



ADMINISTRATIVE POLICY STATEMENT

1 **Policy Title:** Protected Class Nondiscrimination

2 **APS Number:** 5065

APS Functional Area: COMPLIANCE

4 **Brief Description:** Prohibits protected class discrimination and harassment, retaliation, failure to report,
 5 providing false or misleading information, interference with reporting, and failing to abide
 6 with the orders or sanctions of the Equity Office or other authorized officials.

7 **Effective:** July 1, 2024 (Pending)

8 **Approved by:** President Todd Saliman (Pending)

9 **Responsible University Officer:** Vice President of Compliance and Equity

10 **Responsible Office:** Offices of Equity

11 **Policy Contact:** Offices of Equity

12 **Supersedes:** Campus Discrimination and Harassment Policies (CU Boulder Discrimination and
 13 Harassment Policy, August 7, 2023; UCCS Campus Policy 300-017, Discrimination and
 14 Harassment Policy, August 7, 2023; CU Denver | Anschutz Medical Campus Policy 3054,
 15 Nondiscrimination Policy, August 24, 2023)

16 **Last Reviewed/Updated:** July 1, 2024 (Pending)

17 **Applies to:** All campuses. The system administration is considered a campus for the purposes of this
 18 policy and is required to adopt any campus requirements stated herein.
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20 **Reason for Policy:** This Policy and the required campus resolution procedures are intended to comply with the
 21 requirements of all applicable federal and state civil rights and nondiscrimination laws, their implementing
 22 regulations, and the Laws of the Regents. The information contained within this Policy is intended to provide
 23 information to members of the university community and is not intended to, nor does it, create an express or
 24 implied contract between the university and community members.
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26 **I. INTRODUCTION**

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

33 The university’s Protected Class Nondiscrimination Policy (“Policy”) is designed to fulfill the vision in
 34 Regent Policy 10.A. and ensure equal access to the academic and professional experiences at the university
 35 and to prohibit discrimination, harassment or related violations on the basis of protected class pursuant to
 36 [Regent Law Article 8.A](#). This Policy defines prohibited conduct and reporting obligations and provides
 37 information regarding campus support services for involved parties.

This Policy requires that the university has an office at each campus with specialized expertise to address allegations of prohibited conduct under this Policy in a manner that ensures all parties receive prompt, fair, and equitable treatment and that safeguards the dignity and rights for all involved. At the university, the Equity Offices at each campus below implement this Policy and administer related campus procedures:

- [CU Boulder](#)
- [CU Denver | Anschutz](#)
- [CU System Administration](#)
- [UCCS](#)

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

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

The university also prohibits sexual misconduct pursuant to the [Administrative Policy Statement 5014 on Sexual Misconduct, Intimate Partner Violence and Stalking](#). Any person who has experienced sexual misconduct in the context of a university educational programs, activities, or employment as described below should also report this to the campus Equity Office.

II. POLICY STATEMENT

A. Prohibited Conduct includes the following (which would be potential “charges” in a formal investigation):

1. ***Discrimination on the basis of protected class***: When an individual suffers an adverse consequence on the basis of a protected class. Examples include, but are not limited to, failure to be hired or promoted; denial of admission to an academic program; or failure to provide or implement legally required accommodations (for example accommodations approved by the campus ADA Coordinator, Disability Services Office or other designated office) as related to an individual’s disability, pregnancy/pregnancy related conditions or religion.
2. ***Harassment on the basis of protected class***: Unwelcome verbal, written, or physical conduct based on 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.

Hostile environment is a form of harassment. Whether a hostile environment exists is determined by evaluating whether or not an individual experienced unwelcome conduct; and whether or not the unwelcome conduct was, from the perspective of a reasonable person in the alleged individual’s position, sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the campus’s education or employment programs and/or activities. Although repeated incidents increase the likelihood that harassment has created a hostile environment, a single or isolated incident of conduct based on protected class may be sufficient.

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3. **Retaliation:** Adverse educational or employment actions, including direct or indirect intimidation, threats, and harassment, taken against an individual because of their involvement in a complaint of prohibited conduct. An adverse educational or employment action is any conduct that would dissuade a reasonable person from reporting an allegation of, or participating in, an investigation of prohibited conduct.
 4. **Failure to Report:** When (1) the Responsible Employee received information that a member of the university community was subjected to or committed an act of alleged prohibited conduct and (2) the Responsible Employee intentionally, knowingly, or recklessly disregarded the obligation to report, thus resulting in harm to a member of the university community.

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A Responsible Employee is 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 Equity Office. The Equity Office may designate in campus procedures that certain individuals who might otherwise not be considered Responsible Employees are subject to mandatory reporting requirements.

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This provision will be applied in a manner that promotes the reporting of prohibited conduct and avoids disciplinary actions when Responsible Employees conscientiously discharge their reporting obligations.

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5. **Providing False or Misleading Information:** When a person knowingly or recklessly provides false or misleading information to an Equity Office in the course of a resolution process. Making a report or providing information in good faith, even if the information reported is not later substantiated, will not constitute a violation of this Policy.
 6. **Interference with Reporting:** Prohibiting or interfering with a Responsible Employee or any other person’s reporting to the Equity Office. A Responsible Employee is 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 Equity Office. The Equity Office may designate in campus procedures that certain individuals who might otherwise not be considered responsible employees are subject to mandatory reporting requirements.
 7. **Failure to Comply with Orders or Sanctions:** Not complying with orders of the Equity Office or other appropriate university officials related to this Policy, including but not limited to No-Contact Orders, Exclusion Orders, and Orders for Interim Suspension. Members of the university community must abide by and complete sanctions related to prohibited conduct.

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B. Protected Classes

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Protected class under this Policy refers to actual or perceived unless otherwise noted below:

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- a. **Age:** The length of time a person has lived. An employee must be 40 years old to fall within the protected category. Students are protected from age discrimination in academic situations like admissions decisions and residence hall assignments, regardless of their age.
 - b. **Color*:** The pigmentation of one’s skin. An individual can make an allegation of color discrimination or color **harassment** against someone of the same race or color.
 - c. **Creed*:** ”All aspects of religious beliefs, observances or practices, as well as sincerely-held moral and ethical beliefs as to what is right and wrong, and/or addresses ultimate ideas or questions regarding the meaning of existence, as well as the beliefs or teachings of a particular religion, church, denomination

- 138 or sect. A creed does not include political beliefs, association with political beliefs or political
 139 interests, or membership in a political party.
- 140 d. **Disability:** Physical or mental impairment that substantially limits one or more major life activities of
 141 an individual.
 - 142 e. **Gender:** Sex, gender identity, and gender expression including a person’s gender-related self-image,
 143 appearance, behavior, expression, or other gender-related characteristic, regardless of the sex assigned
 144 to that person at birth.
 - 145 f. **Gender Expression:** How a person represents or expresses their gender to others through external
 146 appearance, characteristics, or behaviors.
 - 147 g. **Gender Identity:** The internal deeply-held sense of one’s gender which may be the same as or
 148 different from one’s sex assigned at birth.
 - 149 h. **Marital Status:** A relationship or a spousal status of an individual, including, but not limited to, being
 150 single, cohabitating, engaged, widowed, married, in a civil union, or legally separated, or a
 151 relationship or a spousal status of an individual who has had or is in the process of having a marriage
 152 or civil union dissolved or declared invalid.
 - 153 i. **National Origin or Ancestry*:** A person’s (or a person's ancestors') place of origin or to the physical,
 154 cultural, or linguistic characteristics of an ethnic group.
 - 155 j. **Political Affiliation:** A person’s membership or association with others in commonality of political
 156 purpose and support.
 - 157 k. **Political Philosophy:** A person’s belief or endorsement of any system of thought pertaining to public
 158 policy or the administration of governmental functions.
 - 159 l. **Pregnancy:** Pregnancy or related conditions, including lactation, medical conditions related to
 160 pregnancy or childbirth, recovery from pregnancy or childbirth, or termination of pregnancy.
 - 161 m. **Race*:** How individuals may self-identify as a certain ethnic and racial category (socio-political
 162 constructs) or as multiracial. All racial categories are protected under this Policy. Race also includes
 163 hair texture, hair type, or a protective hairstyle commonly or historically associated with race, such as
 164 braids, locs, twists, tight coils or curls, cornrows, Bantu knots, Afros and headwraps.
 - 165 n. **Religion*:** All aspects of religious observance, belief and practice. A person does not have to be a
 166 member or follower of a particular organized religion, sect or faith tradition to have a religion.
 - 167 o. **Sex:** The labels of “male,” “female,” and/or “intersex” typically assigned at birth and based on
 168 anatomy and biology .
 - 169 p. **Sexual Orientation:** An individual’s physical, romantic, and/or emotional attraction toward people.
 170 Examples include, but are not limited to: heterosexual, bisexual, gay, lesbian, pansexual, asexual,
 171 queer, demisexual, or questioning.
 - 172 q. **Veteran Status:** Refers to anyone who serves or who has served in any branch of the United States
 173 armed forces, including students in the Reserve Officer Training Corps (ROTC). Volunteers for
 174 military duty must be treated the same as those who are ordered to active duty.

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 176 ** The university construes antisemitism, Islamophobia, and caste identity to be included within the*
 177 *university’s current prohibitions on discrimination or harassment, which may be based on the*
 178 *protected classes of race, color, religion, creed, national origin or ancestry. All protected classes*
 179 *listed above encompass intersectional identities.*

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 181 C. Options for Reporting and Assistance Following an Incident of Prohibited Conduct

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 183 When the university receives a report of prohibited conduct against an individual, whether the conduct
 184 occurred on or off campus, the campus shall provide the individual with notification of the following, as
 185 applicable:

- 186 1. Reporting rights and options, including:
 - 187 a. to whom and how to report an alleged offense, including campus authorities and local law
 188 enforcement authorities;

- b. to be assisted by campus authorities in making a report; and
 - c. to decline to notify such authorities.
2. The importance of preserving evidence that may assist in proving a criminal offense occurred or may be helpful in obtaining a protective order;
 3. The method by which a person can seek No-Contact Orders, orders of protection, restraining orders, or similar lawful orders issued by a court or other competent authority;
 4. Counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available on campus or in the community; and
 5. Options for, and available assistance in, changing transportation and working situations, in addition to any available academic and residential accommodations. This notification shall be made and accommodations afforded if they are reasonably available, regardless of whether the person who reported experiencing prohibited conduct chooses to participate in any campus investigation or disciplinary proceeding or to report the crime, if any, to law enforcement.

Reporting Options and Assistance for each campus:

- [CU Boulder](#)
- [CU Denver | Anschutz](#)
- [CU System Administration](#)
- [UCCS](#)

D. Confidential Resources and Privacy

Confidential Resources/Independent Reporting Obligations – The university supports the use of confidential resources for all parties. Employees who are confidential resources are not Responsible Employees who are required to report allegations of prohibited conduct under this Policy. Communications of prohibited conduct to a Responsible Employee are not confidential, and these employees must report allegations of prohibited conduct to the Equity Office, when it is disclosed to them.

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

Information about university’s Confidential Resources for each campus:

- [CU Boulder](#)
- [CU Denver | Anschutz](#)
- [CU System Administration](#)
- [UCCS](#)

Requests Not to Proceed and Overriding Factors – If an individual has allegedly been subjected to prohibited conduct, but wishes to maintain privacy or requests that no resolution process be pursued nor disciplinary action taken, the Equity Office will explain that the university prohibits retaliation and explain the steps the campus will take to prevent retaliation if the individual participates in a resolution process, and that the campus will take responsive action if it occurs.

If, having been informed of the campus’s prohibition of retaliation and its obligations to prevent and respond to retaliation, the individual allegedly subjected to prohibited conduct would still like to maintain privacy or requests that no investigation be conducted nor disciplinary action taken, the Equity Office will

weigh that request against the university’s obligation to provide a safe, non-discriminatory environment for all students, faculty, and staff. In making that determination, the Equity Office will consider a range of potentially overriding factors that would cause the campus to commence an investigation or take disciplinary action after an investigation of prohibited conduct occurred, including the following:

- (1) The risk that the person accused of prohibited conduct will commit additional acts of violence;
- (2) The seriousness of the alleged prohibited conduct, including whether the person accused of prohibited conduct threatened further violence against the person allegedly subject to prohibited conduct or others, or whether the person accused of prohibited conduct has been found responsible in legal or other disciplinary proceedings for acts of violence;
- (3) Whether the alleged prohibited conduct was perpetrated with a weapon;
- (4) Whether the person allegedly subjected to prohibited conduct is a minor;
- (5) Whether the campus possesses means other than the testimony of the person allegedly subjected to prohibited conduct in order to obtain relevant evidence of the alleged prohibited conduct (e.g., security cameras or personnel, physical evidence); and
- (6) Whether the alleged prohibited conduct reveals a pattern of perpetration at a given location or by a particular group.

The decision to proceed with a resolution process or other action despite the individual’s request that no resolution process or action proceed will be conducted on a case-by-case basis after an individualized review.

Findings of a Policy Violation – 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 an investigation 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.

E. Reporting Allegations of Prohibited Conduct

- (1) **Purpose of Reporting** – The university provides mechanisms for members of the university community to report allegations of prohibited conduct. Reporting allows the university to pursue resolution processes when appropriate, and to inform those who have been involved of support services and to facilitate access to those services. Reporting also allows the university to identify institutional risks, increase the effectiveness of its training programs, and identify the need for additional services that will protect the university community from harm. Reporting allegations of prohibited conduct is fundamental to the university’s ability to provide campus environments that allows equal access to educational and employment opportunities.
- (2) **Reporting by Students and Other Members of the Campus Community Who are Not Responsible Employees** – The university encourages all members of the university community, even those who

are not defined as Responsible Employees, to report allegations of prohibited conduct to the Equity Office.

(3) **Responsible Employees Must Report Prohibited Conduct** – 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 Equity Office. The Equity Office may designate in campus procedures that certain individuals who might otherwise not be considered Responsible Employees are subject to mandatory reporting requirements. Responsible Employees must promptly report allegations of prohibited conduct (Discrimination, Harassment, Retaliation, Failure to Report, Providing False or Misleading Information, Interference with Reporting, or Failure to Comply with Sanctions or Orders) to the Equity Office. A “Failure to Report” as defined by Section II(A)(4) is considered Prohibited Conduct.

- (a) Any Responsible Employee who witnesses or receives a written or oral report alleging that a member of the university community has been subjected to or has committed an act of prohibited conduct must promptly report the allegations to the Equity Office. Members of the university community include students, faculty, staff, contractors, patients, visitors to campus, volunteers, Regents and employees of affiliated entities. Because the university may have the ability to address or prevent future prohibited conduct the obligation to report exists independently of whether the individual who was subjected to or accused of prohibited conduct is currently enrolled or employed at the university.
- (b) The Responsible Employee is required to promptly report to the Equity Office, all known details about the alleged prohibited conduct including:
 - (i) Name of the person alleged subjected to prohibited conduct;
 - (ii) Name of person accused of prohibited conduct;
 - (iii) Name of any alleged witnesses; and
 - (iv) Any other relevant facts, including the date, time, and specific location of the alleged incident.

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. 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 information related to juveniles).

- (c) In many instances, it may not be immediately apparent whether a person is a member of the university community, whether the prohibited occurred on university property, or whether the alleged conduct occurred in the course of an educational program or activity of the university. Rather than conduct their own inquiries to determine whether these conditions exist, Responsible Employees should report potential prohibited conduct to the Equity Office to allow a preliminary inquiry to occur.
- (d) Responsible Employees are not required to report information disclosed during an individual’s participation as a subject in an Institutional Review Board-approved human subjects research protocol. Institutional Review Boards may, in appropriate cases, require researchers to provide reporting information to all subjects of IRB Research.
- (e) Responsible Employees who receive information related to prohibited conduct in the course of serving in the capacity as ombuds, as designated by the university, are not required to report to the Equity Office. These Responsible Employees must report alleged prohibited conduct disclosed to them when they are not serving in their capacity as ombuds.

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- (f) Responsible Employees who receive information related to an allegation of prohibited conduct in the course of providing professional services within a privileged relationship, such as health care providers or counselors, are not required to report to the Equity Office. These Responsible Employees must report allegations of prohibited conduct disclosed to them when they are not providing professional services within a privileged relationship or an Ombuds Office. These Responsible Employees may also have independent professional obligations to report some forms of criminal conduct to law enforcement officials.
- (g) A Responsible Employee does not satisfy the reporting obligation by reporting allegations of prohibited conduct to a supervisor or university personnel other than the Equity Office.
- (h) Responsible Employees are not required to report allegations of prohibited conduct to which they have been personally subjected to the Equity Office but are nonetheless encouraged to report.

Employees who are designated Campus Security Authorities (CSAs) have additional obligations under the Clery Act to report certain criminal offenses under the law that occur on university property for statistical purposes. See the links below for Clery resource and information.

- [CU Boulder](#)
- [CU Denver | Anschutz](#)
- [UCCS](#)

F. Designation and Responsibilities of the Equity Office

The Equity Office is responsible for overseeing complaints of prohibited conduct pursuant to this Policy and for identifying and addressing any patterns or systemic problems that arise during review of those complaints.

For all matters within the scope of this Policy, at a minimum, the Equity Office, shall be specifically responsible and have delegated authority from the Chancellor or President for implementing this Policy. Subject to the Equity Office’s ultimate responsibility and authority, the Equity Office may further delegate responsibility and authority for the following functions:

- (1) Ensuring that complaints are addressed appropriately and in a timely manner;
- (2) Overseeing adequate, reliable, and impartial resolutions of complaints of prohibited conduct;
- (3) Evaluating any request for privacy by a person alleged subjected to prohibited conduct;
- (4) Referring matters for further action or discipline for inappropriate or unprofessional conduct under other applicable policies or procedures even if a prohibited conduct is not found. No provision of this Policy shall be construed as a limitation on the authority of the disciplinary authority, under applicable policies and procedures, to initiate disciplinary action;
- (5) Facilitating reasonable supportive and safety measures for all parties;
- (6) Ensuring broad publication of the campus complaint process and procedures, including posting the procedure on an appropriate campus website;
- (7) Creating an annual report documenting: a) the number of reports or complaints of alleged violations of this Policy; b) the categories (e.g., students, faculty, staff) of parties involved; c) the number of

397 Policy violations found; d) the number of appeals taken and the outcomes of those appeals; and e)
 398 examples of sanctions imposed for Policy violations;

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 400 (8) Ensuring there is ongoing training and education regarding reporting and preventing prohibited
 401 conduct for all students, faculty and staff;

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 403 (9) Maintaining records and related documentation of compliance with this Policy, including, but not
 404 limited to, retaining copies of any training documentation, tracking student and employee training
 405 participation, documenting each step of the campus complaint process and procedures including
 406 interim measures, accommodations for persons alleging prohibited conduct, investigation, and
 407 sanctioning; and

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 409 (10) Ensuring broad dissemination of the statement that the university shall not discriminate on the basis
 410 of any protected class in employment or in its education programs and activities.

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 412 G. Equity Office’s Jurisdiction to Conduct Preliminary Inquiry and Further Action

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 414 (1) This Policy applies to all members of the university community, including students, faculty, staff,
 415 contractors, patients, volunteers, affiliated entities, Regents and other third parties. Subject to any
 416 rights of appeal, any person found responsible for engaging in prohibited conduct as defined in this
 417 Policy may be subject to disciplinary action, up to and including expulsion or termination of
 418 employment. The university will consider what potential actions should be taken, including contract
 419 termination or property exclusion, regarding third-party conduct alleged to have violated this Policy,
 420 but those options may be limited depending on the circumstances of the affiliation.

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 422 (2) This Policy applies to conduct that occurs on campus. This Policy also applies to off-campus
 423 conduct, including online or electronic conduct, in the following circumstances:

- 424 a. If the person accused of prohibited conduct is affiliated with the university;
- 425 b. If the conduct occurred in the context of an employment or education program or activity of the
 426 university; or
- 427 c. In all other cases not falling under (a) or (b), the Equity Office will consider the degree of the
 428 university’s control over the persons(s) accused of prohibited conduct, the relationship between
 429 the parties, the affiliation of the person allegedly subject to prohibited conduct, and assess the
 430 surrounding circumstances of the alleged conduct for the presence of the following factors:
- 431 i. Targets or causes harm to an individual connected with the university;
- 432 ii. Threatens violence against the person(s) allegedly subjected to prohibited conduct or others
 433 and there is reasonable fear that such further conduct could target or cause harm to someone
 434 connected with the university;
- 435 iii. Is of a violent nature or was frequent or severe;
- 436 iv. Prior or current similar complaints about the person(s) accused of prohibited conduct or the
 437 person(s) has a known history or records from a prior school indicating a history of
 438 violence;
- 439 v. Use of, or threat to use, a weapon, access to or attempts to access weapons, or a history of
 440 bringing weapons to the university;
- 441 vi. Multiple persons allegedly subjected to prohibited conduct or persons accused of prohibited
 442 conduct.

- vii. The person allegedly subjected to prohibited conduct is a minor;
- viii. Whether the alleged prohibited conduct reveals a pattern of perpetration at a given location or by a particular group; and/or
- ix. Any other signs of predatory behavior.

If the Equity Office determines that at least one of the above factors is present, then the Equity Office may exercise jurisdiction for off-campus conduct that does not fall under (a) or (b) above.

The Equity Office is solely authorized to determine whether this Policy applies to alleged prohibited conduct and whether the university has jurisdiction to take any action pursuant to this Policy.

H. Investigation/Adjudication Process and Procedures

Each campus shall establish a written complaint process and procedures providing for prompt and equitable resolution of any allegations of prohibited conduct. An investigatory process may also incorporate the adjudicatory and/or disciplinary process (such as opportunity to be heard or provide a statement and respond to the allegation(s), the making of factual findings, and the determination of any policy violation), so long as it provides a prompt, fair, and impartial process from the investigation to the final results. Any investigatory process that may result in disciplinary action must specifically include a procedure that:

- (1) Is conducted by trained officials who do not have a conflict of interest or bias for or against the either party. An official shall recuse from conducting an investigation 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 either party 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;
- (2) Allows for supportive and safety measures to be provided before an investigation or while an investigation is pending. Supportive and safety measures, when determined to be appropriate and reasonably available by the Equity Office or designee, are intended to maintain the educational or employment environment, if possible, and may include but are not limited to: counseling, extensions of time or other course-related adjustments, modifications of work or class schedules, campus safety escort services, restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other accommodations. Supportive and safety measures should be individualized and appropriate based on the information gathered by the Equity Office or designee;
- (3) Includes advance notice of allegations to all parties, with the identity of the person(s) allegedly subjected to prohibited conduct, the specific section of the Policy allegedly violated, the conduct allegedly constituting the potential violation, and the date and location of the alleged incident, to the extent known and available;
- (4) Allows the parties to receive notice before they participate in their own interview with sufficient time to prepare for meaningful participation in their own interview;
- (5) Allows the parties to each have an advisor of their choosing, including an attorney, advocate, or other person who is not a potential witness in the investigation or could otherwise compromise the investigation. The advisor may not engage in any conduct that would constitute harassment or

502 retaliation against any person who has participated in an investigation and may be denied further
 503 participation for harassing or retaliatory conduct;

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- 505 (6) Provides the parties with timely and equal access to any relevant information, including witness
 506 identities and relevant information provided by each party, witnesses, and other documentation
 507 gathered during the investigation, unless the campus is legally prohibited from disclosing the
 508 information to a party;
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- 510 (7) Provides opportunity to respond to a written evidence summary in writing in advance of any
 511 findings or conclusions;
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- 513 (8) Offers each party an opportunity to submit questions for the investigator to ask of the other party
 514 and of witnesses. The investigator may decline to ask a question that is not reasonably calculated to
 515 lead to the discovery of probative evidence or when the probative value of the information is
 516 outweighed by the danger of unfair prejudice or confusion of the issues or by considerations of
 517 undue delay or needless presentation of cumulative evidence;
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- 519 (9) Applies the preponderance of the evidence standard when making findings of fact and conclusions
 520 as to whether prohibited conduct has occurred. A preponderance of the evidence exists when the
 521 totality of the evidence demonstrates that an allegation of prohibited conduct is more probably true
 522 than not. If the evidence weighs so evenly that the investigator is unable to say that there is a
 523 preponderance on either side, the investigator must determine that there is insufficient evidence to
 524 conclude there has been a violation of this Policy. In applying the preponderance of the evidence
 525 standard, an investigator may consider both direct and circumstantial evidence. The investigator
 526 may determine the credibility of parties and witnesses, and the weight to be given their statements,
 527 taking into consideration their means of knowledge, strength of memory and opportunities for
 528 observation, the reasonableness or unreasonableness of their statements, the consistency or lack of
 529 consistency of their statements, their motives, whether their statements are contradicted or supported
 530 by other evidence, any evidence of bias, prejudice or interest, and the person’s manner and
 531 demeanor when providing statements;
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- 533 (10) Incorporates an internal review before the final investigative findings are issued;
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- 535 (11) Issues written, concurrent notice of the outcome to the each party;
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- 537 (12) Allows the parties to provide information about any aggravating or mitigating circumstances before
 538 any sanction is imposed;
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- 540 (13) Requires a written statement of the basis upon which any sanction was imposed; and
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- 542 (14) For cases involving *students accused of prohibited conduct*, provides for post-decision appeal to
 543 determine whether there were procedural errors by which any party was prevented from receiving a
 544 fair investigation. In the appeal, a party may not present any new evidence unless the party can
 545 demonstrate that it could not, with reasonable diligence, have discovered and produced the evidence
 546 during the course of the investigation.

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548 For cases involving *employees accused of prohibited conduct*, provides for post-decision appeal to
 549 determine whether there were procedural errors by which any party was prevented from receiving a
 550 fair investigation. In the appeal, a party may not present any new evidence unless the party can
 551 demonstrate that it could not, with reasonable diligence, have discovered and produced the evidence
 552 during the course of the investigation. Any rights to appeal of a sanction that has been imposed as
 553 a result of a Policy violation may be available to the employee via other procedures, such as the State
 554 Personnel Board Rules or the Faculty Senate Senate Committee on Privilege and Tenure. Nothing in this

555 section shall be read to create a right of appeal of sanctions for employees that is not otherwise
556 provided for by law or university policy.

557 Access the campus resolution procedures online:

- 559 [CU Boulder](#)
- 560 [CU Denver | Anschutz](#)
- 561 [CU System Administration](#)
- 562 [UCCS](#)

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564
565 I. Complaints Involving Two or More Campuses

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567 When an alleged violation of this Policy involves more than one University of Colorado campus, the
568 campus with primary disciplinary authority over the person accused of prohibited conduct shall investigate
569 the complaint pursuant to its applicable complaint process and procedures. The campus responsible for the
570 investigation may request the involvement or cooperation of any other affected campus and should advise
571 appropriate officials of the affected campus of the progress and results of the investigation.

572
573 **III. RELATED POLICIES**

- 574
575 • [APS 5014 Sexual Misconduct, Intimate Partner Violence, and Stalking](#) on the University of Colorado's
576 website.
- 577
578 • [APS 5015 Conflict of Interest in Cases of Amorous Relationships](#) on the University of Colorado's
579 website.

580
581 **IV. HISTORY**

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583 • Supersedes Campus Discrimination and Harassment Policies (CU Boulder Discrimination and Harassment Policy,
584 August 7, 2023; UCCS Campus Policy 300-017, Discrimination and Harassment Policy, August 7, 2023; CU
585 Denver/Anschutz Medical Campus Policy 3054, Nondiscrimination Policy, August 8, 2018)
- 586
587 • Approved and Reviewed By: President Todd Saliman
- 588
589 • Effective Date: July 1, 2024
- 590
591 • Author: Vice President of Compliance and Equity
- 592