discrimination

- Occurs when an individual suffers a material adverse consequence on the basis of a protected class.

Harassment

- Means verbal or physical conduct related to one's protected class that unreasonably interferes with an individual's work or academic performance or creates an intimidating or hostile work or educational environment.



Discrimination, Harassment, Incivility

Discrimination

Based on a protected class status

Material adverse consequence

Harassment

Based on protected class status

Conduct that unreasonably interferes

Severe, Persistent, OR Pervasive

Incivility

NOT based on a protected class status

A rude or discourteous act

Could be a violation of other policies

Harassment: Hostile Environment

Intent and Impact



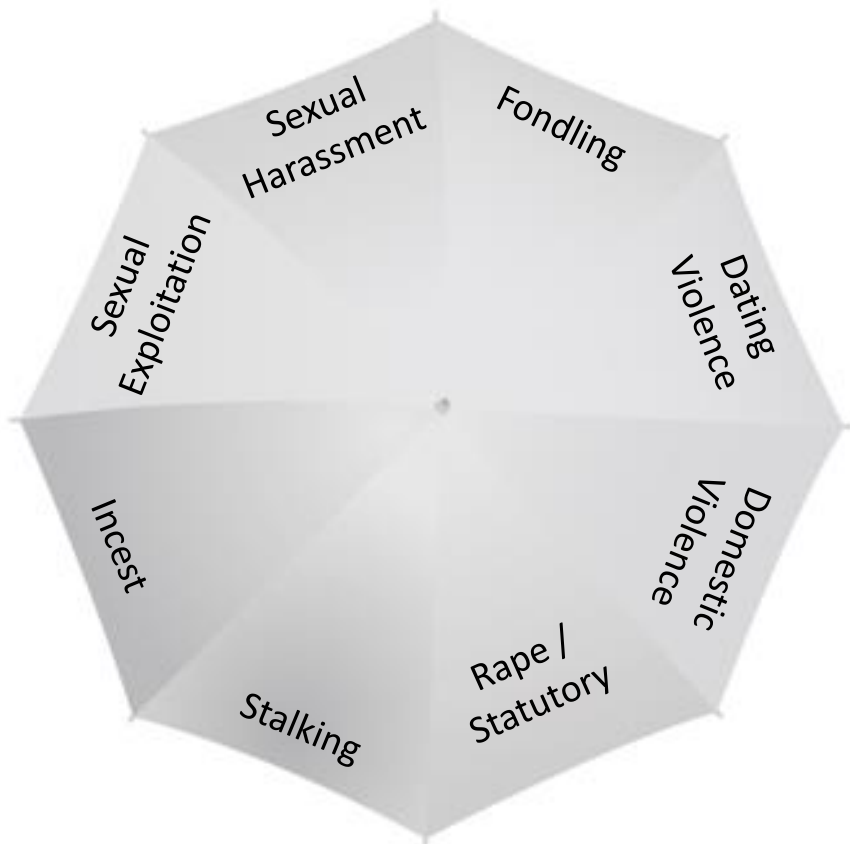
- In-group language vs. derogatory language
- Personal opinion, humor, or beliefs shared on social media vs. statements and behavior toward individuals in class or at work
- Subjective and objective standards



Sexual Misconduct, Intimate Partner Violence, and Stalking (CU Administrative Policy Statement (APS) 5014)

University Policy: CU APS 5014

Sexual Misconduct, Intimate Partner Violence and Stalking



- Jurisdiction
 - University
 - Title IX Final Rule
- Related elements
 - Consent
 - Incapacitation
 - Hostile Environment
 - Quid Pro Quo
 - Retaliation

Policy Update: What's not changing?

Jurisdiction	Process	Definitions
<ul style="list-style-type: none">• On and off-campus• Study/work abroad	<ul style="list-style-type: none">• Options for resolution• Mandatory Reporting• Complainant autonomy• Due Process<ul style="list-style-type: none">• Equal opportunity for parties to participate and appeal• Supportive Measures• Confidential Resources• Standard of Proof “Preponderance of the Evidence” standard	<ul style="list-style-type: none">• Definitions in Title IX Final Rule were already covered by CU APS 5014

Policy Update: What's new in 2020?

U.S. Dept. of Education, Title IX Final Rule (eff. August 14, 2020)

Jurisdiction	Process	Definitions
<p>Title IX</p> <ul style="list-style-type: none"> In context of educational or work program/activity On-campus/University has substantial control over the environment In the United States <p>University existing authority</p> <ul style="list-style-type: none"> Other codes of conduct 	<ul style="list-style-type: none"> Investigators Decision-makers Signed formal complaint <ul style="list-style-type: none"> Live hearing Cross-examination Evidentiary Rules Advisors <ul style="list-style-type: none"> Can be University-provided, at no cost 	<p>Aligned with VAWA and Clery Act definitions</p> <ul style="list-style-type: none"> Intimate Partner Abuse Violence <ul style="list-style-type: none"> Dating Violence Domestic Violence Sexual Assault Nonconsensual sexual contact Fondling Nonconsensual sexual intercourse Rape Statutory Rape Incest Remedial and Protective Measures Supportive Measures

Sexual Harassment

Unwelcome Conduct of a sexual nature

Hostile Environment

Reasonable Person standard

- Severe
- Persistent
- Pervasive

Quid Pro Quo

“This for That”

- In exchange for a benefit or service



Impact: the unwelcome conduct deprives or limits a person's access to their education or employment activities.

Sexual Harassment

Unwelcome conduct on the basis of sex...

Quid Pro Quo

[A person / **employee**] who conditions the provision of an aid, benefit, or service of the university on an individual's participation in unwelcome sexual conduct.

Title IX specifies that Quid Pro Quo sexual harassment is considered when an **EMPLOYEE** conditions an individual...

Hostile Environment

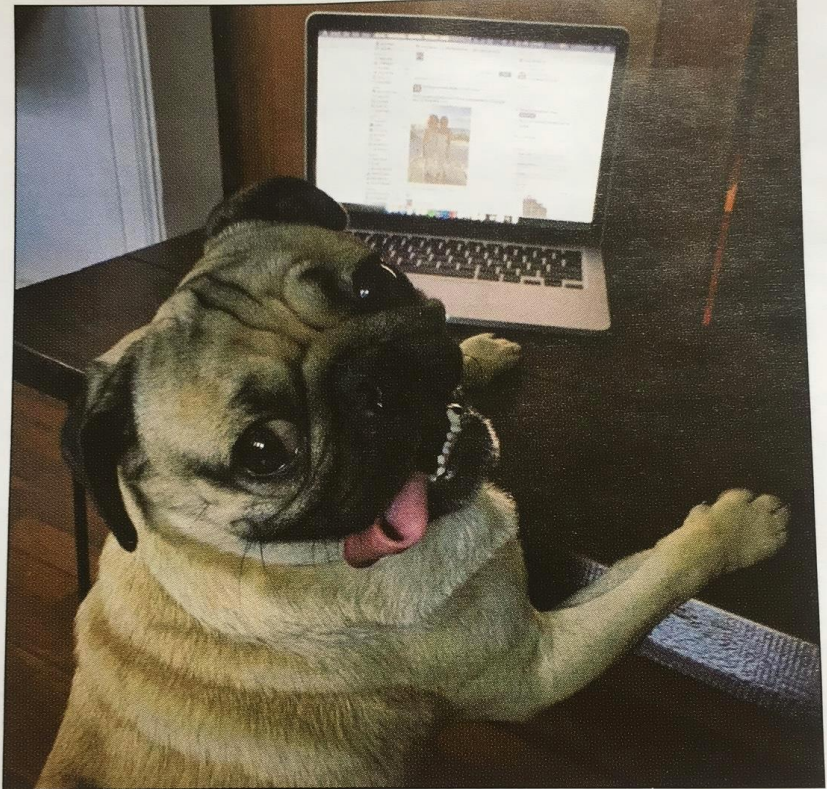
Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **or** objectively offensive that it effectively denies a person equal access to the university's *education program or activity*.

Title IX states the conduct must be ...so severe, persistent, **AND** objectively offensive...

Stalking

Means engaging in a course of conduct, on the basis of sex, directed at a specific person that would cause a reasonable person to—

- (A) fear for their safety or the safety of others; or
- (B) suffer substantial emotional distress.



© Leslie Mosier

WHEN U SUCCESSFULLY CREEP ON SOMEONE
AND GET ALL THE INFO U NEED.

Sexual Exploitation

Conduct that takes sexual advantage of another person without that person's consent.

- Viewing or listening to another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy
- Prostituting another person
- Taking possession of the intimate personal property of another person



- Recording or distributing images or audio of another person's sexual activity, intimate body parts, or nakedness

If sexual exploitation is severe, pervasive, and objectively offensive, it may meet the definition of Title IX Hostile Environment ; otherwise, it may constitute *Sexual Misconduct*.

Sexual Assault

Any attempted or actual sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.



Fondling

- Sexual contact with private body parts for sexual gratification

Rape

- Sexual intercourse/Penetration (mouth, vagina, anus)
- with any body part or object, no matter how slight

Statutory Rape

- Person under the age of consent as defined by law

Incest

- Intercourse between relatives as prohibited by law

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CONSENT IS:

CLEAR **COHERENT**
WILLING **ONGOING**

CLEAR

Consent is active.

It's expressed through words or actions that create mutually understandable permission.

Consent is never implied, and the absence of a no is not a yes.

Silence is NOT consent.

"I'm not sure," "I don't know," "Maybe" and similar phrases are NOT consent.

COHERENT

People incapacitated by drugs or alcohol cannot consent.

Someone who cannot make rational, reasonable decisions because she or he lacks the capacity to understand the "who, what, when, where, why or how" of the situation cannot consent.

People who are asleep or in another vulnerable position cannot consent.

WILLING

Consent is never given under pressure.

Consent is not obtained through psychological or emotional manipulation.

Consent cannot be obtained through physical violence or threat.

Someone in an unbalanced power situation (i.e. someone under your authority) cannot consent.

ONGOING

Consent must be granted every time.

Consent must be obtained at each step of physical intimacy. If someone consents to one sexual activity, she or he may or may not be willing to go further.

I am just happy being with you. We can do as little or as much as you want. **We don't have to rush anything.**

I really like you and I'm good with _____, except for _____. **I don't want to make any assumptions** about you. What are you thinking?

I would really like to kiss you. **May I?**

You tell me where to go and where to stop.

I have _____ for protection. **What do you use or prefer?**

I don't want to mess this up – **is there anything I should know you don't like?**

Let's Talk about Sex



#SmartMove UCCS

Let's Talk about Sex



#SmartMove UCCS

I did not just move to what **I think** is the “next level” of sexual activity.

I asked **every step** along the way.

- May I _____?
- Tell me what you want?
- It's so hot when _____, how about it?

I did not repeatedly ask my partner/s to do the thing they were already unsure about or did not want to do.

- No pressure. = Future fun
- No worries. = times

Consent Checklist

YES!

When I asked if we could _____, they said,

- Yes!
- That sounds like fun!
- We can try it.

Oh, and they also met all the other criteria required for consensual sexual interaction:

- Awake
- Of legal age to consent
- Not adversely affected by use of alcohol or drugs
 - Speaking clearly and coherently
 - Good motor coordination
 - Has not vomited
 - Is not dizzy
 - Has not passed out



Consent Checklist

MAYBE means... NO!

When I asked if we could _____, they said,

- I'm not sure...
- Maybe later.
- Um...
- Did not say anything.

So I made a #SmartMove and said,

- I respect that.
- What would you like to do?
- What are you into?
- Taking things slower is cool with me.
- Let's go get ice cream!
- I think we're both tired anyway and I should be going. Can I call you tomorrow?



Consent Checklist

NO!

When I asked if we could _____, they said,

- Um, no.
- Sorry, I don't think so.
- I have a headache.
- I'm too drunk (or, we're too drunk)
- No!
- Did not say anything.

So I made a #SmartMove and we stayed safe.

- I said, "I respect that." What would you like to do?
- No pressure. What are you into?
- I gave them a ride home.
- I helped them to bed and left a note to call me in the morning.



Consent Checklist

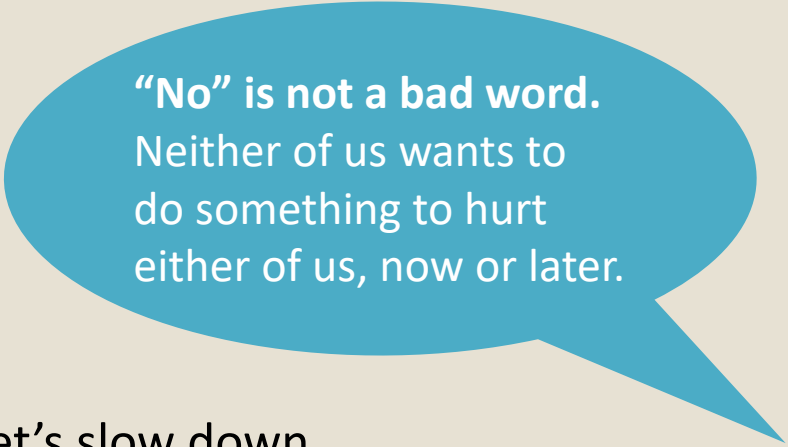
My body, my boundaries

When I was asked if we could _____, I communicated my **consent** and said,

- Yes!
- That sounds like fun!
- We can try it.

I did not want to, so I said _____

- No thanks.
- No!
- I'm not into that.
- I'm not comfortable with that. Let's slow down.
- I'm not ready for that, but we can _____.



"No" is not a bad word.
Neither of us wants to
do something to hurt
either of us, now or later.

I made a #SmartMove and set clear boundaries.

Intimate Partner Violence

Intimate Partner Violence affects individuals of all cultures, socioeconomic statuses, and ages.

- Emotional Abuse
- Financial Abuse
- Physical Abuse
- Sexual Abuse

- Dating Violence
- Domestic Violence

Abusive behaviors:

- Jealousy/Possessiveness/Monitoring
- Insults, body shaming
- Angry outbursts/yelling/punching walls
- Isolation
- Threats to self, family, pets, sabotage career/blackmail
- Restricting access to money, transportation, or shelter

Intimate Partner Violence: Dating Violence

Violence committed by a person, on the basis of sex—

- who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- where the existence of such a relationship shall be determined based on...
 - The length of the relationship.
 - The type of relationship.
 - The frequency of interaction between the persons involved in the relationship



Intimate Partner Violence: Domestic Violence

Violence committed by a person, on the basis of sex—

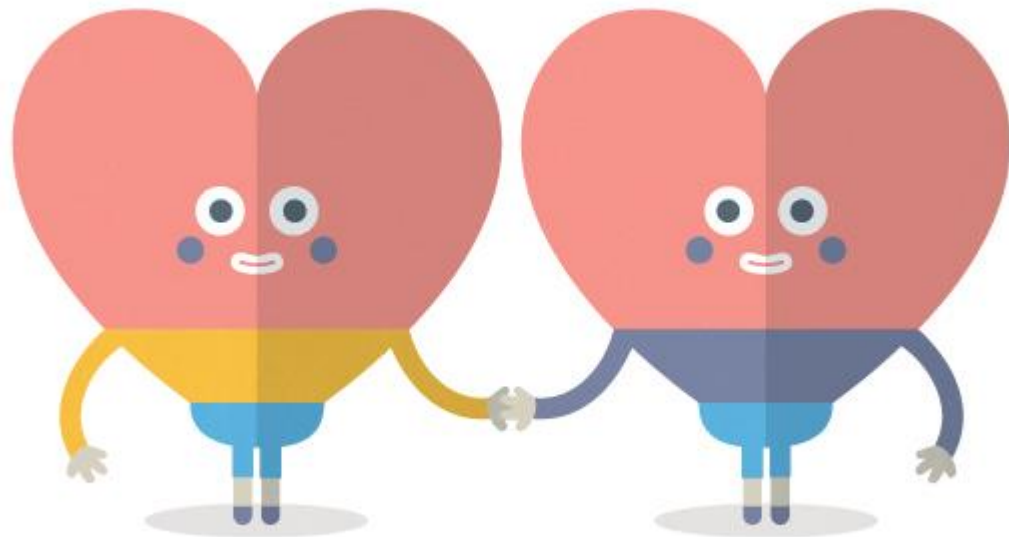
- by a current or former spouse or intimate partner of the victim
- by a person with whom the victim shares a child in common
- by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or
- by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.



Conflict of Interest in Cases of Amorous Relationships (CU APS 5015)

University Policy: Conflict of Interest in Amorous Relationships

Supervisors must report amorous relationships with anyone over whom they have evaluative authority



The policy requires all relationships within **7 years** be reported.



Mandatory Reporting: Responsible Employees

Mandatory Reporting

Responsible Employees

- Faculty
- Staff with supervisory responsibility
- As otherwise designated

Where to Report

- Title IX Coordinator (OIE)
- Phone: (719) 255-4324
- E-mail: equity@uccs.edu
- Online form:
<https://equity.uccs.edu/reporting/reporting-form>

What to report

- Prohibited behaviors
- Names of Complainant, Respondent, others involved
- All reported information (date/time/location)
- Supplemental information as received

Reporting to police is an option at any time. UCCS Police (719) 255-3111

Suspected or known child abuse must be reported to the police or the Colorado Child Abuse Hotline: (844) 264-5437

Mandatory Reporting: Need-to-Know Supports

Medical Evaluation

- **Confidential!**
- Sexual Assault Nurse Examiner (SANE) Forensic Exam
- Testing and preventive treatment
- Preserve evidence
 - Helpful if you report to police and pursue criminal charges in the future

Where to Go

- UC Health Memorial Hospital Central
Phone: (719) 365-5000
1400 E. Boulder St.
Colorado Springs, CO 80909



Ask about resources to assist with costs for medical evaluation and treatment, clothing, and bedding.

Mandatory Reporting: Need-to-Know Supports

What to preserve

- **Physical evidence**

Try to avoid:

- Washing your hands
- Taking a bath or shower
- Brushing your teeth
- Urinating

- **Physical evidence**

- Clothing (place in a paper bag)
- Bedding
- Condom
- Objects used in assault

- **Other Types of Evidence**

- Text/other messages, phone call logs, email, social media posts about the person/assault
- Video recording/ Security camera footage
- Photos of injuries or property damage
- Journal
- Receipts, schedules, timecards

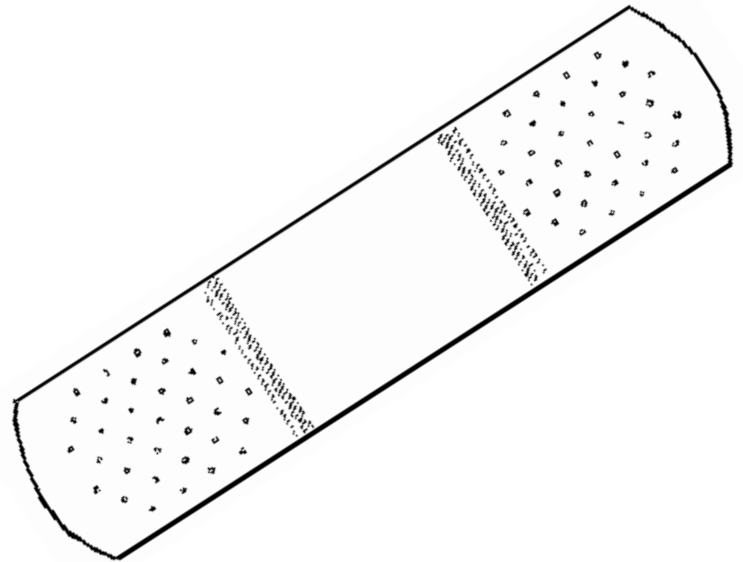
Physical evidence should be collected as soon as possible; ideally within 5 days.
Some evidence may still be collected after 5 days.

Mandatory Reporting

Report to Support

By reporting to OIE, you are:

- Helping people stay safe
- Getting people support
- Making negative behaviors stop
- Letting OIE gather more information



Failure to report is a policy violation

***You are not required to report incidents when you are the Complainant**

How to Handle a Disclosure

Listen with Compassion

Emphasize with Gratitude

Acknowledge Your Role and Next Steps

Resource and Referrals as Needed

Notify the OIE



Listen with compassion



- Don't interrupt, look for a natural pause.
- Don't pry
- Ask only questions relevant to assessing next steps
- Don't question behavior or authenticity

Empathize with gratitude

You're not alone.



- Acknowledge their disclosure and difficult experience.
- Express gratitude for trusting you.

“Thank you for trusting me. That sounds difficult. I am here to help...”

Acknowledge your role and next steps

- Make sure they know you are a mandatory reporter
- If they have options, explain them.
- If you must do something specific, tell them.

Example: *“Because this happened recently, I am going to call the police. You are not in trouble; they can just thoroughly explain your options.”*

Example: *“Because this happened a while ago you have some options. Would you like to call the police now, or would you rather report to the Office of Institutional Equity and they will contact you in the next few days? I’m happy to call with you.”*

Notify OIE



- Call OIE to see if it needs to be reported
 - 719-255-4324
- Fill out an Incident Report
- Submit a webform
 - <https://equity.uccs.edu/reporting/reporting-form>
- E-mail OIE
 - equity@uccs.edu

Related Misconduct

Sexual Misconduct

Discrimination and Harassment
(Protected Class)

Conflict of Interest in
Amorous Relationships

Office of Institutional Equity Procedures

Failure to Report: ...the Responsible Employee(s) received information that a member of the University community was **subjected to or committed an act of misconduct** and

- Intentionally
- knowingly, or
- recklessly

disregarded the obligation to report, thus resulting in harm to a member of the University community.



Related Misconduct



Examples:

Retaliation is an adverse action that is taken against someone who makes a complaint of misconduct or participates in an investigation.

An **adverse educational or employment action** is any conduct that would **dissuade** a reasonable person from **reporting** an allegation of misconduct or participating in a resolution process.

- Poor performance evaluation
- Reduction in pay
- Undeserved lower grade
- Termination of student status
- Harassing text messages
- Derogatory social media posts
- Bullying behaviors

Related Misconduct

Sexual Misconduct

Discrimination and Harassment
(Protected Class)

Conflict of Interest in
Amorous Relationships

Office of Institutional Equity Procedures



Providing False or Misleading Information:

...A person who **knowingly or recklessly**

- alleges a false complaint of misconduct
- provides false information during the course of an investigation

Making a report or providing information in **good faith**, even if the reported conduct is not later substantiated, will not constitute providing false or misleading information.

Related Misconduct

Sexual Misconduct

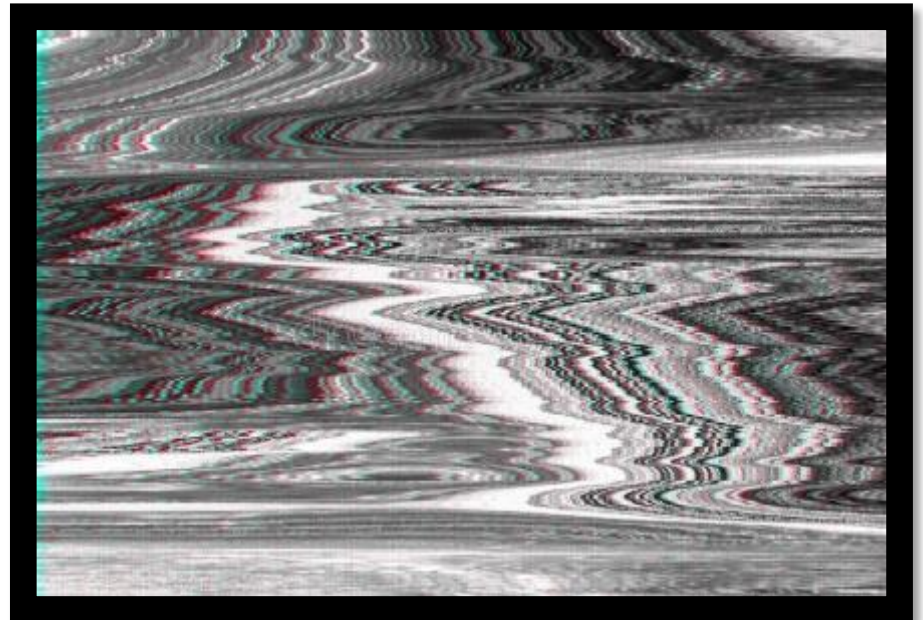
Discrimination and Harassment
(Protected Class)

Conflict of Interest in
Amorous Relationships

Office of Institutional Equity Procedures

Interference with

Reporting: No member of the University community may prohibit or interfere with a Responsible Employee or any other person reporting misconduct to the Director of Institutional Equity or a designee.





Working with OIE

OIE Process

Report

- Direct
- Third-party
- Online form



Supportive Measures

- Complainants & Respondents
- Referral to resources
 - Confidential
 - Campus & Community
- Accommodations
 - Academic
 - Work
 - No-Contact Order (OIE)

Resolution

- Title IX Coordinator review
- Document only
- Informal Resolution
- Formal Investigation
- Title IX
 - Signed complaint
 - Live hearing



Community Support: Risk Reduction

Warning Signs and Abusive Behaviors



- Change in habits, dress, or appearance
 - Uncharacteristically absent or late
 - Clothing that does not suit the weather or occasion (possibly to cover injuries)
- Weight loss, decline in hygiene, wearing less makeup
- Withdrawing from others, appearing depressed or anxious
- Increase in alcohol or drug use
- Having to report their whereabouts and activities to their partner
- Their partner often insults them or accuses them of lying or cheating
- Their partner is jealous, obsessive, or controlling
- They have been abused before
- Expressions of hopelessness, shame, or suicide

Tips for Reducing Risk of Sexual Misconduct



- Have a plan and share it with friends or family
 - Institute a code word or phrase for an escape plan
- Walk or ride with a friend or group of friends
- For your first few dates, meet your date at a public location
- Be cautious in sharing personal information until you know someone well

Tips for Reducing Risk of Sexual Misconduct

- Listen to your gut
 - It's ok to cancel or reschedule
- Drink responsibly
 - Pour your own drinks
 - Do not leave your drink unattended
- Communicate your boundaries with your partner.
 - Respect yourself and don't give in. You don't owe anyone anything!
- Take a self-defense class
 - Never a Victim (UCCS Police)
 - Community-based programs





Community Support: Prevention and Awareness & Bystander Interventions

From Bystander to Upstander



Take Notice



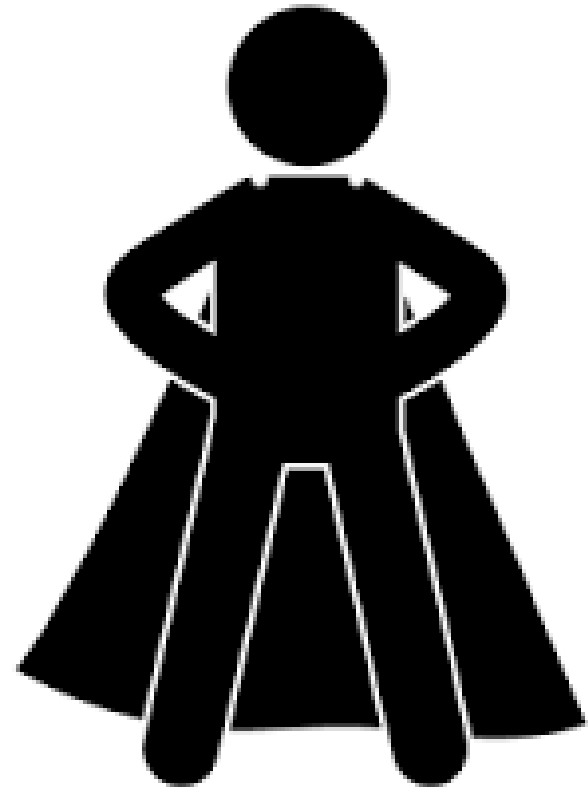
**Take
Responsibility**



Take Action

Ways to Help

- Assess for the intervention that keeps **you** safe
- Intervention Strategies (5 D's)
 - **D**istract
 - **D**elegate
 - **D**irect
 - **D**ocument
 - **D**elay



THE 5 Ds OF BYSTANDER INTERVENTION

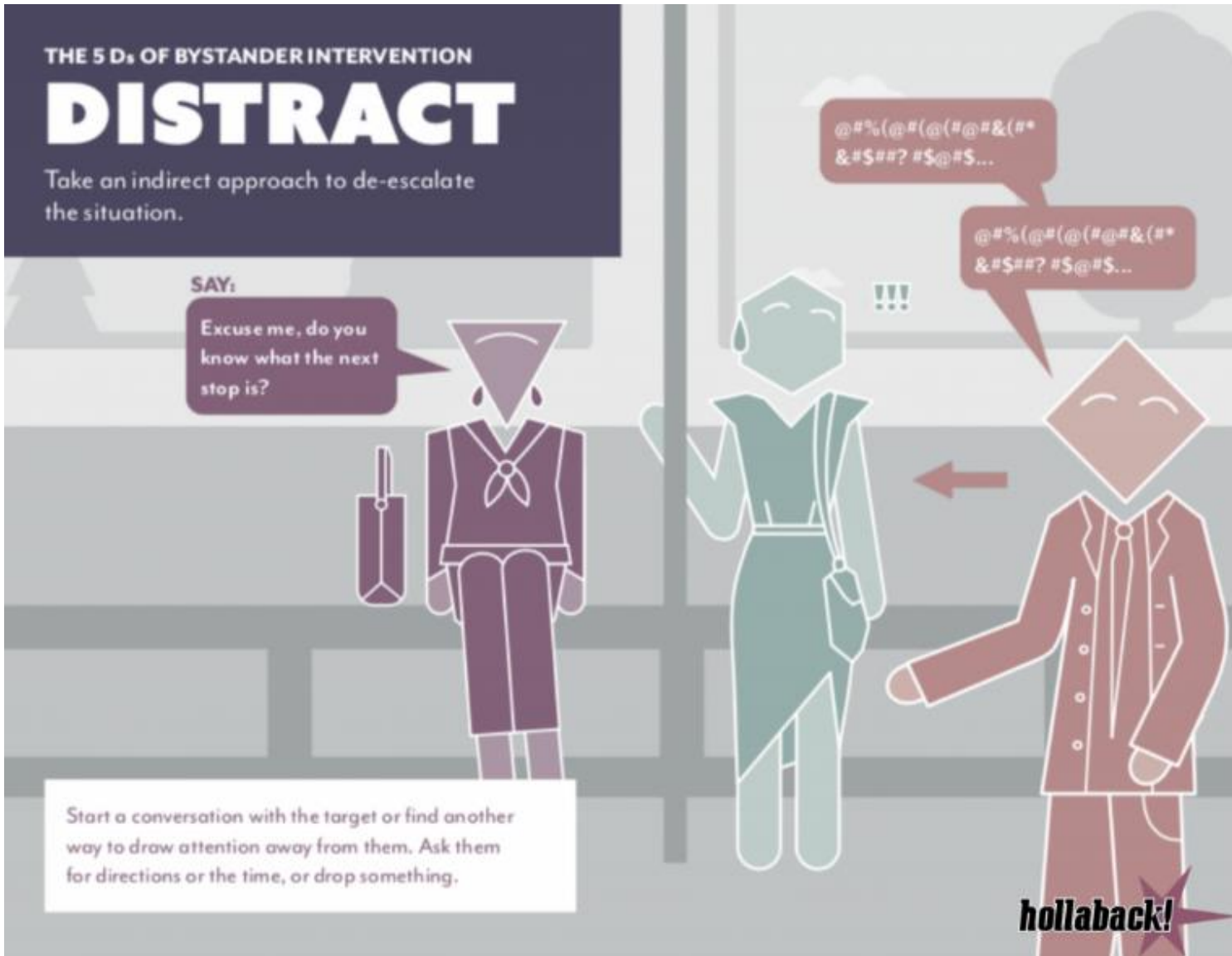
DISTRACT

Take an indirect approach to de-escalate the situation.

SAY:

Excuse me, do you know what the next stop is?

Start a conversation with the target or find another way to draw attention away from them. Ask them for directions or the time, or drop something.



THE 5 Ds OF BYSTANDER INTERVENTION

DELEGATE

Get help from someone else.

SAY:

Excuse me! This person is being harassed. Can you help?

Find someone in a position of authority—like a bus driver, flight attendant, security guard, teacher, or store manager—and ask them for help. Check in with the person being harassed. You can ask them if they want you to call the police.

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hollaback!



THE 5 Ds OF BYSTANDER INTERVENTION

DIRECT

Assess your safety first. Speak up about the harassment. Be firm and clear.

SAY:

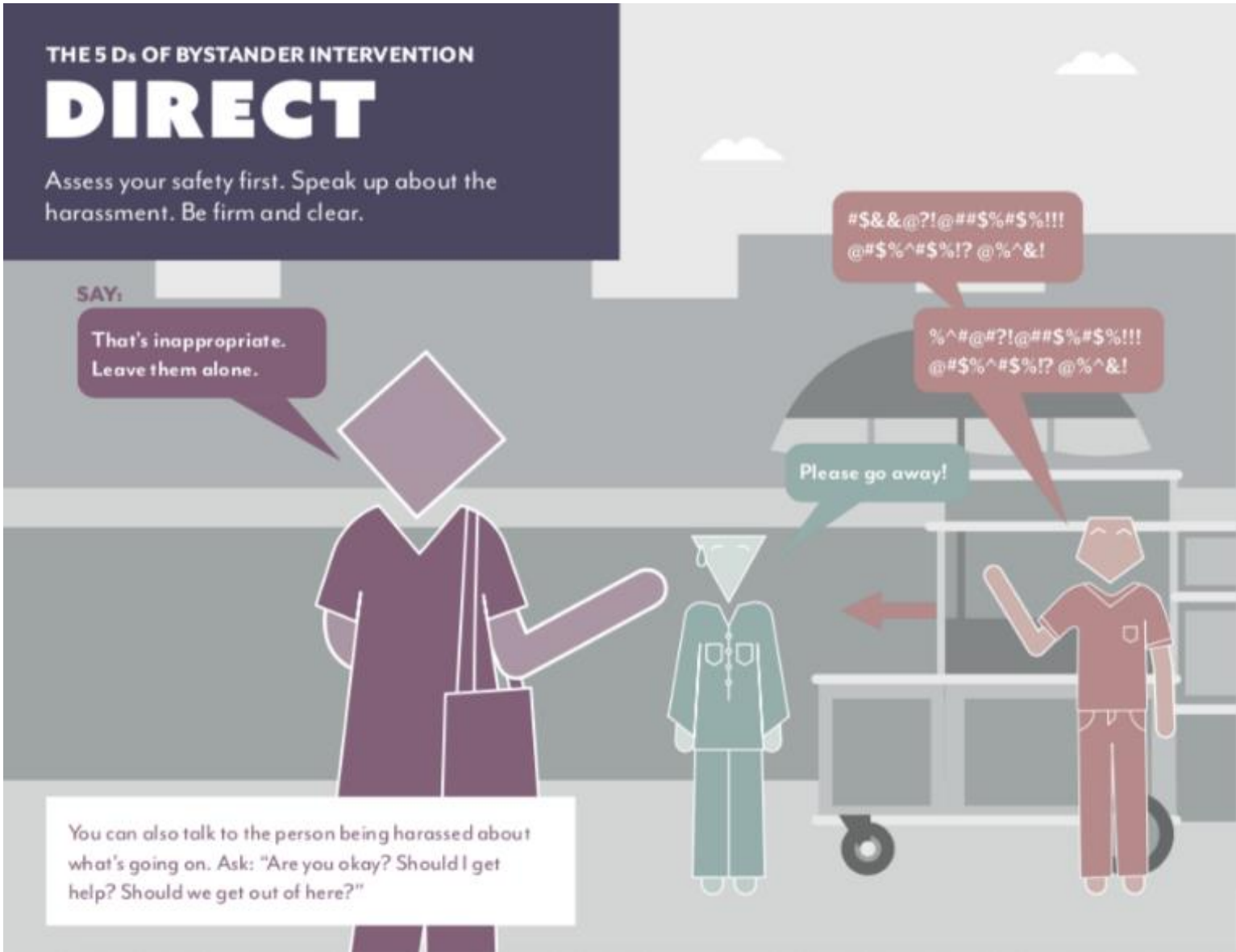
That's inappropriate.
Leave them alone.

You can also talk to the person being harassed about what's going on. Ask: "Are you okay? Should I get help? Should we get out of here?"

Please go away!

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@\$%^#\$%!? @%^&!

%^#@#?!@##\$%#\$%!!!
@\$%^#\$%!? @%^&!



THE 5 Ds OF BYSTANDER INTERVENTION

DOCUMENT

It can be helpful for the target to have a video of the incident. Laws about recording in public vary, so check local laws first.

*Is anyone helping the person being harassed?
If no, use one of the other 4 Ds to help them.*

Only document the situation if it's safe.

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@\$%^#\$%!? @%^&!

TIPS FOR DOCUMENTING PUBLIC HARASSMENT

- Keep a safe distance.
- Film street signs or other landmarks that help identify the location.
- Say the day and time.

ALWAYS ask the person targeted what they want to do with the footage. **NEVER** post it online or use it without their permission.

Keep your attention on the person being harassed—make sure anything you do is focused on supporting them.

hollaback!

THE 5 Ds OF BYSTANDER INTERVENTION

DELAY

After the incident is over, check in with the person who was harassed.

SAY:

Are you okay?

!!!

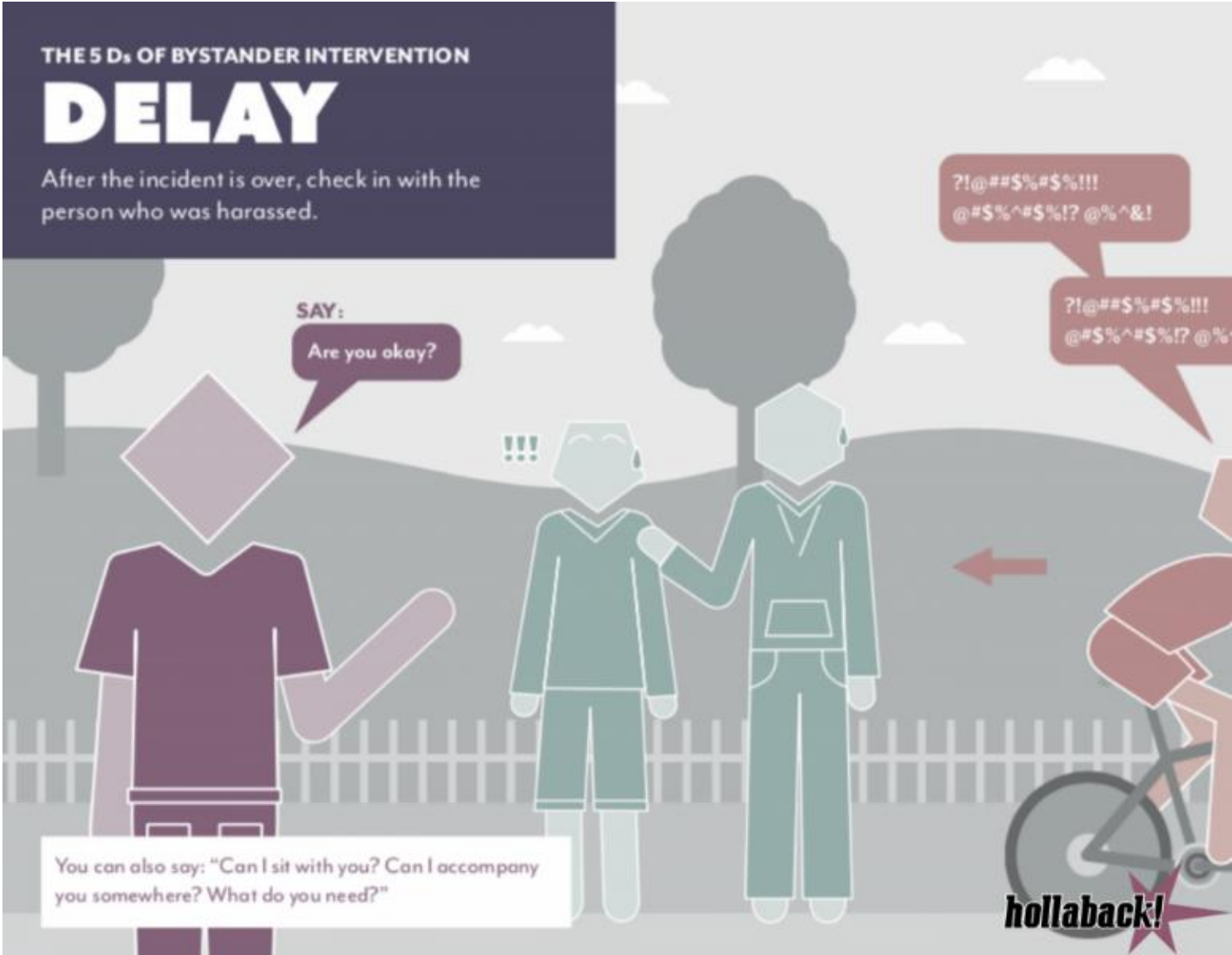
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You can also say: "Can I sit with you? Can I accompany you somewhere? What do you need?"

hollaback!





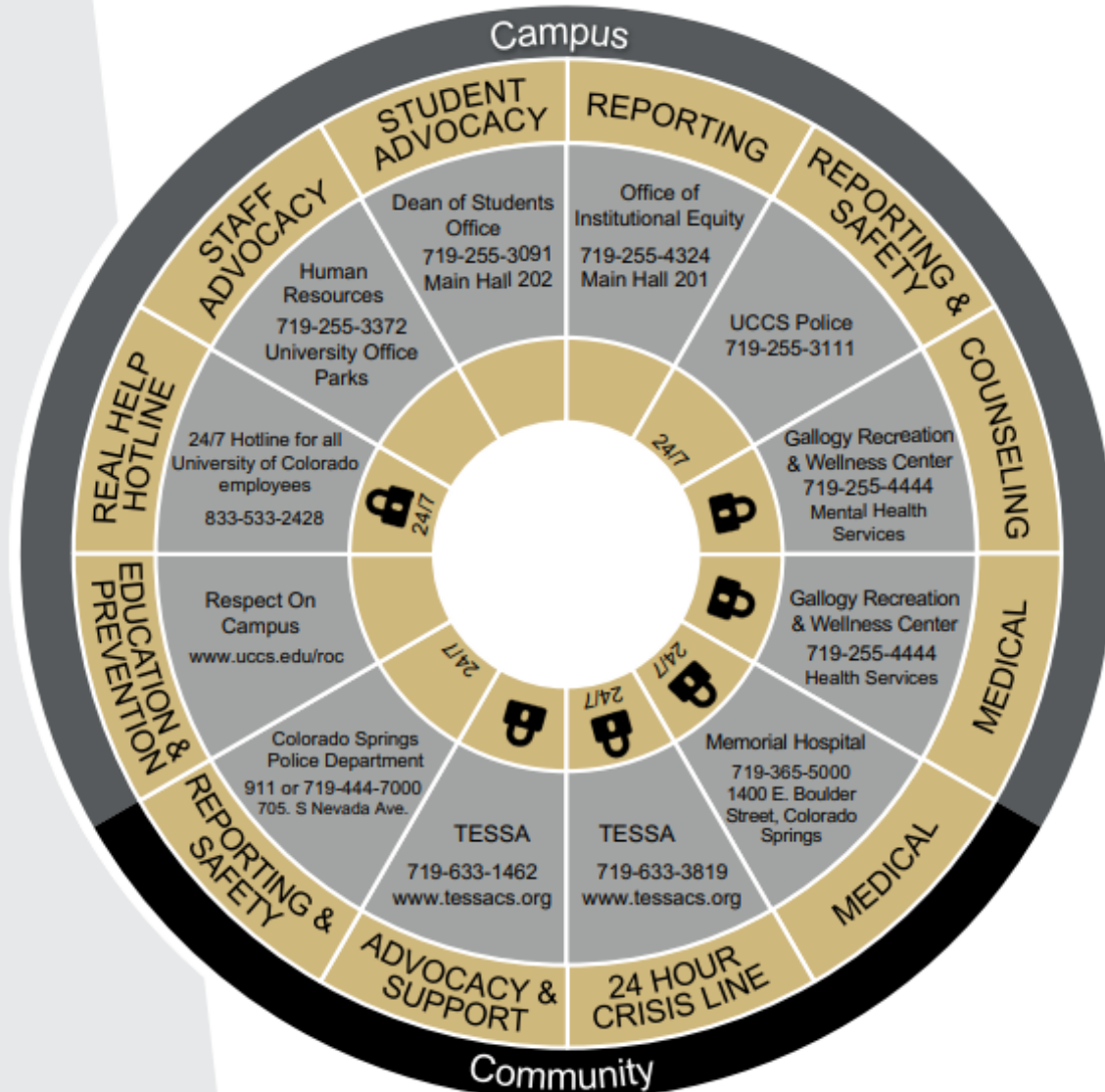
Resources


Resources

YOUR KEY TO CRITICAL SUPPORT NETWORKS

This wheel is your key to campus and community support networks in the event of an emergency in your personal, educational or professional life. The resources represented here span around-the-clock medical, safety and counseling support networks.

Please don't hesitate to call or utilize any of these resources.



 **Confidential**

Confidential Resources



OFF-CAMPUS/COMMUNITY (Available to anyone)

- SANE EXAM: Memorial Hospital Central
 - 719- 365-5000
 - 1400 E. Boulder St.
- TESSA
 - 719-633-1462

STUDENTS

- UCCS Wellness Center
 - 719-255-4444
 - Mental Health and Physical Health Services

FACULTY & STAFF EMPLOYEES

- CU Employee RealHelp Hotline
 - Medical, Mental Health, Legal, Financial, and other resources
 - 833- 533-CHAT (2428)

UCCS POLICE DEPARTMENT

- 719-255-3111
- No-questions-asked Safety Escort 24/7
- Crime Reporting
- Safe2Tell anonymous reporting (online)
- Assistance with Protection Orders
- Publish Annual Security Report
- Issue Timely Warnings

COLORADO SPRINGS POLICE DEPARTMENT

- Emergency: 911
- Non-emergency 444-7000

OTHER RESOURCES

- <https://www.uccs.edu/police/police/additional-links>



Campus Resources

RESOLUTION/INVESTIGATION:

- Title IX Coordinator / Office of Institutional Equity
 - 719-255-4324

EMPLOYEE MATTERS

- Human Resources
 - <https://www.uccs.edu/hr/>

FACULTY MATTERS

- Office of the Provost
 - <https://www.uccs.edu/provost/>



ACADEMIC / STUDENT MATTERS

- Dean of Students Office
 - 719-255-4324
 - **CARE Team**



Create a Caring Community



Questions?



UCCS FUELS SUCCESS