



**APS JUSTIFICATION**

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

**APS Number:** 5014

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

<b>Date Submitted:</b>	June 20, 2018
<b>Proposed Action:</b>	Revision
<b>Brief Description:</b>	Prohibits all forms of <i>sexual misconduct</i> , which is defined as <i>sexual assault-non-consensual intercourse, sexual assault-non-consensual sexual contact, sexual exploitation, intimate partner abuse</i> (including domestic and dating violence), <i>stalking</i> , and <i>sexual harassment</i> . This policy also defines related misconduct, including <i>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.</i>
<b>Desired Effective Date:</b>	September 1, 2018
<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>	July 1, 2015
<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”);
- Colo. Rev. Stat. 24-34-402; and
- Article 10 of the Laws of the Regents.

**I. REASON FOR PROPOSED ACTION**

These policy revisions are intended to respond to changes in the regulatory guidance issued by federal authorities since the policy was last revised, as well as to respond to judicial decision that have interpreted the applicable laws and regulations. The policy revisions are also intended to incorporate best practices in the definition and investigation of sexual misconduct.

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

- Office of University Counsel
- Faculty & Staff Governance
- Human Resources

- Student Affairs
- Offices of Institutional Equity

### III. LEGAL REVIEW

A. Do you think legal review would be required for these proposed changes? **Yes**

1. If no, please explain.
2. If yes, what is your plan to get the legal review? **Extensive legal review was obtained during the formulation and drafting of the proposed APS.**

B. Date legal review completed: June 15, 2018

C. Person completing legal review: Patrick T. O'Rourke, 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: