



**APS JUSTIFICATION**

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

**APS Number:** 5014

**APS Functional Area:** **HUMAN RESOURCES**

<b>Date Submitted:</b>	August 13, 2021
<b>Proposed Action:</b>	Revision
<b>Brief Description:</b>	Prohibits all forms of Sexual Misconduct, 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.
<b>Desired Effective Date:</b>	September 2, 2021
<b>Responsible University Officer:</b>	Title IX Coordinators
<b>Responsible Office:</b>	Offices of Institutional Equity
<b>Policy Contact:</b>	Offices of Institutional Equity
<b>Last Reviewed/Updated:</b>	October 1, 2018
<b>Applies to:</b>	All campuses. The system administration is considered a campus for the purposes of this policy and is required to adopt any campus requirements herein.

**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”);
- The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (“Clery Act”);
- 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

**I. REASON FOR PROPOSED ACTION**

In late July 2021, a federal court vacated a provision of the Title IX regulations that were effective August 14, 2020. The change in this APS ensures that the University’s Title IX policy conforms with current federal standards for the consideration of evidence in Title IX hearings.

**II. STAKEHOLDER ENGAGEMENT IN THE POLICY REVIEW**

- Office of University Counsel
- Offices of Institutional Equity

**III. LEGAL REVIEW**

Do you think legal review would be required for these proposed changes? **Yes. Extensive legal review was obtained during the formulation and drafting of the revised policy.**