### APS JUSTIFICATION

**Policy Title:** Sexual Misconduct, Intimate Partner Abuse and Stalking  
**APS Number:** 5014  
**APS Functional Area:** HUMAN RESOURCES

<table>
<thead>
<tr>
<th>Date Submitted:</th>
<th>May 6, 2020</th>
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</thead>
<tbody>
<tr>
<td>Proposed Action:</td>
<td>Revision</td>
</tr>
<tr>
<td>Brief Description:</td>
<td>Prohibits all forms of Sexual Misconduct¹, including conduct prohibited by Title IX and other sexual misconduct. This policy also defines and prohibits related misconduct, including retaliation, failure to report, providing false or misleading information, and failing to abide with the orders or sanctions of the Title IX Coordinator or other authorized officials.</td>
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<td>Desired Effective Date:</td>
<td>August 14, 2020</td>
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<td>Responsible University Officer:</td>
<td>Title IX Coordinators</td>
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<tr>
<td>Responsible Office:</td>
<td>Offices of Institutional Equity</td>
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<td>Policy Contact:</td>
<td>Offices of Institutional Equity</td>
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<tr>
<td>Last Reviewed/Updated:</td>
<td>August 14, 2020</td>
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<tr>
<td>Applies to:</td>
<td>All campuses. The system administration is considered a campus for the purposes of this policy and is required to adopt any campus requirements herein.</td>
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**Reason for Policy:** This policy and the required campus complaint process and procedures are intended to comply with the requirements of the following federal laws, their implementing regulations, and related federal agency guidance, as well as relevant state laws and the Laws of the Regents:

- Title IX of the Education Amendments of 1972 ("Title IX");
- The Violence Against Women Reauthorization Act ("VAWA");
- Title VII of the Civil Rights Act of 1964 ("Title VII")
- Colorado Revised Statutes § 24-34-402, *et. seq.*
- Colorado Revised Statutes § 23-5-146 and §23-5-147; and
- Article 8 of the Laws of the Regents

1. **REASON FOR PROPOSED ACTION**

   In early May, the Department of Education issued new Title IX regulations which are effective August 14, 2020. The changes to this APS ensure that the University’s Title IX policies and procedures conforms with the new regulations.

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¹ As used in this Policy, *Sexual Misconduct* includes both *Title IX Sexual Harassment* and other forms of sexual misconduct that fall outside Title IX’s jurisdiction.
II. STAKEHOLDER ENGAGEMENT IN THE POLICY REVIEW

- Office of University Counsel
- Faculty, Staff and Student Governance
- Employee and student affinity groups
- Human Resources
- Student Affairs (Office of Victim Assistance, Student Legal Services, Student Conduct, Counseling Services, Residence Life and Housing)
- Athletics
- Campus based police departments
- Office of Diversity, Equity and Community Engagement
- Offices of Institutional Equity
- We discussed some of the broad changes to the policy with community based partners, including the statewide sexual misconduct advisory committee (including Title IX Coordinators from large and small, public and private universities, private attorneys working with victims and persons accused, community-based victim advocates and health care professionals) and the Boulder District Attorney

III. LEGAL REVIEW

A. Do you think legal review would be required for these proposed changes? Yes If yes, what is your plan to get the legal review? Extensive legal review was obtained during the formulation and OUC took the lead drafting the revised policy.

IV. FISCAL REVIEW

Are there any financial (human resources, technology, operations, training, etc.) or other resource impacts of implementing this policy (e.g., cost savings, start-up costs, additional time for faculty or staff, new systems, or software? Yes If yes, please explain:

The Title IX regulations require the campuses to have separate staff designated for each adjudication role. We are looking to hire state administrative law judges to perform as the hearing officer on an hourly/contract basis. CFOs approved systemwide financing model on July 31, 2020.