



**INTERIM ADMINISTRATIVE POLICY STATEMENT**

*Only applies to Anschutz, Denver, and UCCS Campuses*

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

2 **APS Number:** 5014 (2024)

**APS Functional Area:** COMPLIANCE

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4 **Brief Description:** Prohibits sexual misconduct (hostile environment harassment, intimate partner abuse  
5 including dating violence or domestic violence, quid pro quo harassment, sexual assault,  
6 sexual exploitation and stalking) and related violations (failure to report, providing false  
7 or misleading information, interference with reporting, failing to comply with orders or  
8 sanctions and related retaliation).

9 **Effective:** August 1, 2024

10 **Approved by:** President Todd Saliman

11 **Responsible University Officer:** [Vice President of Compliance and Equity](#)

12 **Responsible Office:** Offices of Equity

13 **Policy Contact:** Offices of Equity

14 **Supersedes:** Sexual Misconduct, Intimate Partner Violence and Stalking Policy, September 2, 2021

15 **Last Reviewed/Updated:** August 1, 2024

16 **Applies to:** Anschutz, Denver, and UCCS

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18 **Reason for Policy:** This Policy is intended to comply with the requirements of all applicable federal and  
19 state civil rights and nondiscrimination laws, their implementing regulations, and the Laws of the Regents.  
20 The information contained within this Policy is intended to provide information to members of the  
21 university community and is not intended to, nor does it, create an express or implied contract between the  
22 university and community members.  
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26 **I. INTRODUCTION AND POLICY STATEMENT**

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28 At the University of Colorado (“university”), our vision pursuant to [Regent Policy 10.A](#) (“Diversity,  
29 Equity, and Inclusion”) is to be a premier, accessible, and transformative public research university  
30 that has diverse and inclusive working and learning environments woven into the fabric of our entire  
31 organization. Such environments are crucial to promoting academic excellence, most notably  
32 outstanding teaching, learning, research, creative work, meaningful community engagement, and  
33 culturally responsive health care.  
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35 This Sexual Misconduct, Intimate Partner Abuse and Stalking Policy (“Policy”) prohibits  
36 discrimination and harassment on the basis of sex, and related violations. Sex discrimination includes  
37 discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual

orientation, gender identity, and gender expression consistent with [Regent Law Article 8A](#). This Policy is intended to ensure equal access to the academic and professional experiences at the university, defines prohibited conduct and reporting obligations, and provides information regarding campus support services for involved parties.

The university must have an office at each campus and a Title IX Coordinator with specialized expertise to address allegations of prohibited conduct under this Policy in a manner that safeguards the dignity and rights for all involved. The Equity Offices and respective [Title IX Coordinator at each campus](#) implement this Policy and administer related campus procedures. *Reporting options* on each campus can be found as follows:

CU Denver | Anschutz  
UCCS

Anyone who encounters an issue or seeks guidance related to this Policy should consult with a 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 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. While the university may not discipline speakers for protected speech, the university retains a Title IX obligation to take other steps as necessary to ensure that no hostile environment based on sex persists. 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 protected class discrimination and harassment pursuant to the [Administrative Policy Statement 5065](#) and requires the removal of direct evaluative authority in amorous relationships pursuant to [Administrative Policy Statement 5015](#). Any person who has experienced protected class discrimination and harassment in the context of a university educational programs, activities, or employment or needs to report an amorous relationship for removal of the direct evaluative authority should also report this to the campus Equity Office.

**II. PROHIBITED CONDUCT**

**A. Sexual Misconduct**

This Policy prohibits sexual misconduct and sex-based harassment. Sex-based harassment means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity and gender expression. *To report information or make a complaint about conduct that may violate this Policy, individuals may contact their campus Equity Offices above.*

Each of the following categories of sex-based harassment are prohibited and could be charged as potential violations of this Policy in a formal adjudication:

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1. **Hostile Environment harassment:** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the university’s education program or activity (i.e., creates a hostile environment). For purposes of this Policy, “sex-based” conduct includes any hostile environment based on sex, gender, gender identity, gender expression, sexual orientation or pregnancy.

94 Whether a hostile environment has been created is a fact-specific inquiry that includes  
95 consideration of the following:

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97 (i) The degree to which the conduct affected the complainant’s ability to access the  
98 university’s education program or activity;  
99 (ii) The type, frequency, and duration of the conduct;  
100 (iii) The parties’ ages, roles within the university’s education program or activity,  
101 previous interactions, and other factors about each party that may be relevant to  
102 evaluating the effects of the conduct;  
103 (iv) The location of the conduct and the context in which the conduct occurred; and  
104 (v) Other sex-based harassment in the university’s education program or activity.  
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2. **Intimate Partner Abuse (Dating/Domestic Violence)** An act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. Intimate relationship means a relationship between spouses or former spouses, past or present unmarried couples, persons who are or have been in a romantic or intimate relationship (determined by length, type, and frequency of interactions), or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time. Intimate partner abuse also includes any other act against a person acts or threats of self-harm, or acts against property, including an animal, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship.

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3. **Quid Pro Quo harassment:** An employee, agent, or other person authorized by the university to provide an aid, benefit, or service under the university’s education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct.

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4. **Sexual assault:** Any attempted or actual sexual act directed against another person, without consent (see Section II(B)) of the victim, including instances where the victim is incapable of giving consent. This includes:

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- a. **Rape:** the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of all persons and is properly applied regardless of the age of the victim if the victim did not consent or if the victim was incapable of giving consent.

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- b. **Nonconsensual Sexual Contact:** any sexual touching, however slight and with any body part or object, by any person upon another without consent. Examples of nonconsensual sexual contact include, but are not limited to: (1) touching of a nonconsenting person’s intimate parts (such as groin, genitals, breasts, buttocks,

136 mouth, and/or clothing covering these parts); (2) touching a nonconsenting person with  
137 one's own intimate parts; (3) making a nonconsenting person touch you, another, or  
138 themselves; or (4) any intentional bodily contact in a sexual manner

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140 c. **Statutory Rape:** sexual intercourse with a person who is under the statutory age  
141 of consent if the victim consented and the offender did not force or threaten the  
142 victim. Under Colorado law, a person under the age of 15 cannot legally consent  
143 to sex with someone who is 4 or more years older than they are. A person who is  
144 15 or 16 cannot legally consent to sex with someone who is more than 10 years  
145 older.

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147 d. **Incest:** sexual intercourse between persons who are related to each other within the  
148 degrees wherein marriage is prohibited by law.

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150 5. **Sexual exploitation:** Taking or attempting to take non-consensual or abusive sexual  
151 advantage of another for one's own advantage or benefit, or to benefit or advantage anyone  
152 other than the one being exploited. For example, sexual exploitation could include but is not  
153 limited to such actions as (1) prostituting another person; (2) taking possession of the  
154 intimate personal property of another person without that person's consent; (3) recording  
155 images (e.g., video, photograph) or audio of another person's sexual activity, intimate body  
156 parts, or nakedness; (4) distributing images (e.g., video, photograph) or audio of another  
157 person's sexual activity, private body parts, or nakedness, if the individual distributing the  
158 images or audio knows or should have known that the person depicted in the images or  
159 audio did not consent to such disclosure; (5) viewing or listening to another person's sexual  
160 activity, private body parts, or nakedness in a place where that person would have a  
161 reasonable expectation of privacy; or (6) knowingly transmitting a sexually transmitted  
162 infection to another person.

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164 6. **Stalking:** engaging in a course of conduct directed at a specific person that would cause a  
165 reasonable person to:

- 166 (i) Fear for the person's safety or the safety of others; or
- 167 (ii) Suffer substantial emotional distress

## 168 169 **B. Sexual Misconduct – Definition of Consent**

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171 Consent means affirmative consent, which is unambiguous and voluntary agreement to engage in a  
172 specific sexual activity. Consent is clear, knowing, and voluntary words or actions that create  
173 mutually understandable clear permission of willingness to engage in, and the conditions of, sexual  
174 activity. Consent must be active; silence by itself cannot be interpreted as consent. Consent is not  
175 effectively given if it results from the use of force, including threats or intimidation, or if it is from  
176 someone who is incapacitated:

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178 • **Force** is the use of physical violence or imposing on someone physically to gain sexual  
179 access.
- 180 • **Threats** exist where a reasonable person would have been compelled by the words or  
181 actions of another to give permission to sexual contact they would not otherwise have  
182 given. For example, threats to kill or harm someone, kill or harm themselves, or kill or  
183 harm someone for whom a person cares constitute threats.
- 184 • **Intimidation** occurs when someone uses physical presence to menace another, although

- 185 no physical contact occurs, or where knowledge of prior violent behavior by an  
186 assailant, coupled with menacing behavior, places someone in fear as an implied threat.
- 187 • **Incapacitation** may result from alcohol or other drug use, unconsciousness, or other  
188 factors. The use of alcohol or drugs in and of itself does not render a person  
189 incapacitated. Incapacitation is a state beyond drunkenness or intoxication. The impact  
190 of alcohol and drugs varies from person to person. Incapacitation is a state where a  
191 person cannot make a rational, reasonable decision because they lack the capacity to  
192 give consent (to understand the who, what, when, where, why, or how of sexual  
193 interaction). Incapacity can also result from illness, sleep, mental disability, and other  
194 circumstances. Engaging in sexual activity with a person whom you know to be  
195 mentally or physically incapacitated, or reasonably should know to be incapacitated,  
196 violates this Policy.

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198 Consent will be determined using both objective and subjective standards. The objective  
199 standard is met when a reasonable person would consider the words or actions of the parties to  
200 have manifested an agreement between them to do the same thing, in the same way, at the same  
201 time, with one another. The subjective standard is met when a party believes in good faith that  
202 the words or actions of the parties manifested an agreement between them to do the same thing,  
203 in the same way, at the same time, with one another. The following standards also apply to  
204 consent:

- 205 • A person who does not want to consent to sex is not required to resist.
- 206 • Consent to some forms of sexual activity does not automatically imply consent to  
207 other forms of sexual activity.
- 208 • Silence, previous sexual relationships, or the existence of a current relationship do not  
209 imply consent.
- 210 • Consent cannot be implied by attire or inferred from the giving or acceptance of gifts,  
211 money, or other items.
- 212 • Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is  
213 communicated clearly.
- 214 • Withdrawal of consent can be manifested through conduct and need not be a verbal  
215 withdrawal of consent.
- 216 • In order to give effective consent, the person giving consent must be of legal age  
217 under Colorado law for the purposes of determining whether there was a sexual  
218 assault.
- 219 • A respondent's intoxication resulting from intentional use of alcohol or drugs will not  
220 function as a defense to engaging in sexual activity without an individual's consent.

### 221 C. Related Violations

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223 This Policy prohibits violations related to sexual misconduct and sex-based harassment. ***To report***  
224 ***information or make a complaint about conduct that may violate this Policy, individuals may***  
225 ***contact their campus Equity Offices above.***

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227 Each of the following actions are violations related to sex-based harassment, are prohibited, and  
228 could be charged as potential violations of this Policy in a formal adjudication:

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230 1. ***Failure to Comply with Orders or Sanctions:*** Not complying with orders of the Equity  
231 Office or other appropriate university officials related to this Policy, including but not  
232 limited to No-Contact Orders, Exclusion Orders, and Orders for Interim Suspension.

233 Members of the university community must abide by and complete sanctions related to  
234 prohibited conduct.

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- 236 2. **Failure to Report:** When (1) the Responsible Employee received information that a member  
237 of the university community was subjected to or committed an act of alleged prohibited  
238 conduct and (2) the Responsible Employee intentionally, knowingly, or recklessly  
239 disregarded the obligation to report, thus resulting in harm to a member of the university  
240 community. A Responsible Employee is defined below in Section III(C)(2). This provision  
241 will be applied in a manner that promotes the reporting of prohibited conduct and avoids  
242 disciplinary actions when Responsible Employees conscientiously discharge their reporting  
243 obligations.
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- 245 3. **Interference with Reporting:** Prohibiting or interfering with a Responsible Employee's or  
246 any other person's reporting to the Equity Office. A Responsible Employee is defined below  
247 in Section III(C)(2).
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- 249 4. **Providing False or Misleading Information:** When a person knowingly or recklessly  
250 provides false or misleading information to an Equity Office in the course of a resolution  
251 process. Making a report or providing information in good faith, even if the information  
252 reported is not later substantiated, will not constitute a violation of this Policy.
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- 254 5. **Retaliation:** Intimidation, threats, coercion, or discrimination against any person by the  
255 university, a student, or an employee or other person authorized by the university to provide  
256 aid, benefit, or service under the university's education program or activity, for the purpose  
257 of interfering with any right or privilege provided by this Policy or because the person has  
258 reported information, made a complaint, testified, assisted, or participated or refused to  
259 participate in any manner in an investigation, proceeding, or hearing under this Policy  
260 including in an informal resolution process, grievance procedures, and in any other actions  
261 taken by a Title IX Coordinator or designee. Nothing in this definition or this part precludes  
262 the university from requiring an employee or other person authorized by the university to  
263 provide aid, benefit, or service under the university's education program or activity to  
264 participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing  
265 under this part.
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### 267 III. RESOURCES AND REPORTING

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#### 269 A. Options for Assistance and Reporting Following an Alleged Incident of Prohibited Conduct

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271 When the university receives a report of prohibited conduct, whether it occurred on- or off-  
272 campus, the campus shall provide the individual with written notification of the following:

- 273 1. Reporting rights and options, including:
- 274 a. To whom and how to report an alleged offense, including campus authorities and local
  - 275 law enforcement authorities;
  - 276 b. How to file a complaint;
  - 277 c. To be assisted by campus authorities in making a report; and
  - 278 d. To decline to notify such authorities.
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- 280 2. The importance of preserving evidence that may assist in proving that an alleged criminal

281 offense occurred or may be helpful in obtaining a protection order;

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- 283 3. The method by which the individual can seek orders of protection, no-contact orders,
- 284 restraining orders, or similar lawful orders issued by a court or other competent
- 285 authority;
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- 287 4. Counseling, health, mental health, victim advocacy, legal assistance, visa and immigration
- 288 assistance, availability of aa Medical Forensic Exam (an MFE is conducted by a Forensic
- 289 Nurse Examiner and includes a Sexual Assault Nurse Exam)., and other services available
- 290 for victims within the campus and the community; and
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- 292 5. Options for, and available assistance in, obtaining supportive measures, which are
- 293 individualized measures to (1) restore or preserve an individual’s access to the university’s
- 294 education program or activity, including measures designed to protect the safety of an
- 295 individual or the university’s educational environment; or (2) provide support during the
- 296 university’s grievance procedures or informal resolution process. Supportive measures are
- 297 offered as appropriate and reasonably available, without fee or charge, and cannot
- 298 unreasonably burden either the person alleging prohibited conduct or the person alleged to
- 299 have engaged in prohibited conduct. This notification shall be made and supportive measures
- 300 afforded regardless of whether the person who alleged prohibited conduct chooses to
- 301 participate in an informal or formal resolution process or reports the alleged crime to law
- 302 enforcement.
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304 ***Reporting Options and Assistance for each campus:***

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306 [CU Denver | Anschutz](#)

307 [UCCS](#)

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309 **B. Confidential Resources and Privacy**

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- 311 1. ***Confidential Employees/Independent Notification Obligations:*** The university supports the
- 312 use of confidential resources for all parties. Confidential employees are not required to report
- 313 prohibited conduct under this Policy to the Title IX Coordinator or designee. A confidential
- 314 employee must explain to an individual alleging prohibited conduct (1) their status as a
- 315 confidential employee for purposes of this Policy and that they are not responsible employees
- 316 who report to the Title IX Coordinator or designee; (2) how an individual may contact the
- 317 Title IX Coordinator or designee and make a complaint under this Policy; and (3) that the
- 318 Title IX Coordinator or designee may be able to offer and coordinate supportive measures, as
- 319 well as initiate an informal or formal resolution process.
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321 A person who is a confidential resource under this Policy may have an independent obligation

322 to report some forms of criminal conduct to law enforcement officials.

- 323 2. ***Confidential Resources:*** The links below provide information on how to contact the university’s
- 324 confidential employees.
- 325

326 [CU Denver | Anschutz](#)

327 [UCCS](#)

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329 Communications of prohibited conduct to a responsible employee are not confidential, and

330 these employees must report prohibited conduct to the Title IX Coordinator or designee  
331 when it is disclosed to them.

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- 333 3. ***Privacy and Information Disclosure:*** The university will not disclose the identity of any  
334 individual involved in a complaint of prohibited conduct (parties or witnesses for example)  
335 except as may be permitted by prior written consent, required by law, or to carry out an  
336 informal or formal resolution or judicial proceeding related to this Policy. This may require  
337 sharing information, including identification information, between internal university offices.  
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- 339 4. ***Requests Not to Proceed and Overriding Factors:*** If an individual has disclosed an incident  
340 of prohibited conduct, but wishes to maintain privacy and does not wish to initiate the  
341 informal or formal resolution process, the Title IX Coordinator or designee must discuss the  
342 availability of supportive measures with the individual, describe the process for filing a  
343 complaint, and explain that the university prohibits retaliation. The Title IX Coordinator or  
344 designee will further explain the steps the university will take to prevent retaliation if the  
345 individual participates in a grievance process and will take responsive action if it occurs.  
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347 If, having been informed of the university's prohibition of retaliation and its obligations to  
348 prevent and respond to retaliation, the individual would still like to maintain privacy or does  
349 not want to file a complaint initiating the grievance process, the Title IX Coordinator or  
350 designee will weigh that request against the university's obligation to provide a safe, non-  
351 discriminatory environment for all students, faculty, and staff. In making that determination,  
352 the Title IX Coordinator or designee will consider a range of potentially overriding factors  
353 that would cause the Title IX Coordinator or designee to file a complaint and initiate a  
354 grievance process.  
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356 If after considering relevant factors, the Title IX Coordinator or designee determines that the  
357 conduct as alleged presents an imminent and serious threat to the health or safety of the  
358 individual alleging prohibited conduct or the safety of another person, or that the prohibited  
359 conduct as alleged prevents the university from ensuring equal access on the basis of sex, the  
360 Title IX Coordinator or designee may initiate a complaint. The decision to file a complaint by  
361 the Title IX Coordinator or designee and initiate the grievance process will be on a case-by-  
362 case basis after an individualized review. Before initiating a complaint under this section,  
363 the Title IX Coordinator or designee must first notify the person alleging prohibited conduct  
364 and appropriately address reasonable concerns about their safety or the safety of others,  
365 including by providing supportive measures.  
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- 367 5. ***Findings of a Policy Violation:*** The university recognizes that third parties (either employers  
368 and/or institutions receiving transferring students) may have a legitimate interest in knowing  
369 whether a university employee or student has been found responsible for engaging in  
370 prohibited conduct. In the event that, after a grievance process and any rights of appeal have  
371 been completed, an employee or student has been found responsible for engaging in prohibited  
372 conduct, the university may confirm upon inquiry from a potential employer, licensing or  
373 credentialing agency, or institution that the employee or student has been found responsible for  
374 violating this Policy subject to applicable state and federal laws (e.g., Family Educational  
375 Rights and Privacy Act (FERPA)) regarding such disclosures. The university may also confirm  
376 upon inquiry that an investigation under this Policy is pending against an employee or student  
377 or that an employee or student resigned employment or withdrew while an investigation under  
378 this Policy was pending, again subject to applicable state and federal laws. As required by the  
379 Colorado Open Records Act, the university shall not release any records related to the



380 investigation of prohibited conduct unless otherwise permitted by law.

### 381 C. Reporting Allegations of Prohibited Conduct

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- 384 1. ***Purpose of Reporting:*** The university provides mechanisms for members of the university
- 385 community to report allegations of prohibited conduct. Reporting allows the university to
- 386 pursue resolution processes when appropriate and to inform those who have been involved of
- 387 supportive measures and to facilitate access to those services. Reporting also allows the
- 388 university to identify institutional risks, increase the effectiveness of its training programs, and
- 389 identify the need for additional services that will protect the university community from harm.
- 390 Reporting allegations of prohibited conduct is fundamental to its ability to provide a campus
- 391 environment that allows equal access to educational and employment opportunities.
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- 393 2. ***Responsible Employees Must Report Prohibited Conduct to the Title IX Coordinator or***
- 394 ***Designee:*** Responsible Employees are defined as any employee who (1) has the authority to
- 395 hire, promote, discipline, evaluate, grade, formally advise or direct faculty, staff, or students;
- 396 (2) has the authority to take action to redress prohibited conduct; and/or (3) has been given the
- 397 duty of reporting incidents of prohibited conduct by the Title IX Coordinator. The Title IX
- 398 Coordinator may designate in campus procedures that certain individuals who might otherwise
- 399 not be considered Responsible Employees are subject to mandatory reporting requirements.
- 400 Responsible Employees must promptly report allegations of prohibited conduct as defined by
- 401 this Policy to the Title IX Coordinator or designee. A “Failure to Report” as defined by
- 402 Section II(C)(2) is considered prohibited conduct.
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- 404 a. Any Responsible Employee who witnesses or receives a written or oral report alleging that
- 405 a member of the university community has been subjected to or has committed an act of
- 406 prohibited conduct must promptly report the allegations to the Title IX Coordinator or
- 407 designee. Members of the university community include students, faculty, staff,
- 408 contractors, patients, visitors to campus, volunteers, Regents, and employees of affiliated
- 409 entities. Because the university may have the ability to address or prevent future prohibited
- 410 conduct, the obligation to report exists independently of whether the individual who was
- 411 subjected to or accused of prohibited conduct is currently enrolled or employed at the
- 412 university.
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- 414 b. The Responsible Employee is required to promptly report to the Title IX Coordinator or
- 415 designee all known details about the alleged prohibited conduct, including:
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- 417 i. Name(s) of the person allegedly subjected to the prohibited conduct;
- 418 ii. Name(s) of person alleged accused of the prohibited conduct;
- 419 iii. Name(s) of any alleged witnesses; and
- 420 iv. Any other relevant facts, including the date, time, and specific location(s) of the alleged
- 421 incident.

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423 If the Responsible Employee is unable to provide this information at the time of making

424 an initial report, but later becomes aware of additional information, the Responsible

425 Employee must supplement the prior report.

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427 Responsible Employees employed by university law enforcement are required to report

428 pursuant to this section unless the information is otherwise excluded by state or federal

429 law (for example, identifying information for the person allegedly subjected to prohibited

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conduct and/or 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 alleged prohibited conduct occurred on university property or whether the alleged prohibited 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 Title IX Coordinator or designee 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 Institutional Review Board Research.
- e. Responsible Employees who receive information related to allegations of prohibited conduct in the course of serving in their capacity as ombuds, as designated by the university, are not required to report to the Title IX Coordinator or designee. Otherwise, as a confidential employee, in the capacity as an ombuds, an employee must explain to an individual alleging prohibited conduct (1) their status as a confidential employee for purposes of this Policy and that they are not Responsible Employees who report to the Title IX Coordinator or designee; (2) how an individual may contact the Title IX Coordinator or designee and make a complaint under this Policy; and (3) that the Title IX Coordinator or designee may be able to offer and coordinate supportive measures, as well as initiate an informal or formal resolution process. These Responsible Employees must report alleged prohibited conduct disclosed to them when they are not serving in their capacity as ombuds.
- 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 Title IX Coordinator or designee. As confidential employees, these employees must explain to an individual alleging prohibited conduct (1) their status as a confidential employee for purposes of this Policy and that they are not Responsible Employees who report to the Title IX Coordinator or designee; (2) how an individual may contact the Title IX Coordinator or designee and make a complaint under this Policy; and (3) that the Title IX Coordinator or designee may be able to offer and coordinate supportive measures, as well as initiate an informal or formal resolution process. These Responsible Employees must report allegations of prohibited conduct disclosed to them when they are not providing professional services within a privileged relationship. 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 alleged prohibited conduct to a supervisor or university personnel other than the Title IX Coordinator or designee.
- h. Responsible Employees are not required to report allegations of prohibited conduct to which they have been personally subjected to the Title IX Coordinator or designee, but

they are nonetheless encouraged to report.

3. **Other Employees:** All employees who are not confidential employees (see Section III(B)(1)) or Responsible Employees (see Section III(C)(2)) must provide the following information to any person who discloses to them information about prohibited conduct: (1) the contact information of the Title IX Coordinator or designee; and (2) information about how to make a complaint of prohibited conduct. When a person discloses a pregnancy or related condition to an employee, that employee must provide that person with the Title IX Coordinator's contact information and inform the person that the Title IX Coordinator can coordinate specific actions to ensure that person's equal access to the university's education programs or activities.

Contact information for the Title IX Coordinators and how to make a complaint for each campus are listed below:

Campus Title IX Coordinators  
CU Denver | Anschutz  
UCCS

4. **Employees who are designated Campus Security Authorities (CSA):** Employees who are a designated CSA 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 Denver | Anschutz  
UCCS

#### IV. TITLE IX COORDINATOR AND JURISDICTION

##### A. Designation and Responsibilities of Title IX Coordinator

The Title IX Coordinator or designee in the Equity Office is responsible for overseeing complaints of prohibited conduct and identifying and addressing any patterns or systemic problems that arise during review of those complaints. The Title IX Coordinator or designee must also monitor the university's program or activities for barriers to reporting prohibited conduct and take steps reasonably calculated to address such barriers.

Each campus shall designate and provide the name, title, office address, telephone number and email address for the campus Title IX Coordinators and any designated Deputy Title IX Coordinators.

The Title IX Coordinator or designee in the Equity Office is responsible for overseeing complaints of prohibited conduct and identifying and addressing any patterns or systemic problems that arise during review of those complaints. The Title IX Coordinator or designee must also monitor the university's program or activities for barriers to reporting prohibited conduct and take steps reasonably calculated to address such barriers.

For all matters within the scope of this Policy, at a minimum, the Title IX Coordinator or designee in the Equity Office, shall be specifically responsible and have delegated authority from the Chancellor or President for implementing this Policy and to take actions to promptly and effectively end any prohibited conduct in the university's programs or activities, prevent its

527 recurrence and remedy its effects generally and for any persons subjected to prohibited conduct.  
528 To that end and subject to the Title IX Coordinator's ultimate responsibility and authority, the  
529 Title IX Coordinator may further delegate responsibility and authority for following functions:  
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- 531 1. Providing notice of resolution procedures to parties and ensuring that complaints of  
532 prohibited conduct are handled appropriately and in a timely manner;
- 533 2. Initiating and overseeing adequate, reliable, and impartial resolutions of complaints of prohibited  
534 conduct as appropriate and requested by the parties as applicable and ensuring that parties are treated  
535 equitably;
- 536 3. Evaluating any request for privacy by a person allegedly subjected to prohibited conduct  
537 pursuant to Section II(D)(4)(override provision);
- 538 4. Evaluating whether a complaint should be dismissed on jurisdictional bases pursuant to Section  
539 IV(B);
- 540 5. Referring matters for further action or discipline for inappropriate or unprofessional conduct  
541 under other applicable policies or procedures even if a prohibited conduct violation is not  
542 found. No provision of this Policy shall be construed as a limitation upon the authority of the  
543 disciplinary authority, under applicable policies and procedures, to initiate disciplinary action;
- 544 6. Offering and coordinating supportive measures for all parties either before or during the  
545 resolution process as applicable;
- 546 7. Ensuring broad publication of the campus complaint process and procedures, including posting  
547 the process and procedures on an appropriate campus website;
- 548 8. Creating an annual report documenting a) the number of reports or complaints of alleged  
549 violations of this Policy; b) the categories (e.g. students, faculty, staff) of parties involved; c)  
550 the number of Policy violations found; d) the number of appeals taken and the outcomes of  
551 those appeals; and e) examples of sanctions imposed for Policy violations;
- 552 9. Reviewing and confirming that the relevant policy statements of the campus Annual Security  
553 Report pursuant to the Clery Act are consistent with this Policy and campus complaint process  
554 and procedures;
- 555 10. Ensuring there is ongoing training and education regarding reporting and preventing prohibited  
556 conduct for all students, faculty and staff;
- 557 11. Coordinating actions to prevent discrimination and ensure equal access for pregnant students,  
558 faculty and staff.
- 559 12. Ensuring that Title IX Coordinators, investigators, and decision-makers are thoroughly trained;
- 560 13. Maintaining records and related documentation of compliance with this Policy, including, but  
561 not limited to, retaining copies of any training documentation, tracking student and employee  
562 training participation, documenting each step of the campus complaint process and procedures,  
563 including supportive measures and resolutions; and
- 564 14. Ensuring broad dissemination of the statement that the university shall not discriminate on the  
565 basis of sex in employment or in its education programs and activities.

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567 **B. Title IX Coordinator and Equity Office Jurisdiction to Conduct Preliminary Inquiry**  
568 **and Further Action**  
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- 570 1. This Policy applies to all members of the university community, including students, faculty,  
571 staff, contractors, patients, volunteers, affiliated entities, Regents and other third parties.  
572 Subject to any rights of appeal, any person found responsible for engaging in prohibited  
573 conduct as defined in this Policy may be subject to disciplinary action, up to and including  
574 expulsion or termination of employment. The university will consider what potential actions  
575 should be taken, including contract termination or property exclusion, regarding third-party  
576 conduct alleged to have violated this Policy, but those options may be limited depending on the  
577 circumstances of the affiliation.  
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- 579 2. This Policy applies to conduct that occurs on campus. This Policy also applies to off-campus  
580 conduct, including online or electronic conduct, in the following circumstances:  
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- 582 a. If the person accused of prohibited conduct is affiliated with the university;
  - 583 b. If the conduct occurred in the context of an employment or education program or activity  
584 of the university; or
  - 585 c. In all other cases not falling under (a) or (b), the Title IX Coordinator or designee will  
586 consider the degree of the university's control over the persons(s) accused of prohibited  
587 conduct, the relationship between the parties, the affiliation of the person allegedly subject  
588 to prohibited conduct, and assess the surrounding circumstances of the alleged conduct for  
589 the presence of the following factors:  
590
    - 591 i. Targets or causes harm to an individual connected with the university;
    - 592 ii. Threatens violence against the person(s) allegedly subjected to prohibited conduct or  
593 others and there is reasonable fear that such further conduct could target or cause harm  
594 to someone connected with the university;
    - 595 iii. Is of a violent nature or was frequent or severe;
    - 596 iv. Prior or current similar complaints about the person(s) accused of prohibited conduct or  
597 the person(s) has a known history or records from a prior school indicating a history of  
598 violence;
    - 599 v. Use of, or threat to use, a weapon, access to or attempts to access weapons, or a history  
600 of bringing weapons to the university;
    - 601 vi. Multiple persons allegedly subjected to prohibited conduct or persons accused of  
602 prohibited conduct.
    - 603 vii. The person allegedly subjected to prohibited conduct is a minor;
    - 604 viii. Whether the alleged prohibited conduct reveals a pattern of perpetration at a given  
605 location or by a particular group; and/or
    - 606 ix. Any other signs of predatory behavior.
- 607

608 If the Title IX Coordinator or designee determines that at least one of the above factors is present,  
609 then the Title IX Coordinator or designee may exercise jurisdiction for off-campus conduct that  
610 does not fall under (a) or (b) above. The Title IX Coordinator or designee is solely authorized to  
611 determine whether this Policy applies to alleged prohibited conduct and whether the university has  
612 jurisdiction to take any action pursuant to this Policy.  
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616 **V. GRIEVANCE PROCESS AND PROCEDURES**

617 **A. General Grievance Procedures for all Complaints of Prohibited Conduct**

618 For all complaints involving any party (for example, student, faculty, or staff) of prohibited  
619 conduct (sexual misconduct, Section II(A) and related violations, Section II(C)), each campus  
620 shall establish written grievance procedures providing for the prompt and equitable resolution of  
621 the complaints as follows:

622 [CU Anschutz | Denver](#)  
623 [UCCS](#)  
624

625 **B. Specialized Grievance Procedures and Hearing Requirements for Complaints of Sexual**  
626 **Misconduct Involving Students<sup>1</sup>**

627 In addition to the grievance procedures required for all complaints of prohibited conduct, each  
628 campus shall establish grievance procedures that also include a hearing for the prompt and  
629 equitable resolution of any complaint of sexual misconduct, Section II(A) (hostile environment  
630 harassment, intimate partner abuse, quid pro quo harassment, sexual assault, sexual exploitation,  
631 or stalking) that also involves a student (as a complainant or respondent) as follows:

632 [CU Anschutz | Denver](#)  
633 [UCCS](#)  
634

635 **C. Reports Involving Two or More Campuses**

636 When an alleged violation of this Policy involves more than one university campus, the campus  
637 with primary disciplinary authority over the respondent shall investigate the formal complaint  
638 pursuant to its applicable grievance process and procedures. The campus responsible for the  
639 investigation may request the involvement or cooperation of any other affected campus and  
640 should advise appropriate officials of the affected campus of the progress and results of the  
641 investigation.  
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644 **VI. RECORDKEEPING**

645 The university maintains the following records for at least seven years:

647 **A.** For each complaint of prohibited conduct, records documenting the informal or formal  
648 resolution process.

649 **B.** For each notification the Title IX Coordinator or designee receives of information about  
650 conduct that reasonably may constitute prohibited conduct, records documenting the  
651 actions the university took to respond promptly and effectively.

652 **C.** All materials used to provide training to all employees, investigators, decisionmakers and  
653 other persons responsible for implementing the grievance procedures, facilitators of

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<sup>1</sup> The student can be either a complainant or respondent. When a complainant or respondent is both a student and an employee of the university, the Title IX Coordinator or designee must make a fact-specific inquiry to determine whether the requirements of this section apply. In making this determination, the Title IX Coordinator or designee must, at a minimum, consider whether the party's primary relationship with the university is to receive an education and whether the alleged prohibited conduct occurred while the party was performing employment-related work.

654 informal resolution processes and the Title IX Coordinator and designees. The university  
655 shall make these training materials available upon request for inspection by members of  
656 the public.

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658 **VII. RELATED POLICIES**

659 **A. [APS 5015 - Conflict of Interest in Amorous Relationships](#)**

660 **B. APS 5065 Protected Class Nondiscrimination Policy**

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663 **VIII. HISTORY**

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665 Adopted: June 5, 1989 - University Policy on Sexual Harassment;

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667 Revised: November 14, 1996; July 1, 1999; July 1, 2003 (renamed Sexual Harassment Policy and  
668 Procedures); July 1, 2009; July 20, 2012; November 29, 2012 (correction to strike Section IV.G. which  
669 was not shown in final version for July 20, 2012); July 1, 2015 (renamed Sexual Misconduct); October  
670 1, 2018 (renamed Sexual Misconduct, Intimate Partner Abuse and Stalking); August 14, 2020  
671 (renamed to Sexual Misconduct, Intimate Partner Violence, and Stalking); September 2, 2021;  
672 August 1, 2024.

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674 Last Reviewed: August 1, 2024  
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