AURARIA HIGHER EDUCATION CENTER

ANNUAL SECURITY/FIRE SAFETY REPORT
THROUGH 2013

PREPARED BY AURARIA CAMPUS POLICE DEPARTMENT - PROVIDING FULL POLICE SERVICES TO:

University of Colorado
Denver
CAMPUS SECURITY AND SAFETY

This report was prepared by the Auraria Higher Education Center (AHEC) Police Department, with support from the AHEC Executive Office (for campus-wide policies) and the University of Colorado Denver (for institution-specific policies) in order to comply with the Clery Act (formerly known as the Federal Student Right-to-Know and Campus Security Act of 1990). The report describes security practices and procedures at the Auraria Higher Education Center and lists crime statistics for the most recent calendar year and the two preceding calendar years. The Auraria Higher Education Center serves three institutions: Community College of Denver, Metropolitan State University of Denver, and University of Colorado Denver. Since 1992, these institutions have been required to report each year on the status of campus security to all current students and employees. The report will be provided to any applicant for enrollment or employment on request.

This publication is intended to provide a general description of campus security arrangements, and not to serve as a contractual agreement between AHEC and the recipient. Security procedures are subject to change without notice.

DEFINITION OF CAMPUS

The term "campus" means:

1. Any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
2. Property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).

The Auraria Campus is defined as those properties, private streets, retail operations, and facilities owned by the State of Colorado and used by students, staff, faculty and visitors, which are roughly bounded by Auraria Parkway, Speer Boulevard, Colfax Avenue, and Fourth Street.

Note: the University of Colorado Denver maintains a residential facility at 318 Walnut Street (Campus Village at Auraria).

DEFINITION OF NON-CAMPUS

The term "non-campus building or property" means:

1. Any building or property owned or controlled by a student organization recognized by the institution; and
2. Any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the
institution's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.

Note: the University of Colorado Denver does not have any off-campus student organizations.

**DEFINITION OF PUBLIC PROPERTY**

The term "public property" means all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes.

**STATUS OF CAMPUS SAFETY**

Although located in an urban environment, the Auraria Campus has one of the lowest campus crime rates in the state. This is primarily due to the fact that it is a commuter campus and does not house dormitories or student residences on campus premises. This report includes crime rates for the campus proper along with any building or property owned or controlled by an institution within the same contiguous geographic area of the institution. Crime statistics for non-campus property are requested by the Auraria Campus Police Department from the specific law enforcement agency that holds jurisdiction over the property.

**REPORTING CRIMES AND EMERGENCIES**

Crime reports can be made at any time. Auraria Campus Police Department services are available 24 hours a day, seven days a week. Priority is given to reports of incidents that threaten the life or safety of people, the security of property and the peace of the community.

Colorado Revised Statutes, 18-8-115, "Duty to Report a Crime", requires all persons who believe a crime has been committed to promptly report the suspected crime to law enforcement authorities. **When on campus, these crimes must be reported to the Auraria Campus Police Department.** To report a crime, use one of the emergency telephones located in every classroom building for immediate, direct access; or call 911 from any campus phone for emergencies or call X6-5000 for other police assistance. Cell phones and off-campus calls dial (303) 556-5000.

Call the Auraria Campus Police Department if:

- You see someone committing a crime
- You need to report an old crime
- Someone is injured or ill
- You see fire or smell smoke
- You see anyone or anything suspicious
- You think you see a drunken driver
- You have knowledge of a chemical spill
In addition, victims of stalkers or persons with protection orders against another party are strongly encouraged to notify the Auraria Police Department of the threat and to provide APD a copy of the protection order so that Auraria Officers may enforce it. If the subject is protected from the Auraria Campus, please have the court list your school and the Auraria Higher Education Center separately on the order.

The Auraria Campus Police Department also provides an anonymous reporting option for victims of crimes who do not wish to be identified. Victims of crimes who wish to remain anonymous may report via the ACPD web site at www.ahec.edu/acpd.htm. Additionally, a “Clery Act Statistic Report Form” is available to any campus official who is designated as a campus security authority (includes the following: Deans, student housing staff, athletic coaches, student activities coordinators, student judicial officers, and faculty advisors to student organizations) to complete as they become aware of a crime and the victim wishes to remain anonymous.

The Auraria Campus Police Department encourages professional and pastoral counselors, although not required to report crimes, to tell victims about the Confidential Reporting Process.

*Note: Crimes that occur in the Lawrence Street Center, CU Building, Business School, or Campus Village at Auraria should be reported to the Denver Police Department by dialing 9-1-1 from a landline or cell phone.*

**EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

The Auraria Higher Education Center has developed an Emergency Operations Plan that provides a comprehensive set of guidelines for directing resources before, during and after campus emergencies and disasters. The Auraria Police Department is very proactive in training all police officers and the community for emergency preparedness, response and recovery. The plan includes a set of guidelines for emergency procedures which are posted with evacuation diagrams in all the campus buildings. In addition, these guidelines can be found at: https://www.ahec.edu/emergency-procedures.

A Campus Safety Video is also available outlining emergency guidelines for the campus. The video is played continuously on the cable channel for the campus, at new student/faculty/staff orientations, and in classrooms during the first two weeks of each semester. This information is also available on the AHEC website at www.ahec.edu.

In case of an active, major campus emergency, the Emergency Alert System may be activated. For further information see “Crisis Communications Plan-Timely Warnings and Immediate Notifications”.

The Auraria Campus Police Department tests emergency response and evacuation procedures on at least an annual basis during drills and other exercises. These tests are initiated by the Emergency Preparedness Manager and are normally announced and publicized in advance of the drill or exercise. Campus media releases and news stories document the results of such exercises.
The campus Emergency Preparedness Manager maintains records of all tests, drills, and exercises that include a description of the exercise, the date, time, and whether it was announced or unannounced.

**CRISIS COMMUNICATIONS PLAN – TIMELY WARNINGS AND IMMEDIATE NOTIFICATIONS**

**Purpose**

This plan provides guidelines for communicating within the campus, and from the campus to the media and the public, in the event of an emergency or crisis.

Disasters, emergencies, and crises disrupt the normal activities of the campus and may require activation of the AHEC Emergency Operations Plan. This Crisis Communications Plan describes the role of Communications and Campus Relations in communicating vital information to members of the Auraria community and the public.

This plan is to be flexibly used with emergency decision-making procedures of the campus.

Elements should be tested annually in conjunction with campus-wide emergency drills. Appendices should be checked for accuracy and completeness at least annually, and as often as necessary.

**Objectives**

1. Determining whether the situation requires invoking this plan.
2. Assembling the Crisis Communications Team to recommend responses.
3. Implementing immediate actions to:
   a. Identify key constituencies who need to be informed.
   b. Communicate facts about the situation and minimize rumors.
   c. Restore a sense of confidence and order.

**Assessment & Notification Procedures**

1. **Assessment** – The AHEC Assistant Vice President of Campus Relations (AVPCR) or their designee will be made aware of a potential crisis or emergency by the Chief of the Auraria Campus Police Department or their designee. The Chief of Police and AVPCR or their designees then determines whether it is appropriate to invoke this plan and activate all or part of the Crisis Communications Plan. Once activated, the AVPCR will notify each of the institutional Communications Directors/Public Information Officers or their backups as soon as practical.

2. **Issuance of a “Timely Warning”** – Per the requirements of the Clery Act, “Timely Warning” advisories are made to the campus community for crimes that are reported to the Auraria Police Department or local police and which may represent an ongoing threat to the
safety of students or employees. The Chief of the Auraria Campus Police Department or their
designee shall make the decision as to whether an incident poses an ongoing threat and if a
“Timely Warning” advisory is required. In the event that an advisory is required, the Chief of
Police or their designee shall provide the AHEC AVPCR or their designee with the specifics of
the case for the purpose of drafting the “Timely Warning” advisory. In all cases, Timely
Warning advisories are then sent by AHEC staff via electronic mail directly to all staff,
faculty, and students on the Auraria Campus using their institution-provided email
accounts.

These advisories may also be made using one or a combination of the following methods:

- Press Releases
- Crime Advisories
- Making reports available to the campus community and media through campus
  websites and newspapers, and radio and television news stations
- Advertising in campus publications

3. Issuance of an “Immediate Notification” – In the event that there is a confirmed significant
emergency or dangerous situation involving an immediate threat to the campus community (per
the judgment of the Chief of the Auraria Campus Police Department or their designee), AHEC
will, without undue delay, and taking into account safety of the community, determine the
content of the notification and initiate the immediate notification system. However, if in the
professional judgment of responsible authorities the notification may compromise efforts to
assist victims or to contain, respond to, or otherwise mitigate the emergency, the notification
may be delayed.

As with the above section related to “Timely Warnings”, the Chief of Police or their designee
shall provide the AHEC AVPCR or their designee with the specifics of the case for the purpose
of drafting the content of the immediate notification. AHEC also maintains pre-scripted short
message scripts for a variety of hazards to assist in the timely issuance of immediate
notifications. In all cases, Immediate Notifications will be sent by AHEC staff via the
electronic Emergency Notification System (i.e. text messaging system) directly to all staff,
faculty, students, and visitors on the Auraria Campus that have subscribed to the free
system. A variety of other communications tools may be used, including campus-wide email
messages, broadcast voice mail messages, updates to the Auraria Campus Emergency Hotline (1-
877-556-EMER) and Information Line (303-556-2401), and notices posted on electronic
message boards and www.ahec.edu.

Crisis Communications Spokesperson

The designation of a spokesperson is incident-dependent. Generally, this is the highest-ranking
individual who has direct knowledge of the events, or the AHEC Assistant Vice President of
Campus Relations. The individual selected will have the highest credibility and understanding of
the events surrounding the crisis. Other qualified public information officers may fill in for
these individuals if the crisis is prolonged, but they should not be the initial responders to the
general public, the media, or the campus community.
In the event that the incident is related to a criminal act, the basic thresholds that the Auraria Police Department may use to determine the lead agency for public information are as follows:

- Misdemeanor Crime = Auraria Campus Police Department lead (ACPD Chief or designee)
- Felony Crime = Denver Police Department/ District Attorney lead (PIO or designee)

As a criminal act relates to a particular student/faculty/staff of a single institution, the institutional PIO shall be the primary media contact, in partnership with the law enforcement spokesperson. If a criminal act relates to the campus facilities or operations, the AHEC AVPCR shall be the contact.

Incidents that are not crime-related will follow similar guidelines. Situations that affect a single institution, such as a student death, will be represented by the respective PIO. Situations that involve the campus facilities or operations, such as a natural disaster, will be represented by the AHEC AVPCR.

**LAW ENFORCEMENT AUTHORITY AND INTER-AGENCY RELATIONSHIPS**

The police officers in the Auraria Campus Police Department receive their police authority via the provisions of the Colorado Revised Statutes, Title 24, Article 7, Part 1. The Auraria Board, through its Executive Vice President of Administration, has delegated authority to the Auraria Campus Police Department to enforce campus rules and regulations as well as Municipal, State Laws and Federal Statutes. Auraria Campus Police Department officers have full police authority and are certified police officers as defined under CRS 18-1-901(1)(I).

The City and County of Denver entered into an Intergovernmental Agreement establishing the working relationship between the Auraria Campus Police Department and the Denver Police Department, and granting to the Auraria Campus Police Department Police Officers a Denver Special Police Officer Commission, issued by the City’s Manager of Safety, to enforce clearly defined ordinances of the City of Denver. These ordinances include criminal and traffic related offenses.

It is the desire of both the Auraria Campus Police Department and the Denver Police Department to provide the best possible atmosphere of public safety on and around the campus. The Intergovernmental Agreement is designed to establish the current working relationship between the Auraria Campus Police Department and the Denver Police Department, consistent with and in compliance with the requirements of the Denver City Charter and State statutes, and all terms and conditions of the Intergovernmental Agreement are to be interpreted in light of the goal of increased public safety. The current scope of this authority for the Auraria Campus Police Department Police Officers is limited to the Auraria Campus area.
AURARIA CAMPUS POLICE DEPARTMENT

The Auraria Campus Police Department staff includes a Chief of Police, two Commanders, Sergeants, Corporals, two Detectives, Police Officers, Neighborhood Community Officers (non-sworn), Dispatchers, and office support staff. Service is provided on an ongoing basis to the community. Auraria Campus Police also provide police services to retailers and their customers in the Tivoli Student Union.

Some services provided to the Auraria Campus by the Department include:

- Respond to police, fire, medical and environmental emergencies
- Investigate criminal reports, traffic accidents, and suspicious activities
- Assist victims of crime by taking reports, doing follow up investigations and referring them to appropriate resources
- Monitor alarms for intrusion, robbery and environmental hazards
- Comply with federal, state and local laws regarding release of information
- Assist with sick/injured and other non-criminal activity
- Provide police and security services at special events such as concert and sporting activities
- Provide police and security consultations to students and office personnel
- Assist motorist with vehicle unlocks
- Assure that AHEC is in compliance with city, state and federal environmental regulations
- Ensure the safety of the campus by monitoring environmental and safety hazards
- Hold, inventory and return found property
- Present crime prevention and awareness programs

SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS

A community and its police must do more than simply react to crime. It is important to look for opportunities to deter and/or prevent crime. The Auraria Campus Police Department provides the following services and programs to improve safety on campus and to make the community aware of campus crime and efforts to reduce criminal activity, as well as to minimize their chances of becoming a victim.

Programs provided by the Auraria Campus Police Department include:

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<thead>
<tr>
<th>EACH SEMESTER</th>
<th>ON GOING/SET HOURS</th>
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<tbody>
<tr>
<td>New Student Orientation</td>
<td>Fingerprinting</td>
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<tr>
<td>This presentation on crime, personal safety, and security is given to new students.</td>
<td>Fingerprinting is available to members of the campus community.</td>
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<tr>
<td>ON REQUEST</td>
<td>ON GOING</td>
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<tr>
<td>Drug Information Seminars</td>
<td>Crime Analysis</td>
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<tr>
<td>These talks cover recognition of controlled substances, their effects on people, and what to do if one suspects that someone is using or</td>
<td>Auraria Police staff will review reported crimes and determine if focused patrol activity may be required for repeated offenses in any given area.</td>
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<tr>
<td>ON GOING/ON REQUEST</td>
<td>MSU Denver Counseling Center Alcohol/Drug Abuse Prevention Program</td>
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<tr>
<td>Personal Safety on Campus</td>
<td>An MSU Denver substance abuse education, prevention and referral program.</td>
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<tr>
<th>ON REQUEST</th>
<th>Sex Offender Registry</th>
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<tbody>
<tr>
<td>Robbery Prevention</td>
<td>Auraria Police will provide a listing of sex offenders registered on campus.</td>
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<tr>
<th>ON REQUEST</th>
<th>ON GOING/EACH SEMESTER or ON REQUEST</th>
<th>Date/Acquaintance Rape Education</th>
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<tr>
<td>Escort</td>
<td>Auraria Police monitors intrusion, fire, environmental and general emergency alarms with the help of a sophisticated computerized monitoring system. The terminal for the alarm readouts is at the Auraria Facilities Services building.</td>
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<th>ON REQUEST</th>
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<th>Electronic Alarm Systems</th>
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<td>Security Surveys</td>
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<tr>
<th>ON REQUEST</th>
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<th>Crisis Follow-ups</th>
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<tr>
<td>Theft and Fraud Seminars</td>
<td>Crisis Follow-ups</td>
<td>Offered through Counseling Services of each institution, crisis follow-up sessions are provided for mental health concerns and to individuals who have been victims of violence. Information is presented regarding personal safety and coping with traumatic events.</td>
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<tr>
<th>ON GOING</th>
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<th>Bike Theft Prevention</th>
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<tr>
<td>Architectural Design</td>
<td>Bike Theft Prevention</td>
<td>Community Services hosts Bicycle Clinics each semester providing helpful tips on preventing bike thefts and the bike theft problem on campus.</td>
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* PROGRAMS SPONSORED BY THE INSTITUTIONS WITH COOPERATION FROM AURARIA CAMPUS POLICE DEPARTMENT
SECURITY OF AND ACCESS TO CAMPUS FACILITIES

Exterior door locks on the Auraria Campus are fully electronic, programmed by the Access Control Department in Facilities Services. The system also has the ability to be placed in “lockdown” directly by Campus Police. The Auraria Campus Police Department has the primary responsibility for ensuring the lock hardware is functioning properly. Established facility hours are coordinated and maintained by the Auraria Academic Services. Auraria Police also works closely with the Facilities Services Department to maintain building security and key control. Access to facilities after normal building hours is limited and coordinated with Facilities Services Access Control and Auraria Police.

Work orders noting security issues with campus facilities can be filed online at www.ahec.edu/workorder or called in at 303.556.3260.

Annually, each fall, a Campus Safe Night event is held, which tours the campus after dark and provides suggestions for security enhancements.

ALCOHOL AND DRUG POLICY

By Gubernatorial decree and in compliance with applicable laws, the illegal use of alcohol, other drugs, or controlled substances when on campus is prohibited.

In addition to the policy described above, education, training, and treatment programs are available through the Student Life Programs at each institution and through Auraria Human Resources. The campus may take action when policies on the use, possession, distribution, manufacture, and sale of illegal drugs have been violated. AHEC also cooperates with local, state and federal authorities in the detection and prosecution of drug offenses.

AHEC alcohol policies apply to the Auraria Campus and institution-sponsored activities. Administrators, alumni, faculty, guests, staff, and students must adhere to all applicable state and local laws and regulations related to the sale and use of alcoholic beverages. The most common laws related to alcohol use and sales are as follows:

The sale of alcoholic beverages is prohibited except in areas, at times, and on dates licensed by the Colorado State Department of Revenue.

Persons under 21 years of age cannot legally possess or consume alcoholic beverages of any kind. The furnishing of alcoholic beverages to under-aged persons is prohibited.

Alcohol cannot be consumed or carried in open containers on any street, sidewalk, alley, automobile, or public area (except as noted herein).

SERVING ALCOHOL

Those persons or organizations that control the service of alcoholic beverages are responsible for compliance with applicable laws and campus policies. Those polices are:
Service of alcoholic beverages is planned to stop before the close of the event.

The burden of proof for showing legal age is on the alcohol consumer. No alcohol will be served unless clear evidence of legal age is presented. It is the responsibility of those in charge of an event to ensure that no one who is under age is served or consumes any alcoholic beverages.

Alcohol may not be consumed or carried in open containers in common areas or "public" areas of any building or grounds except as follows: for group activities or events where a liquor license (if required) has been obtained and the scheduling officer has approved the event.

**ILLEGAL DRUGS**

The policy for Auraria and the institutions prohibit the sale, manufacture, distribution, use or possession of illegal drugs on the Auraria Campus. This policy applies equally to administrators, faculty, staff, and students.

**VIOLATION OF DRUG POLICY**

Sale, distribution or manufacturing of illegal drugs by a member of the Auraria Campus community will normally result in the administration taking action to curtail the activity. This policy applies within or upon the grounds, buildings, or any other facilities of the campus. Sanctions may be imposed upon individuals found in violation of these policies, as well as violation of laws controlling drugs and alcohol.

More specific and detailed information about Auraria and institutional policies addressing drugs and alcohol concerns can be found in operations manuals, student handbooks, personnel offices or administrative policy information. Faculty, staff and students are encouraged to obtain this information through the Student Life or administrative areas of Community College of Denver, Metropolitan State University of Denver, University of Colorado Denver, or the Auraria Higher Education Center Administrative office.

Auraria Campus Police Department
1201 5th Street, Suite 110
Denver, CO 80204
Police Communications (303) 556-5000
Fax (303) 556-4731
E-Mail dispatch@ahec.edu
The information contained in the section below is for the Denver Campus procedures, for the procedures for the Anschutz Medical Campus please click the link below: [http://www.ucdenver.edu/about/WhoWeAre/Chancellor/ViceChancellors/Provost/StudentAffairs/UniversityLife/sexualmisconduct/AMCpolicies/Pages/Policies-and-Procedures-for-CU-Anschutz-Students.aspx](http://www.ucdenver.edu/about/WhoWeAre/Chancellor/ViceChancellors/Provost/StudentAffairs/UniversityLife/sexualmisconduct/AMCpolicies/Pages/Policies-and-Procedures-for-CU-Anschutz-Students.aspx)

The University of Colorado is committed to maintaining a positive learning, working and living environment. The University does not discriminate on the basis of race, color, national origin, sex, age, disability, creed, religion, sexual orientation, veteran status, gender identity, gender expression, political philosophy or political affiliation in admission and access to, and treatment and employment in, its educational programs and activities. (Law of the Regents, Article 10). In pursuit of these goals, the University will not tolerate acts of sexual harassment or related retaliation against or by any employee or Student. *(Regents Policy 2.J, Sexual Harassment)*

The University is committed to taking prompt and effective actions to end discrimination, prevent its reoccurrence, and remedy the effects upon the victims and community.

**Title IX**

Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 prohibits discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance. The “Dear Colleague Letter” issued by the Department of Education and its Office of Civil Rights, on April 4, 2011, defines sexual harassment as unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.

**University Policies**

The University of Colorado Sexual Harassment Policy and Procedures document defines sexual harassment and related terms and the procedures and processes for reporting and investigating allegations of Policy violations. The University’s Sexual Harassment Policy and Procedures document (1) provides a general definition of sexual harassment and related retaliation; (2) prohibits sexual harassment and related retaliation; and (3) sets out procedures to follow when a member of the University community believes a violation of the Policy has occurred. It also is a violation of the University’s Sexual Harassment Policy for anyone acting knowingly or recklessly either to make a false complaint of sexual harassment or to provide false information regarding a complaint.

See the University’s Sexual Harassment Policy and Procedures document at [https://www.cu.edu/policies/aps/hr/5014.pdf](https://www.cu.edu/policies/aps/hr/5014.pdf)

A. Definitions—Sexual Misconduct

Sexual misconduct may vary in its severity and consists of a range of behavior or attempted behavior. It can occur between strangers or acquaintances, including people involved in an intimate or sexual or dating relationship. Sexual misconduct can occur between members of the same or different gender and can also occur while individuals are fully clothed.

1. Non-consensual sexual intercourse: (or attempts to commit the same)
   • Non-consensual sexual intercourse is any sexual intercourse (anal, oral or vaginal),
   • however slight
   • with any object,
   • by one person upon another person
   • without Consent and/or by Force.

1. Non-consensual sexual contact: (or attempts to commit the same)
   • Any intentional sexual touching
   • however slight
   • by a person upon another person
   • without Consent and/or by Force.

2. Sexual Contact
   • Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or any other intentional bodily contact in a sexual manner

3. Sexual exploitation and/or exposure: Taking nonconsensual or abusive sexual advantage of another for one’s own advantage or benefit, or to benefit a person other than the one being exploited. Examples of sexual exploitation include, but are not limited to:
   • Non-consensual video or audio recording of sexual activity;
   • Exceeding the boundaries of explicit Consent, such as allowing friends to hide in a closet to be Witness to one’s consensual sexual activity;
   • Engaging in voyeurism; and/or
   • Knowingly transmitting a sexually transmitted disease/infection or HIV to another Student

4. Consent: Consent between two or more people is defined as an affirmative agreement-through clear actions or words-to engage in sexual activity. Consent is informed, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as Consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity. An individual cannot Consent who is substantially impaired by any drug or intoxicant; or who has been purposely compelled by coercion, Force, threat of Force, intimidation, or deception; or who is unaware that the act is being committed; or whose ability to Consent or resist is obviously impaired because of a mental or physical condition; or who is coerced by supervisory or disciplinary authority.

What Consent Means. Consent to one form of sexual activity cannot imply Consent to other
forms of sexual activity. Previous relationships or Consent cannot imply Consent to future sexual acts. Consent cannot be procured by use of physical Force, compelling threats, intimidating behavior, or coercion. Consent can be withdrawn at any time.

a. In order to give effective Consent, one must be of legal age. may never be given by
   i. A minor to an adult.
   ii. Mentally disabled persons when the mental disability is known or reasonably should have been known.

   (a) A person who is the object of sexual aggression is not required to physically or otherwise resist a sexual aggressor. (b) Silence, previous sexual relationships, and/or the existence of a current relationship with the Respondent do not imply Consent. (c) Consent cannot be implied by attire, or inferred from the giving or acceptance of gifts, money or other items. (d) Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly. Withdrawal of Consent can be done in numerous ways and need not be a verbal withdrawal of Consent. (e) A Respondent’s intentional use of alcohol/drugs does not excuse a violation of Policy.

Finally, there is a difference between seduction and coercion; coercion is defined in this Policy as unreasonably pressuring another person for sex. Coercing someone into engaging in sexual activity violates this Policy in the same way as physically forcing someone into engaging in sexual activity.

5. Threats. Threats exist where a reasonable person would have been compelled by the words or actions of another to give permission to sexual contact they would not otherwise have given, absent the threat. For example, threats to kill you, themselves, or to harm someone you care for constitute threats.

6. Incapacity. If you have sexual activity with someone you know to be, or should know to be mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), you are in violation of this Policy. Incapacitation is a state where one cannot make a rational, reasonable decision because they lack the ability to understand the who, what, when, where, why or how of their sexual interaction. This Policy also covers someone whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of a so-called “date-rape” drug. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another Student for the purpose of inducing incapacity is a violation of this Policy. More information on these drugs can be found at [http://www.911rape.org/](http://www.911rape.org/)

7. Intimidation. Occurs when someone uses their physical presence to menace you, although no physical contact occurs, or where your knowledge of prior violent behavior by an assailant, coupled with menacing behavior, places you in fear as an implied threat.

8. Coercion. Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get Consent from another, the
repetition of the coercive activity beyond what is reasonable, the degree of pressure applied, when someone makes clear to you that they do not want sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

9. **Force.** The use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes, threats, intimidation, (implied threats), and coercion that overcomes resistance or produce Consent.

**B. Definitions—Sexual Harassment**

1. **Sexual Harassment.** Sexual harassment consists of interaction between individuals of the same or opposite sex that is characterized by unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, living conditions and/or educational evaluation; (2) submission to or rejection of such conduct by an individual is used as the basis for tangible employment or educational decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or educational environment.

2. **Hostile Environment Sexual Harassment.** (described in subpart (3) above) is unwelcome sexual conduct that is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile or offensive. The determination of whether an environment is "hostile" must be based on all of the circumstances. These circumstances could include the frequency of the conduct, its severity, and whether it is threatening or humiliating. Examples which may be Policy violations include the following: an instructor suggests that a higher grade might be given to a Student if the Student submits to sexual advances; a supervisor implicitly or explicitly threatens termination if a subordinate refuses the supervisor's sexual advances; and a Student repeatedly follows an instructor around Campus and sends sexually explicit messages to the instructor's voicemail or email.

3. **Retaliatory Harassment.** Retaliation is prohibited by this Policy. To be considered retaliation, a causal connection is required between a materially adverse action and the act of (1) reporting an allegation of sexual harassment; or (2) participating in support of an investigation of sexual harassment. A materially adverse action is one that would dissuade a reasonable person from reporting an allegation of sexual harassment, or participating in support of an investigation of an allegation of sexual harassment. A determination of whether an action is materially adverse is made on a case by case basis. Students and employees who believe they have been retaliated against because of testifying, assisting or participating in a proceeding, investigation, or hearing relating to an allegation of sexual harassment, should meet with and seek the advice of their
Campus sexual harassment officer, whose responsibilities include handling retaliation.

C. Definitions—Protected Class Discrimination and Harassment

Protected Classes. The University of Colorado does not discriminate on the basis of race, color, national origin, sex, age, disability, creed, religion, sexual orientation, or veteran status in admission and access to, and treatment and employment in, its educational programs and activities.

1. Discrimination. Occurs when an individual suffers an adverse consequence, examples include, but are not limited to; failure to be hired or promoted, denial of admission to an academic program, etc., on the basis of their Protected Class.

2. Harassment. Verbal or physical conduct based upon an individual’s Protected Class that unreasonably interferes with that individual’s work or academic performance or creates an intimidating or hostile work or educational environment.

3. Hostile Environment. Unwelcome conduct by an individual(s) against another individual based upon their Protected Class that is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile or offensive. The determination of whether an environment is “hostile” must be based on all of the circumstances. These circumstances could include the frequency of the conduct, its severity, and whether it is threatening or humiliating. Simple teasing, offhand comments and isolated incidents (unless extremely serious) will not amount to hostile environment harassment.

D. Definitions—Stalking

Stalking: Repeated conduct directed at a specific person which reasonably and subjectively causes that person to fear for his/her safety, the safety of others, or suffer substantial emotional distress. Such repeated conduct may include, but is not limited to, any of the following: physically or electronically following or approaching a person or a member of that person’s family or household; contacting a person or a member of that person’s family or household whether or not conversation ensues; and placing a person or a member of that person’s family or household under surveillance.

Examples of Stalking. Stalking may include, but are not limited to, the following:

- Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, written letters, gifts, or any other communications that are undesired and cause fear.
- Use of online, electronic, or digital technologies, including:
  - Posting of pictures or information in chat rooms or on Web sites, blogs, social network sites, etc.
  - Sending unwanted/unsolicited email or talk requests
  - Posting private or public messages on Internet sites, social networking sites, and/or school bulletin boards
  - Installing spyware on a victim’s computer
  - Using Global Positioning Systems (GPS) to monitor a victim
Pursuing, following, waiting, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the victim
• Surveillance or other types of observation,
• including staring or “peeping”
• Trespassing/Vandalism
• Non-consensual touching
• Direct verbal or physical threats
• Gathering information about an individual from friends, family, and/or co-workers
• Threats to harm self or others
• Defamation – lying to others about the victim

E. Definitions – Intimate Partner Violence

1. Domestic Violence: is an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. This could include acts of violence from a current or former spouse, intimate partner, person sharing a child with the victim, or a person cohabitating with or has cohabitated with the victim as a spouse or intimate partner. “Domestic Violence” also includes any other crime against a person or against property including an animal, or any municipal ordinance violation 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.

2. Dating Violence: means a violent act committed by a person
• Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
• Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  o The length of the relationship
  o The type of relationship; and
  o The frequency of interaction between the persons involved in the relationship

3. Intimate Relationship is a relationship between spouses, former spouses, past or present unmarried couples, individuals in a dating relationship 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.

• Evidence of a sexual relationship is not necessary to establish the existence of an intimate relationship.

• When determining whether a relationship is an "intimate relationship", the investigator may take into account the following three factors: (1) The length of time the relationship has existed or did exist; (2) the nature or type of the relationship; and (3) the frequency of interaction between the parties.
A sexual relationship may be an indicator, but never a necessary condition, of an intimate relationship for purposes of the intimate partner violence Policy.

State of Colorado Definitions of Related Criminal Behavior

See below for related Colorado State Statutes. These definitions can be found in the Colorado Revised Statutes. To view the most up to date information you can view the Colorado Revised Statutes by following URL below.

http://www.lexisnexis.com/hottopics/colorado?source=COLO:CODE&tocpath=1G8HF3QKZC9YJ08IV,2IKCPJHQ MOM5AHP0K,3JG1IKVXA6O0O7DJ&shortheader=no

Section 18-3-401, C.R.S. states

“18-3-401. Definitions

(1.5) "Consent" means cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A current or previous relationship shall not be sufficient to constitute consent under the provisions of this part 4. Submission under the influence of fear shall not constitute consent. Nothing in this definition shall be construed to affect the admissibility of evidence or the burden of proof in regard to the issue of consent under this part 4.”

Section 18-3-402, C.R.S. states:

“Sexual assault

(1) Any actor who knowingly inflicts sexual intrusion or sexual penetration on a victim commits sexual assault if:

(a) The actor causes submission of the victim by means of sufficient consequence reasonably calculated to cause submission against the victim's will; or
(b) The actor knows that the victim is incapable of appraising the nature of the victim's conduct; or
(c) The actor knows that the victim submits erroneously, believing the actor to be the victim's spouse; or
(d) At the time of the commission of the act, the victim is less than fifteen years of age and the actor is at least four years older than the victim and is not the spouse of the victim; or
(e) At the time of the commission of the act, the victim is at least fifteen years of age but less than seventeen years of age and the actor is at least ten years older than the victim and is not the spouse of the victim; or
(f) The victim is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the victim and uses this position of authority to coerce the victim to submit, unless the act is incident to a lawful search; or
(g) The actor, while purporting to offer a medical service, engages in treatment or examination of a victim for other than a bona fide medical purpose or in a manner substantially inconsistent with reasonable medical practices; or

(h) The victim is physically helpless and the actor knows the victim is physically helpless and the victim has not consented.”

Section 18-3-602, C.R.S. states:

“Stalking - penalty - definitions - Vonnie's law

(1) A person commits stalking if directly, or indirectly through another person, the person knowingly:

(a) Makes a credible threat to another person and, in connection with the threat, repeatedly follows, approaches, contacts, or places under surveillance that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship; or

(b) Makes a credible threat to another person and, in connection with the threat, repeatedly makes any form of communication with that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship, regardless of whether a conversation ensues; or

(c) Repeatedly follows, approaches, contacts, places under surveillance, or makes any form of communication with another person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship in a manner that would cause a reasonable person to suffer serious emotional distress and does cause that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship to suffer serious emotional distress. For purposes of this paragraph (c), a victim need not show that he or she received professional treatment or counseling to show that he or she suffered serious emotional distress.

(2) For the purposes of this part 6:

(a) Conduct "in connection with" a credible threat means acts that further, advance, promote, or have a continuity of purpose, and may occur before, during, or after the credible threat.

(b) "Credible threat" means a threat, physical action, or repeated conduct that would cause a reasonable person to be in fear for the person's safety or the safety of his or her immediate family or of someone with whom the person has or has had a continuing relationship. The threat need not be directly expressed if the totality of the conduct would cause a reasonable person such fear.

(c) "Immediate family" includes the person's spouse and the person's Parent, grandparent, sibling, or child.

(d) "Repeated" or "repeatedly" means on more than one occasion.”’’

Section 18-6-800.3, C.R.S. states:

“Definitions

(1) "Domestic violence" means an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. "Domestic violence" also includes any other crime against a person, or against property, including an animal,
or any municipal ordinance violation against a person, or 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.

(2) "Intimate relationship" means a relationship between spouses, former spouses, past or present unmarried couples, 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.

ANNOTATION

Evidence of a sexual relationship is not necessary to establish the existence of an intimate relationship. People v. Disher, 224 P.3d 254 (Colo. 2010).

A sexual relationship may be an indicator, but never a necessary condition, of an intimate relationship for purposes of the Colorado domestic violence statute. The relationship must be more than that of a roommate, friend, or acquaintance, and there must be a romantic attachment or shared parental status between the parties. People v. Disher, 224 P.3d 254 (Colo. 2010).

When determining whether a relationship is an "intimate relationship", a court may take into account the following three factors: (1) The length of time the relationship has existed or did exist; (2) the nature or type of the relationship; and (3) the frequency of interaction between the parties. People v. Disher, 224 P.3d 254 (Colo. 2010).

The existence of a dating relationship indicates the kind of romantic attachment required by the statute. Whether that dating relationship was sexual in nature should not have been the determining factor. People v. Disher, 224 P.3d 254 (Colo. 2010)."

F. Investigation Process for Resolving Complaints or Reports of Sexual Misconduct, Sexual Harassment, Violations of the Nondiscrimination Policy, Stalking, and Intimate Partner Violence

Reporting

If you believe you have experienced or Witnesses a form of sex discrimination, sexual harassment, sexual violence, and/or retaliation or violations of the nondiscrimination Policy, it is important to tell someone so you can get to the appropriate resources. Please be aware that most employees have an obligation to report allegations of sexual harassment and alleged violations of the nondiscrimination Policy or retaliation under the University’s Sexual Harassment Policy and Procedures and the Nondiscrimination Procedures. The following are confidential Campus resources: 1) The Phoenix Center at Auraria: 303-556-6011 and 303-556-CALL (2255) for 24-hour support, 2) CU Denver Student and Community Counseling Center: 303-556-4372, and 3) CU Denver Ombuds Office: 303-315-0046.

Campus Sexual Harassment Officers

The University employs trained staff members who have responsibility for Title IX compliance and who investigate allegations of sex discrimination, sexual harassment, intimate partner violence,
and/or retaliation and violations of the nondiscrimination Policy. The Title IX Coordinator oversees the development, implementation, and evaluation of Title IX policies, procedures, and training efforts and will refer all complaints to the Sexual Harassment (Title IX) Investigator. To file a complaint or request an investigation of an allegation of sex discrimination, sexual harassment, sexual violence and/or retaliation or ask a question about Title IX, a student, employee, or campus visit should contact one of the Campus Sexual Harassment Officers listed below:

**Title IX Coordinator for the University of Colorado Denver Campus Dr. Raul Cardenas, Associate Vice Chancellor of Student Affairs;** Phone number: 303-315-2110; Email address: raul.cardenas@ucdenver.edu; Office address: Lawrence Street Center, 1380 Lawrence Street, Suite 1400, Denver, CO Mailing address: Campus Box 146, P.O. Box 173364, Denver, CO 80217-3364

**J. Anthony Antuna, Sexual Harassment (Title IX) Investigator;** University of Colorado Denver | Anschutz Medical Campus Human Resources; Phone number: 303-315-2730; Email address: anthony.antuna@ucdenver.edu; Office address: Lawrence Street Center, 1380 Lawrence Street, Suite 1400, Denver, CO Mailing address: Campus Box A005/130, P.O. Box 173364, Denver, CO 80217-3364

**Employment Rights Compliance and Investigation Manager;** University of Colorado Denver | Anschutz Medical Campus Human Resources Phone number: 303-315-2724; Office address: Lawrence Street Center, 1380 Lawrence Street, Suite 1400, Denver, CO Mailing address: Campus Box A005/130, P.O. Box 173364, Denver, CO 80217-3364

**Police and Other Reporting Options**

A Student can make a complaint to both the University and to law enforcement. In some cases, the University may be required to report certain incidents to law enforcement. The University and law enforcement conduct separate investigations. If the alleged incident occurred on the Auraria Campus, the Student may contact the Auraria Police Department at 303-556-5000. If the alleged incident occurred off-Campus, the Student may contact the police department with appropriate jurisdiction. University officials, including the confidential resources listed above can provide you with assistance and support to report to Title IX officers and law enforcement. Additionally, Students may file a complaint with the Office of Civil Rights of the U.S. Department of Education (http://www2.ed.gov/about/offices/list/ocr/complaintprocess.html)

**Confidentiality**

After the University is aware of an allegation of sexual harassment or an allegation of violations of the nondiscrimination Policy, if the complainant requests confidentiality or asks that the complaint not be pursued, the University will take all reasonable steps to address and respond to the complaint consistent with the request. The University will evaluate that request in the context of its responsibility to provide a safe and nondiscriminatory environment for all Students. If the Complainant insists that his or her name or other identifiable information not be disclosed to the alleged perpetrator, the University’s ability to respond to the complaint may be limited. The University prohibits retaliation against a Student who complains of sexual harassment.
Interim Measures

The University will take appropriate steps to protect the Complainant as necessary, including taking interim measures before the final outcome of the investigation. Those measures could include notifying the Complainant of his or her options to avoid contact with the alleged perpetrator and allow Students to change academic, working, living situations and transportation options as appropriate; prohibiting the alleged perpetrator from having any contact with the Complainant pending the results of an investigation; and making the Complainant aware of available resources, such as counseling, health, and mental health services, and their right to file a complaint with local law enforcement. The complainant should contact one of the Title IX Officers to discuss any interim measures that may be implemented. The Title IX Officer will work with the university official with the appropriate authority to implement any interim measures.

Investigation Process

After a complaint is received, it is the responsibility of the Campus sexual harassment officer(s) or the Employment Rights Compliance and Investigation Manager to determine the most appropriate means for addressing the report or complaint. Options include, but are not limited to: 1) investigating the report or complaint; 2) with the agreement of the parties, attempting to resolve the report or complaint through a form of alternative dispute resolution (e.g., mediation); or 3) determining that the facts of the complaint or report, even if true, would not constitute a violation of the University’s Sexual Harassment Policy.

If an investigation is conducted, a Notice of Investigation Letter is sent by the Title IX Investigator or the Employment Rights Compliance and Investigation Manager to the Chancellor, the Respondent’s disciplinary authority, CU Denver Counsel, the Assistant Vice Chancellor for Human Resources, the Director of the Human Resources Organizational Relations and Learning Development unit, and both parties. Both parties are also provided with the University Sexual Harassment Policy and Title IX Grievance procedures document. For investigations of the nondiscrimination Policy, both parties are provided with the Nondiscrimination Procedures.

During the investigation, the Complainant and the Respondent shall have the right to:

1. Receive written notice of the report or complaint, including a statement of the allegations, as soon after the commencement of the investigation as is practicable and to the extent permitted by law;

2. Present relevant information to the investigator(s); and

3. Receive, at the conclusion of the investigation and appropriate review, a copy of the investigator's report, to the extent permitted by law.

At the conclusion of an investigation, the investigator shall prepare a written report, which shall include a statement of factual findings and a determination of whether the University’s Sexual Harassment Policy or Nondiscrimination Policy has been violated. This is based a “preponderance of the evidence” standard. A Preponderance of Evidence means that what happened is more likely than not, or “50% plus a feather.” For Sexual Harassment investigations the report shall be presented for review to a standing review committee.
The standing review committee shall consist of employees who have received appropriate training regarding implementation of the University’s Sexual Harassment Policy. The standing review committee may consult with the investigator, consult with the parties, request that further investigation be done by the same or another investigator, or request that the investigation be conducted again by another investigator. The standing review committee may adopt the investigator's report as its own or may prepare a separate report based on the findings of the investigation. The standing review committee may not, however, conduct its own investigation or hearing.

Ordinarily, investigations shall be concluded and reports submitted to the standing review committee no later than 60 business days following the receipt of a complaint. Ordinarily, the final report shall be sent to the Chancellor or President no later than 30 days after the committee's receipt of the draft report of the investigation.

Once the standing review committee approves the final written report, the Sexual Harassment Investigator will send a copy of the report to the Title IX Coordinator, the Chancellor, the Respondent’s disciplinary authority, and both parties.

When a Student is accused of violating the Sexual Harassment Policy or the Nondiscrimination Policy, the scope of the investigation may include violations of the Student Code of Conduct. In the written report the Sexual Harassment Investigator shall outline in the statement of facts and findings whether or not there was a violation of the Student Conduct Code. Once the report is approved the Sexual Harassment Investigator will forward the report to the Director of the Office of Student Conduct and Community Standards or their designee to initiate the sanctioning process, and both parties will be notified of the sanctions, as relevant, in writing. Any student who is found responsible for violating the provision on non-consensual sexual intercourse will likely receive a sanction of suspension or expulsion. Any student found responsible for violating the provision on non-consensual sexual contact, sexual exploitation/exposure, sexual harassment, stalking, intimate partner violence, and violations of the nondiscrimination policy will likely receive a sanction ranging from probation to expulsion depending on the severity and nature of the violation.

When an employee is accused of sexual harassment, the Sexual Harassment Investigator will forward the final report to the Director of the Human Resources Organizational Relations and Learning Development unit. An employee who is found in violation of University policy may be disciplined, up to and including termination. Other outcomes may be suspension, demotion, and/or other corrective/remedial measures.

For Sexual Harassment Investigations the Respondent’s disciplinary authority shall forward to the Title IX Coordinator and to the Chancellor a statement of any action taken against an individual for violation of the University’s Sexual Harassment Policy.

The Title IX Coordinator, or designee, shall advise the Complainant and Respondent of the resolution of any investigation conducted under the University’s Sexual Harassment Policy.

All records of sexual harassment or nondiscrimination Policy reports and investigations shall be considered confidential and shall not be disclosed publicly except to the extent required by law.

**Complaints Involving Two or More Campuses**
When an alleged Policy violation involves more than one Campus, the complaint shall be handled by the campus with disciplinary authority over the Respondent. The Campus responsible for the investigation may request the involvement or cooperation of any other affected Campus and should advise appropriate officials of the affected Campus of the progress and results of the investigation.

Complaints By and Against University Employees and Students Arising in an Affiliated Entity

University Employees and Students sometimes work or study at the worksite or program of another organization affiliated with the University. When a Policy violation is alleged by or against University Employees or Students in those circumstances, the complaint shall be handled as provided in the affiliation agreement between the University and the other entity. In the absence of an affiliation agreement or a provision addressing this issue, the University may, in its discretion, choose to: 1) conduct its own investigation, 2) conduct a joint investigation with the affiliated entity, 3) defer to the findings of an investigation by the affiliated entity where the University has reviewed the investigation process and is satisfied that it was fairly conducted, or 4) use the investigation and findings of the affiliated entity as a basis for further investigation.

Retaliation

Retaliation is prohibited by the University Sexual Harassment Policy and Procedures. To be considered retaliation, a causal connection is required between an adverse action and the act of (1) reporting an allegation of sexual harassment; or (2) participating in support of an investigation of sexual harassment. Students and employees who believe they have been retaliated against because of testifying, assisting or participating in a proceeding, investigation, or hearing relating to an allegation of sexual harassment should meet with and seek the advice of their Campus Sexual Harassment Officer, whose responsibilities include handling retaliation.

State and Federal laws prohibit retaliation against persons who have complained of discrimination, or have participated in the investigation or resolution of a complaint of discrimination. Complaints of retaliation will be investigated in accordance with the procedures set forth herein.

Appeal Process

For sexual harassment investigations either the Complainant or Respondent may file an appeal of the investigator’s findings or conclusions. The Title IX Coordinator will hear all appeals. All appeals must be submitted in writing to the Title IX Coordinator no later than seven (7) calendar days after the investigator’s report has been delivered to the appellant. An appeal must cite the basis of the appeal and provide sufficient and detailed information to support the appeal. New evidence may not be presented in the appeals process unless the appellant can demonstrate that the evidence was unavailable during the investigation.

Failure to meet the above conditions shall be sufficient cause to deny an appeal, in which case the finding(s) or conclusion(s) of the investigation shall be final. The Title IX Coordinator, or designee, shall make the determination as to whether these conditions have been met.

During the appeal process, the Title IX Coordinator will not reconsider the facts and statements on which the original findings or conclusions were based but will consider only:
1. Whether new evidence or information has been presented which was unavailable during the initial investigation, and which, if considered may materially affect the outcome of the investigation,

2. Whether a procedural error occurred that unfairly and materially affected the outcome of the investigation,

3. Whether the investigator exhibited unfair bias, failed to conduct a thorough investigation, or issued arbitrary findings and conclusions.

The Title IX Coordinator may affirm or reject the investigator’s findings and conclusions or refer the investigation back to the Title IX Investigator for further action. The decision of the Title IX Coordinator is final.

For both sexual harassment, and violations of the nondiscrimination Policy; if the Respondent is a Student, the Complainant or the Respondent may file an appeal based on the sanctions given. The Office of Student Conduct and Community Standards will oversee an appeal of sanctions as outlined in the Student Code of Conduct: http://www.ucdenver.edu/life/services/standards/Documents/CUDenver-CodeofConduct.pdf.

On-Campus Resources:

The Phoenix Center at Auraria: 24-hour Helpline: 303-556-CALL (2255); 900 Auraria Way, Tivoli 259, Denver, CO 80217; Email: pcauraria@gmail.com; 303-556-6011

CU Denver Student and Community Counseling Center: 303-556-4372; 900 Auraria Way, Tivoli 454, Denver, CO 80217

CU Denver Student Conduct and Community Standards: 303-556-2444; 900 Auraria Way, Tivoli 227, Denver, CO 80217

CU Denver Dean of Students: 303-556-3519; 900 Auraria Way, Tivoli 227, Denver, CO 80217

CU Denver Ombuds Office: 303-315-0046; CU Denver Building 1250 14th St. Room 107P, Denver, CO 80202

Auraria Police: 303-556-5000; Administrative Building, 1201 5th Street, Suite 110, Denver, CO 80217 Emergency from a campus phone: 911

Off-Campus Resources:


AURARIA CAMPUS SEXUAL ASSAULT POLICY

I. Statement of Purpose:

This Policy was developed collaboratively by the Auraria Higher Education Center (“Center”) and its Constituent Institutions—the Community College of Denver, the Metropolitan State University of Denver, and the University of Colorado Denver—for the purpose of implementing provisions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.C.S. § 1092(f), relating to the response of the Auraria Campus Police Department and the Constituent Institutions to students who are victims of sexual assault. The Auraria Campus is committed to responding appropriately to all reports of sexual assaults and to working collaboratively with other law enforcement and government and community agencies.

In the development of this Policy, the Auraria Campus also collaborated with the Sexual Assault Interagency Council and adhered to the spirit of the Denver Sexual Assault Response Protocol, which was signed by the chief executives of the Constituent Institutions on November 7, 2005. This Protocol is available online at http://www.denversaic.org.

This Policy provides general guidelines for responding to students of the constituent institutions who are victims of sexual assault on the Auraria Campus or during other institutionally-sponsored activities. For institution-specific procedures and resources, contact the following representatives or campus judicial officers:

Community College of Denver
Director of Student Conduct
Office of Student Life
Tivoli, Room 309
CCD Campus Box 205
PO Box 173363
Denver, CO 80217-3363
303-556-2597

University of Colorado Denver
Director
Office of Community Standards & Wellness, Tivoli 227
CU Denver Box 83
PO Box 173364
Denver, CO 80217-3364
303-556-3682

Metropolitan State University of Denver
Assistant Dean of Student Engagement & Wellness
Office of Student Engagement & Wellness, Tivoli 311
II. Policy Statement:

The Center and its Constituent Institutions prohibit sexual assault, attempted sexual assault and other sexual offenses on property owned or controlled by the Center or its Constituent Institutions, at institutionally-sponsored or supervised activities, or at functions of recognized student organizations. The Federal Bureau of Investigation’s National Incident Based Reporting System of the Uniform Crime Report defines a sex offense in general as “any sexual act directed against another person, forcibly and/or against the person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent.”

Penalties for violations of this Policy or the internal polices of the Center or its Constituent Institutions by their employees or students are determined by their specific internal policies and procedures but may include termination or expulsion for instances of sexual assault or attempted sexual assault, and lesser penalties, including suspension, probation and assessment of financial penalties for other offenses, as appropriate.

III. Sexual Assault Prevention on the Auraria Campus:

The Auraria Campus institutions provide ongoing education about sexual assaults and prevention through new student orientation programs that take place during each fall and spring semester, and through scheduled educational programming through campus activities offices. The Auraria Campus Police Department offers sexual assault education and information programs to Auraria Campus students and employees upon request. For Center or institution specific information or literature on sexual assault education and campus response, contact the representatives listed in Section I of this Policy.

IV. Sexual Assaults / Offenses:

Students who believe they have been the victims of a sexual assault or attempted sexual assault on the Auraria Campus should first ensure that they are in a place that is safe and that they are receiving any necessary medical treatment.

Students should report any incident of sexual assault or attempted sexual assault immediately to the Auraria Campus Police Department at 303-556-5000, or by dialing ‘911’ from any Auraria Campus telephone. Reports may be made anonymously. Students may also report to their institution’s representative listed in Section I, a faculty member or an administrative official. In the interests of campus safety, the representative, faculty or staff member should immediately notify the Auraria Campus Police of the incident and also may be required to report the incident in accordance with their institution’s internal policies—see paragraph V.5 below. The identity of the student
involved in or reporting the incident is not essential for reporting—see paragraph V.6 below.

If they wish, students may have the assistance of campus administrative staff in reporting incidents of sexual assault. Care should be taken in such instances to file the report as soon as possible after the incident and to preserve all physical evidence of the crime to aid in the police investigation. These procedures are particularly important in the case where the assailant is unknown to the victim and may be a threat to the campus community.

V. Options for Student Victim of Sexual Assaults / Other Sexual Offenses:

The victim of an alleged sexual assault, a threatened sexual assault, or other sexual offenses on the Auraria Campus has several options that may be pursued individually or in combination with other options:

1. To get immediate crisis counseling (24 hours a day) contact the The Blue Bench hotline (303-322-7273).

2. To file criminal charges with the police department. (In this case, the victim will likely be interviewed by police investigators and possibly by government attorneys, and if the case goes to trial, will likely be called to testify in court.)

3. To file a civil lawsuit or restraining order request against the accused. (In this case, the victim may need a private attorney to assist with these options, and the victim will likely be required to give testimony in court.)

4. To file charges against an accused assailant through the Center or institution’s appropriate process. If the victim chooses this option, he or she can expect:
   a. To be interviewed by an official designated by the Center or institution, who will develop a written incident statement and explain the complaint and disciplinary process;
   b. To be notified whether the charge will result in a hearing following the preliminary review by the Center or institution’s officials;
   c. To give testimony and to answer questions about the case before an official or board, the accused and an advocate for the accused, should the charge result in a hearing;
   d. To be afforded those rights available to the accused as outlined in the Center or institution’s specific student code of conduct or employment policies;
   e. That both the victim and the accused will be informed of the outcome, except when prohibited by law, of any hearing that may take place;
   f. That the incident may be referred for criminal prosecution independent of the Center or institution’s internal process.

5. Inform Center or institution officials without filing formal charges. However, the Center or institution may have a legal obligation to investigate the incident and take action against the accused. In that case, the victim can have the same expectations as described in subparagraphs 4.a-f above.

6. Make an anonymous report to a campus official without including student identifiers.

Special notes:
1. Student victims have the option to request adjustments to their academic schedules after a reported sexual assault, if such changes are reasonably available. Each such request will be handled on a case-by-case basis by the student’s institution.

2. Both the accuser and the accused are entitled to the same opportunities to have others present during any disciplinary hearing.

3. Both the accuser and the accused will be informed of the outcome, except when prohibited by law, of any Center or institutional disciplinary proceeding that is brought alleging a sex offense.

VI. Support for Victims:

Students who are victims of sexual offenses have access to various confidential counseling options with staff that are specifically trained in the area of sexual offenses and crisis intervention. Victims of sexual offenses can be seen confidentially through the Health Center at Auraria. During regular business hours, victims should call the Health Center at 303-556-2525 for immediate care or an appointment. After hours, victims should seek immediate assistance from Denver Health Medical Center at 8th and Bannock in Denver. For additional resources, see below or contact the institutional representative listed in Section I.

On the Auraria Campus:

The Phoenix Center at Auraria (available to any student)
  pcauraria@gmail.com
  Helpline: 303-556-CALL (2255) (24/7)

MSU Denver Counseling Center (for MSU Denver Students only—at no charge)
  Tivoli 651
  303-556-3132
  http://www.msudenver.edu/counsel/

CU Denver Student & Community Counseling Center (for CU Denver students—at no charge; fees may apply to MSU Denver and CCD students)
  North Classroom 4036
  303-556-4372
  http://www.ucdenver.edu/life/services/counseling-center/pages/default.aspx

Health Center at Auraria (available to any student—fees may apply)
  Plaza 150
  303-556-2525
  http://www.msudenver.edu/healthcenter/

MSU Denver Institute for Women’s Studies & Services (referrals and community resources)
  1059 9th Street Park
  303-556-8441
  http://www.msudenver.edu/women

Local law enforcement agencies:

Denver District Attorney’s Office
  720-913-9000
  Victims Compensation: 720-913-9253
www.denverda.org

Denver Police Department
   Emergency: 911
   TDD/TTY: 720-913-2000
   Non-Emergency: 720-913-2000
   Victim Assistance Unit: 720-913-6035
   Sex Crimes Unit: 720-913-6050
   Sex Crimes Hotline: 720-913-6359
   www.denvergov.org/police

Community agencies/resources available in the Denver/Metro area:

Colorado Coalition against Sexual Assault (CCASA)
   303-839-9999
   www.ccasa.org

Denver Center for Crime Victims
   Hotline: 303-894-8000
   TTY: 711
   Administrative line: 303-860-0660
   www.denvervictims.org

Moving to End Sexual Assault (MESA) (formerly the Boulder County Rape Crisis Team)
   Hotline: 303-443-7300
   Administrative Office: 303-443-0400
   www.movingtoendsexualassault.org

The Blue Bench Hotline
   Hotline: 303-322-7273
   Spanish: 303-329-0031
   TTY: 303-329-0023
   Administrative Office: 303-329-9922 (M-F 9am-5pm)
   www.thebluebench.org

WINGS Foundation (Survivors of childhood sexual abuse; support groups for men and women. Groups available for men and women.)
   303-238-8660
   Toll free: 800-373-8671
   www.wingsfound.org

Community specific services/resources:

   Anti-Violence Project of Colorado (gay, lesbian, bisexual, transgender, and queer)
   303-839-5204
   24-hour crisis: 303-852-5094/ 1-888-557-4441
   www.coavp.org

   Asian Pacific Development Center (Asian American / Pacific Islander)
   303-393-0304 (24 hours)
   303-365-2959 x116 (Interpreters bank, fee for service)
VIII. Additional Information

a) The Title IX Officer and Student Conduct Officer shall coordinate the investigation of all formal charges of Sexual Misconduct brought forward. Investigations shall be conducted in a timely manner (generally no longer than 45 days), according to institutional protocol and shall use a preponderance of the information standard (more likely than not). The range of sanctions for students found in violation of the Sexual Misconduct Policy is a formal warning through expulsion from the University.

b) The University of Colorado System Administrative Policy Statement (APS) on sexual harassment policy and procedures may be obtained from the UC Denver sexual harassment officer (see “Reporting Sexual Harassment”) or found online at: https://www.cu.edu/ope/efficiency-and-effectiveness/presidents-task-force-efficiency/aps-5014-sexual-harassment-policy.

c) If you need to report sexual harassment or if you have any questions regarding sexual harassment or policy above, please contact the UC Denver sexual harassment and Title IX officer at 303-315-2724; send correspondence to Human Resources, P.O. Box 173364, Campus Box 130, Denver, CO 80217-3364.

d) The University of Colorado Denver Code of Conduct further defines Sexual Misconduct to include the following:

i) Sexual Misconduct: Sexual Misconduct includes Non-consensual sexual intercourse, Non-consensual sexual contact and Sexual exploitation or exposure, and Sexual Harassment.

(1) Non-consensual sexual intercourse: Non-consensual sexual intercourse is any sexual intercourse (anal, oral or vaginal), including sexual intercourse with an object, however slight, by one person upon another without consent.

(2) Non-consensual sexual contact: Non-consensual sexual contact is any sexual touching (including touching with an object) however slight, by one person on another without consent.
(3) Sexual exploitation and/or exposure: Sexual Exploitation is when a student takes non-consensual, unjust, or abusive sexual advantage of another for his/her own pleasure, advantage or benefit, or to pleasure, benefit or advantage anyone other than the one being exploited. Sexual Exposure occurs when a student engages in lewd exposure of the body done with the intent to arouse or satisfy the sexual desire of any person.

(4) Sexual Harassment

ii) Note: For the purposes of this rule, consent shall be defined as the act of knowingly and voluntarily agreeing verbally or non-verbally to engage in sexual activity. An individual cannot consent who is obviously substantially impaired by any drug or intoxicant; or who has been purposely compelled by force, threat of force, or deception; or who is unaware that the act is being committed; or whose ability to consent or resist is obviously impaired because of a mental or physical condition; or who is coerced by supervisory or disciplinary authority.

SEX OFFENDER REGISTRATION INFORMATION

Registered sex offenders who are students, employees, or volunteers for the Community College of Denver, Metropolitan State University of Denver, the University of Colorado Denver or the Auraria Higher Education Center are required to advise their local law enforcement agency of their affiliation with any of the listed institutions. This information is forwarded to the Colorado Bureau of Investigation (CBI), and is available at the Auraria Campus Police Department during normal business hours. The individual making the request will be provided with the list of registered sex offenders.

State and federal law require the release of information supplied by the Colorado Crime Information Center (CCIC) on registered sex offenders. The release of such information does not violate the Family Educational Rights to Privacy Act (FERPA).

In the event the Auraria Campus Police Records staff is unavailable to provide the requested information immediately, the name and phone number of the individual making the request will be taken and he/she will be notified when the report is available. All requests will be processed and made available for review within 72 hours of the request.

For further information on Sex Offender Registration Information, please visit the Colorado Bureau of Investigation's Convicted Sex Offender Site at http://sor.state.co.us/.

AHEC WEAPONS POLICY

Legislative Declaration: The Auraria Board owns and manages the Auraria campus for the use and benefit of its constituent institutions of higher education – the Community College of Denver (CCD), Metropolitan State University of Denver (MSU Denver), and the University of Colorado Denver (CU Denver) – and to facilitate and further their respective educational missions. Section 23-70-106, C.R.S., authorizes the Auraria Board to promulgate rules and regulations for the safety of students, employees and property on the Auraria campus. The Auraria Board finds and determines that the free and unregulated possession of weapons on the Auraria campus would:

1. Create an unreasonable risk to the health, welfare and safety of students and employees and the preservation of property on the Auraria campus by careless or malicious use;
2. Create a climate of fear and intimidation that would distract and interfere with the reasoned discourse and cooperation required for productive learning and working environments on the Auraria campus; and
3. Be inconsistent with the academic missions of the constituent institutions.

Therefore, the Auraria Board adopts the following policy:

Statement of Policy: Except as expressly provided below, the possession of firearms, explosive or incendiary devices, or other weapons on the Auraria campus is prohibited. This prohibition shall extend to all grounds and buildings on the Auraria campus, including the institutional neighborhoods and buildings owned by the constituent institutions therein. It shall not extend to facilities off of the Auraria campus, such as, for example, CU Denver’s Lawrence Street Center, MSU Denver’s North or South Campuses, or CCD’s Lowry Campus.

This policy shall apply to all employees and invitees of the Auraria Board, all students, employees and invitees of the constituent institutions, and all other visitors to the Auraria campus.

“Weapons” include, but are not limited to, the following:
1. Firearms of any size or type of construction and ammunition;
2. Gas or air guns, including BB, pellet and paint ball guns;
3. Bows and arrows, and cross-bows;
4. Blackjacks, bludgeons, batons, nunchaku, throwing stars, and metallic knuckles;
5. Swords, pikes, lances and spears;
6. Any knife with a blade over 3.5 inches in length, including hunting and fishing knives;
7. Ballistic, gravity and switchblade knives, regardless of the length of the blade;
8. Fireworks; and
9. Any harmless object designed to look convincingly like a firearm, explosive or incendiary device, or other weapon.

Exceptions. This policy shall not apply to:
1. A peace officer, as described in § 16-2.5-101, C.R.S., when carrying a weapon in conformance with the policy of his/her employing agency as provided in § 16-2.5-101(2).
2. A member of the armed forces of the United States or Colorado National Guard while acting in his/her official capacity and in conformance with general or specific military orders.
3. A law enforcement officer, agent or employee of the United States, when lawfully carrying a weapon in conformance with the policy of his/her employing agency.
4. A person carrying a concealed handgun who holds a valid written permit issued pursuant to § 18-12-201, et seq., C.R.S.
5. A weapon that remains inside a locked motor vehicle while on the Auraria campus, provided that the weapon is unloaded. This exception shall not apply to explosive or incendiary devices.
6. A student, employee or invitee of a constituent institution or an employee or invitee of the Auraria Board who has a legitimate educational or employment related purpose for the possession of a weapon on the Auraria campus and has obtained written permission from the appropriate office and from the Chief of the Auraria Police Department or his/her designee.
Violations. All violations of this policy shall be reported to the Auraria Police Department and the appropriate institutional office. Violators may be disciplined, banned from the Auraria campus and criminally prosecuted in appropriate cases.

Procedures and guidelines. The Executive Vice President for Administration is authorized to promulgate such procedures and guidelines as may be reasonable and necessary to implement and carry out the intent of this policy.

MISSING RESIDENTIAL STUDENT NOTIFICATION POLICY

Introduction
This policy sets forth the procedure that shall be followed in the event that a UC Denver student residing in the Campus Village Apartment complex is missing.

Policy
The University of Colorado Denver ("UC Denver") has developed this missing student notification policy for students who reside in the Campus Village Apartment complex per the requirements of UC Denver ("residential students"). Each residential student shall be informed of this policy and procedure at the time he or she signs the lease at the Campus Village Apartments and anytime the residential student updates his or her personal contact information. This policy will also be published semi-annually in the Campus Village newsletter and available on the Campus Village and UC Denver websites.

1. In addition to registering emergency contact information, residential students shall have the opportunity to identify a confidential contact and provide his or her confidential contact information to be used in the event the residential student is determined missing at any time ("confidential contact"). This contact information will accessed only by authorized campus officials.

2. A residential student will be deemed missing:
   a. If under the age of eighteen (18) years of age, and not considered a runaway: when the residential student’s whereabouts cannot be determined by the student’s associates including friends, family, or residential staff; or
   b. If eighteen (18) years of age or older: when the residential student’s whereabouts cannot be determined, and the absence is both a deviation from normal behavior patterns and cannot be explained.

3. UC Denver shall notify the appropriate law enforcement agency not later than 24 hours after the time that the residential student is determined missing.

4. UC Denver shall notify a custodial parent or guardian for any student under 18 years of age who is not an emancipated individual not later than 24 hours after the time the residential student is determined to be missing.

5. UC Denver shall make contact with residential student’s confidential contact if the residential student has been deemed missing by the campus security or law enforcement agency for more than 24 hours and that residential student has not been located.

Procedure
1. Reporting and Notification
   a. A residential student may be reported by any acquaintance of the student. The report can be made to:
      i. Campus Village professional staff,
ii. UC Denver Dean of Students,
iii. Auraria Higher Education Center Police Department (“AHEC PD”), or
iv. UC Denver Office of Community Standards and Wellness (“OCSW”).
b. The recipient of the report shall immediately notify Campus Village professional staff who will subsequently notify the OCSW.
c. The report can be made at any time the reporting party feels that the residential student is missing but shall be made if the residential student has been missing for more than 24 hours.
d. The appropriate campus officials will immediately make attempts to contact or locate the student who is the subject of the report. Those attempts will include, but may not be limited to, the following:
i. A visual check of the residential student’s apartment shall be conducted. A member of the Campus Village Apartments shall enter the student’s room to perform this check.
ii. Attempts shall be made to contact the residential student through any and all forms of communication including, but not limited to, telephone number(s), e-mail, text messaging, social networking sites, and contacting all known associates. The goal of the contact is to have the residential student communicate with those reporting or investigating the allegation.
iii. Attempt to determine the residential student’s whereabouts using resources such as key logs, area desk sign-out sheets, meal plan access, computer or e-mail access, class records, and security cameras.
iv. Other techniques, as necessary, given the circumstances of the individual case.
e. If initial attempts to contact the student fail then the campus officials will notify the AHEC police or other appropriate law enforcement officials so that an investigation on the report can commence.

2. Investigation
a. An investigation into the missing student report shall commence immediately and shall be conducted by the AHEC PD or other appropriate law enforcement officials in cooperation with UC Denver and Campus Village staff.
b. If, on investigation of the official report, the AHEC PD or other law enforcement officials determine that the missing student has been missing for more than 24 hours then:
i. If the student is under 18 and not an emancipated individual the confidential contact or parent/guardian shall be notified; or
ii. If the student is over 18, not an emancipated individual and has not provided a confidential contact then the appropriate law enforcement agency shall be notified.

3. Follow up to the case
a. Information regarding the case will be communicated to the campus community, as necessary or permitted, during or post investigation as warranted by the circumstances.
b. Parties affected by the incident may be referred to campus or community resources if necessary during or post incident.
DEFINITIONS OF REPORTED CRIMES

The following definitions are crimes that Federal Law requires institutions to report:

**Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Criminal Homicide-Manslaughter by Negligence:** The killing of another person through gross negligence.

**Criminal Homicide-Murder and Non-negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.

**Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Burglary vs. Larceny:** An incident must meet three conditions to be classified as a Burglary.

- There must be evidence of unlawful entry (trespass). Both forcible entry and unlawful entry – no force are counted.
- The unlawful entry must occur within a structure, which is defined as having four walls, a roof, and a door.
- The unlawful entry into a structure must show evidence that the entry was made in order to commit a felony or theft.

If the intent was not to commit a felony or theft, or if the intent cannot be determined, the proper classification is Larceny.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned including joyriding.)

**Sex Offenses-Forcible:** Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

* A. **Forcible Rape**—The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).
B. Forcible Sodomy-Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

C. Sexual Assault With An Object-The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

D. Forcible Fondling-The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

Sex Offenses-Non-forceful: Unlawful, non-forceful sexual intercourse.

A. Incest-Non-forceful sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

B. Statutory Rape-Non-forceful sexual intercourse with a person who is under the statutory age of consent.

Additionally, the following violations should be reported to ACPD or to the appropriate institutional Judicial Affairs office. The police or judicial affairs staff will make tabulation of statistics from these referrals.

Weapon Law Violations: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

Drug Abuse Violations: Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Liquor Law Violations: The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

Hate Crimes: Of the crimes described above and any other crime involving bodily injury to any person and the crimes of larceny-theft, simple assault, intimidation and vandalism, in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual
orientation, ethnicity or disability of the victim that are reported to campus security authorities or local police agency, the data shall be collected and reported according to category of prejudice.

**Dating Violence, Domestic Violence, and Stalking** are defined within the CU Denver Sexual Misconduct section above.
<table>
<thead>
<tr>
<th>CRIMINAL OFFENSES</th>
<th>ON CAMPUS</th>
<th>RESIDENTIAL</th>
<th>PUBLIC PROPERTY</th>
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* Classified as Forcible Fondling, ** Classified as Rape, ***1 Forcible/1 Rape

There was one (1) On Campus Hate Crime involving Robbery, related to race, for the year 2012.
There was one (1) On Campus Hate Crime for All Other Crimes category, specifically, Intimidation/Threats, race, religion and sexual orientation biased for year 2011.
There were three (3) Domestic Violence incidents that occurred On Campus in 2013. There were two (2) Public Property Domestic Violence Incidents that occurred in 2013. There were six (6) Incidents that involved Stalking On Campus in 2013.

<table>
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<tr>
<th>ARRESTS</th>
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CAMPUS VILLAGE FIRE SAFETY INFORMATION

Fire Alarms and Evacuations
The fire alarms alert community members of potential hazards, and community members are required to heed their warning and evacuate buildings immediately upon hearing a fire alarm in a facility. Use the nearest stairwell and/or exit to leave the building immediately. Community members should familiarize themselves with the exits in each building. The back of each apartment door has a diagram with evacuation routes and assembly points.
The Fire Department can levy fines and penalties to individuals who fail to evacuate a building promptly – but a more important reason for evacuating is safety!
When a fire alarm is activated, the elevators in Campus Village will stop automatically. Occupants should use the stairs to evacuate the building. If you are caught in the elevator, push the emergency phone button.
After a false alarm in a Campus Village, an email message is distributed to building residents, typically the next business day, informing them of the cause of the activation and the reason for the evacuation. The purpose of providing follow-up information is to use those instances as a teaching moment to point out the reason for the alarm activation, the evacuation routes, and instructions and guidelines for evacuations.
UC Denver publishes this fire safety report as part of its annual Clery Act Compliance document, which contains information with respect to the fire safety practices and standards for UC Denver and Campus Village. This report includes statistics concerning the number of fires, the cause of each fire, the number of injuries and deaths related to a fire, and the value of the property damage caused by a fire (see charts for more information). The compliance document is available for review 24 hours a day on/at the Campus Village Front Desk.

Fire Log
Campus Village Apartments maintains a Fire Log, this log tracks any fires that occurred in Campus Village Apartments that have been reported to Campus Village or CU Denver staff. The log contains information related to the date the fire was reported, the nature/cause of the fire, the date and time the fire occurred, and the general location of the fire in the building or facility. The log is actively maintained. Reported fires will be added to the log within two (2) business days of the report. The Fire Log contains any fires reported in the most recent 60 days and is located at the Information Desk in Campus Village, and is available for public review upon request during normal business hours. Upon request Campus Village will provide any portion of the report older than 60 days within 2 business days of request for public inspection.

Campus Village Resident Assistant Fire Safety Training
All Resident Assistants participate in fire safety training including how to use a fire extinguisher in a live burn. The training is completed in August during the Fall Semester RA Training. The session is hosted by Sentry Fire & Safety Inc.
All Resident Assistants also receive training in Fire Drill and Building Evacuation procedures during the Fall Semester RA Training. This training includes reviewing the Allen and O’Hara and Campus Village Apartments Emergency Procedures Manual (see relevant sections attached) and identifying building/floor specific emergency exits and assembly points.
Resident Assistants present and review fire safety policies, fire drill and evacuation procedures with their residents at the “Mandatory Floor Meetings” during move-in. This information is also
posted in the building and included in welcome/move-in materials.

Alarms and Drills
During the Fall Semester
• There shall be a minimum of two fire drills scheduled during the fall semester.
  o One drill shall be scheduled and posted during the first 4 weeks of the semester

During the Spring Semester
• There shall be a minimum of one fire drill scheduled for the spring semester.

Life Safety and Fire Suppression Systems

Fire Detection
Campus Village has two fire detection systems in place. The first is a BRK Smoke Detector. These smoke detectors are AC powered (hardwired) with battery back-up. Smoke detectors are located in common spaces and in all bedrooms of each apartment. Batteries of the smoke detectors are inspected during quarterly inspections of the building completed by the Maintenance Staff. Residents may notify the Maintenance Staff when a battery needs to be replaced as well. In addition to the smoke detectors, enunciator panels are located in apartments and hallways throughout the building. The location of the enunciator panels is in accordance with the Denver City Fire Code. The enunciator panels are electrically powered and have both an audible sound and strobe light to alert residents. In the event of an evacuation, exit signs are located throughout all hallways and at all exit areas on in each floor. Placement of exit signs is in accordance with the Denver City Fire Code.

Fire Suppression
Campus Village has two fire suppression devices located throughout the building. The first fire suppression device is an ABC Fire Extinguisher. This extinguisher can be used to put out any type of fire. Fire extinguishers are located throughout the building. Please refer to the floor plan of the building for specific locations. The second fire suppression device is the sprinkler system. Sprinkler heads are located in common spaces and in all bedrooms of each apartment, as well as, in the hallways, community spaces throughout the building, and office spaces.
# Campus Village - Fire Safety and Equipment Logs

## Fire Statistics Overview

**January 1, 2013 - December 31, 2013**

### Fires Reported

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<th>Month</th>
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<th>Nature/Cause of Fire</th>
<th>Number of Injuries</th>
<th>Number of Deaths</th>
<th>Property Damage ($)</th>
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### Fire Drills/Alarms

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<th>Semester</th>
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<td>Spring Semester</td>
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### Equipment Inspections

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<th>Frequency of Inspection</th>
<th>Last Completed Inspection</th>
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<tr>
<td>Fire Extinguishers</td>
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<td>Sprinkler System</td>
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<tr>
<td>Ansul System</td>
<td>Annual</td>
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In case of an emergency, there are specific instructions that must be adhered to. First, dial 911, or the local authorities. Each staff member should then follow the chain of command in reporting the incident to the Home Office. Possible situations are outlined in this section and the Loss Prevention Manual.

Routinely review the Loss Prevention Manual for any updates.

Management and staff members should be familiar with all aspects of the fire prevention system. They should be familiar with all prevention systems in the resident rooms, (i.e. sprinklers, smoke alarms, intercom speakers, etc.) and in the public areas (i.e. smoke alarms, fire extinguishers, pull stations, strobe lighting, exit signs, etc.) Community Managers and staff should also be familiar with all fire alarm monitoring systems on the property. This includes panels at the front desks that may indicate smoke alarm or pull station activations. Fire extinguishers, hoses, sprinklers, etc. should be provided if local code requires them. Residents should be informed of the severe penalties associated with tampering and/or vandalizing fire equipment.

RA's should also be familiar with how to operate a fire extinguisher, respond to the fire panel alarms/instructions and sprinkler activation and all evacuation policies and procedures.

All staff members are required to be thoroughly familiar with all evacuations policies and procedures in the event of fire or emergencies. It is vitally important that all RA's are accounted for in the event of an evacuation; therefore, all RA's should make a conscious effort to use the IN/OUT locator board behind each desk, if applicable. The proper use of this locator board will assist the staff in determining what RA's are not available and what responsibilities may have to be covered by other staff members.

When the fire alarm sounds instruct the RA's to respond as follows:

1. Immediately look outside of your room/apartment to determine if you see any signs of smoke or fire. If it is determined that there is smoke or fire outside your building, call the fire department and evacuate the floor/building by banging on doors on your way out. Keep anyone from entering the building until the fire department arrives and says it is ok to re-enter the building.
2. Instruct residents to LOCK THEIR DOORS and quickly evacuate their rooms/apartments by use of the stairwells. Residents should be instructed to NEVER USE THE ELEVATORS in the event of a fire alarm. When residents exit the building, they should be instructed to proceed and gather away from the building in their assigned designated areas.
3. RA's should report to the Community Manager and proper authorities any resident(s) that fail(s) to follow evacuation instructions.
4. Once off of their floor/out of their apartment, RA's should report to their assigned
evacuation duty area (stairwells, exit doors, main entrance areas) to assist in the evacuation process.

5. In the event of an emergency, RA's should obtain a list of residents present and report missing residents to the Community Manager and emergency response personnel.

6. Fire extinguishers should be inspected monthly and serviced annually. Fire drills should be conducted quarterly or annually. Consult with the Fire Marshall in your area to clarify the number of tests required.

Campus Village Emergency Procedures Manual – Section Four

Evacuation Assembly Areas
RA's should instruct all residents to exit the building and proceed to the designated areas.

Residents that fail to follow evacuation instructions will be referred to the Community Manager for discipline. The Community Manager may elect to notify the Fire Department for assistance in prosecuting residents that fail to follow CA instructions concerning evacuation of the building during a fire.

Fire Extinguisher Operation Procedures

All staff members should be familiar with the location of fire extinguishers on their floors/buildings and in the apartment complex and the clubhouse. In addition, they should be instructed in the proper operation of fire extinguishers. To use an extinguisher:

1. Remove pin from handle.
2. Stand back approximately eight feel.
3. Aim at the base of the fire and squeeze handle.
4. Move nozzle side to side and spray to cover the source of the flames.

Fire Sprinkler System Operation Procedures

If the property is equipped with a sprinkler system it is important that all staff members are familiar with all operations of the system. This includes the monitoring of the alarm system panel, and all emergency pumps. In addition, all RA's and other staff members should know the location and how to turn off all shut off values. This is especially important in the event of a water discharge due to accident, vandalism, or some other non-fire related activity. It should be noted that the longer it takes to turn off the water flow, the more extensive the water damage will be in the actual area of discharge as well as all floors below.

Campus Village Emergency Procedures Manual – Section Four

Staff Response to Fire Alarm

All onsite staff members must respond

1. Highest ranking staff member is point of contact for emergency personnel
a. Only the point staff member is authorized to communicate with emergency personnel.

b. If no pro-staff member is onsite during the alarm, one of the on-call RA's is point until a pro-staff member arrives on-site.

2. All staff on-site must assist with evacuating residents from building to approved locations.
   a. Approved locations are 100 feet away from building
      i. Zone 1: Low W Parking Lot
      ii. Zone 2: Viaduct Parking on North Side of building across Walnut
      iii. Zone 3: Overflow Parking Lot
      iv. Zone 4: Far corner of South West parking lot (behind basketball court)
   b. There must be at least one RA or pro-staff member escorting residents to these locations. No information may be relayed to residents other than we are waiting to hear from emergency response crews when it is safe.
   c. DO NOT MAKE STATEMENTS ASSUMING WHAT HAPPENED. THIS OPENS LIABILITY TO YOURSELF AND COULD PUT YOUR JOB IN JEOPARDY.
   d. The point staff member will stay in communication with all zones and advise the staff when the building is safe to enter, or any necessary updates.

3. See attached site plan for approved Zone locations.

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**Campus Village – Information Provided to Residents**

**Fire Safety Sections from Resident Handbook and Lease Agreement**

*Handbook*

The smoke detectors in your apartment/suite are very sensitive. When taking a shower, close the bathroom door to ensure the steam does not affect the detector. When cooking, be sure to use the fan above the stove. This could help prevent a grease fire.

If your detector makes a beeping sound, it means the battery is low. Complete a work order as soon as possible to have the battery replaced. Any time a smoke detector sounds an alarm, you should respond to it as an emergency and proceed in a safe manner. Never disconnect the smoke detectors. Sometimes you may experience a "false alarm."

The smoke detectors can be set off by dust, an insect or just may need routine cleaning. Open all windows to allow fresh air into the apartment/suite.

Under no circumstances should ANY smoke detector or life safety equipment be tampered with! If any smoke detector is found in any other condition that it was installed, each resident may be fined a $500 fine per person for the first offense.

The second offense may result in a $1,000 fine and possible eviction from the property. In addition, any false alarms on the property as a direct result of smoking, burning candles, incense or hookahs or any other lease violation will result in a $500 fine for the first offense, a $1,000
fine and possible eviction for the second offense.

No modifications to, or changes in, electrical wiring are permitted. No "splices," "octopuses" or modification devices of any kind may be used to add plugs in your room, suite or apartment. UL approved, grounded power strips with circuit breakers may be used only for computer and computer related hardware. A maximum of two power strips may be used per room. Extension cords are not permitted.

The burning of any material, including incense, is prohibited, except when a written request is made and prior approval is granted by Management for the purpose of religious or spiritual observance only.

Residents shall not possess any explosive, fireworks, ammunition, gasoline, or other highly flammable material. Violation of this policy may result in criminal prosecution. See also Weapons Policy.

**Campus Village – Information Provided to Residents**

Smoking is strictly prohibited in all apartment/suites, hallways, meeting rooms, and the clubhouse/community building. Smoking is permitted in designated areas only. These designated areas are marked by ashtrays. If you have questions, please contact a staff member.

Smoking is also prohibited in outdoor areas within 20 feet of doorways, windows and ground level air intake structures. The resident accepts responsibility for informing visitors or guests of the property's no-smoking policy.

**Lease Agreement**

Fire warning devices and safety equipment are to be used only in case of an emergency. The sounding of a fire alarm should be taken seriously and you must proceed according to the instructions posted in and about the Community. The intentional sounding of an alarm, tampering with any other safety equipment, outside of an emergency situation will be considered a criminal offense and the person or persons responsible will be treated accordingly.

Multiple electric outlet plugs are not permitted. Surge protected power strips with circuit breakers are permitted. All extension cords must be of the grounded, three-prong type and be UL approved.

Live decorations such as trees/wreaths are prohibited

Hot plates, candles, halogen lamps, space heaters, cooking grills, lighter fluid, or anything with an open heating element or flame are not allowed within the Apartment. Grilling and the usage or storage of outdoor grills are not allowed on balconies or breezeways, either with charcoal or gas grilles and are permitted in designated areas only.

Smoking is permitted in designated areas outside of the community gates only. All cigarette
butts must be disposed of properly. If you are found in violation of this term, a $150 fine will be assessed for the first (1st) violation, doubling every time thereafter. Any violation is considered in default of your lease agreement and subject to eviction.
Appendix A
Forms and Other Information

Fire Safety Related Incident Form

Date of Incident: _____/_____/______
Time of Incident: __________
Location of Incident: ______________

Alarm Pulled: __Y__/__N__
Actual Fire: __Y__/__N__
Building Evacuated: __Y__/__N__

Nature/Cause of Fire:
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

______________________________________________________________________________

Persons Injured: __Y__/__N__
Persons Killed: __Y__/__N__
Number of Persons Killed: ______

Number and Nature of Injuries:
______________________________________________________________________________
______________________________________________________________________________

Property Damage: __y__/__N__
Cost of Damage: $___________
Nature of the Damage: