



APS JUSTIFICATION

Policy Title: Sexual Misconduct, Intimate Partner Abuse, and Stalking

APS Number: 5014

APS Functional Area: **COMPLIANCE**

Date Submitted:	June 1, 2024
Proposed Action:	Revision
Brief Description:	Prohibits sexual misconduct (hostile environment harassment, intimate partner abuse including dating violence or domestic violence, quid pro quo harassment, sexual assault, sexual exploitation and stalking) and related violations (failure to report, providing false or misleading information, interference with reporting, failing to comply with orders or sanctions and related retaliation).
Desired Effective Date:	August 1, 2024
Responsible University Officer:	Vice President of Compliance and Equity
Responsible Office:	Offices of Equity
Policy Contact:	Offices of Equity

Reason for Policy: This policy is intended to comply with the requirements of all applicable federal and state civil rights and nondiscrimination laws, their implementing regulations, and the Laws of the Regents. The information contained within this policy is intended to provide information to members of the university community and is not intended to, nor does it, create an express or implied contract between the university and community members.

UPDATE: New Title IX regulations go into effect on August 1, 2024. While the university has been preparing for several months to implement the new Title IX regulations, recent federal court rulings have temporarily blocked the rule from taking effect for certain university campuses around the country. Of note, a court ruling blocked enforcement at any institution attended by members of certain organizations – CU Boulder is one of the impacted institutions. CU Boulder and System Administration (which follows the CU Boulder policy) will not be implementing the new August 1, 2024, version of APS 5014.

We are proposing:

- A. 5014 (2024)-Sexual Misconduct, Intimate Partner Abuse, and Stalking (Applicable to CU Anschutz Medical Campus/CU Denver/UCCS). Note this is a new policy.
- B. 5014 (2021)-Sexual Misconduct, Intimate Partner Violence, and Stalking (Applicable to CU Boulder/System Administration). Note this is the current policy without any revisions.

We will continue to monitor this evolving situation and propose additional changes as appropriate.

I. REASON FOR PROPOSED ACTION

- A. Ensure compliance with recent changes to Title IX, as appropriate for each campus.
- B. Align the Sexual Misconduct Policy with the Protected Class Nondiscrimination Policy (APS 5065 - which will also be effective August 1) to ensure continued protections against discrimination and harassment based on sexual orientation, gender identity, pregnancy, and related retaliation as required by Colorado and regent law.
- C. Incorporate Regent Policy 10.A.
- D. Incorporate guidance and resources for reporting options and confidential resources.
- E. Describe role and jurisdiction of Equity Offices.

II. STAKEHOLDER ENGAGEMENT IN THE POLICY REVIEW

Systemwide working group comprised of Office of Ethics, Risk, and Compliance (Vice President of Compliance and Equity and System Title IX Coordinator), Office of University Counsel from all campuses, and Office of Equity from all campuses met for the last year and drafted policy following the review of the new Title IX rules released in April. Shared initial drafts with campus stakeholder offices and will proceed with review through system Office of Policy and Efficiency for stakeholder engagement with students, faculty, staff, campus governance groups and external stakeholders.

III. LEGAL REVIEW

- A. Do you think legal review would be required for these proposed changes? **No.**
 - 1. If no, please explain. **The policy is intended to comply with the requirements of all applicable federal and state civil rights and nondiscrimination laws, their implementing regulations, and the Laws of the Regents. Draft policy has been reviewed by the Office of University Counsel.**
 - 2. If yes, what is your plan to get the legal review?
- B. Date legal review completed: **June 25, 2024**
- C. Person completing legal review: **Julie Steeler, Senior Assistant University Counsel**

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)? **No.** If yes, please explain:

There are no additional financial or other resource impacts of implementing this policy as the Equity Offices currently enforce the Sexual Misconduct Policy.