

**University of Colorado Denver
Student Code of Conduct
Effective August, 2011**

Preamble

As members of the CU Denver community, students are expected to uphold University standards, which include abiding by state, civil, and criminal laws and all University policies and standards of conduct. These standards assist in promoting a safe and welcoming community.

The University strives to make the campus community a place of study, work and residence where people are treated, and treat one another, with respect and courtesy. The University views the student conduct process as a learning experience that can result in growth and personal understanding of one's responsibilities and privileges within both the University community and the greater community. Students who violate these standards will be subject to the actions described below. These procedures are designed to provide fairness to all who are involved in the conduct process.

Philosophy of Student Conduct

The Office of Community Standards and Wellness views the conduct process as a learning experience that helps students to understand their responsibility both to themselves and their living and learning community. We strive to learn from one another in an educational environment that holds mutual respect for individuals and community in high regard and self-responsibility for behaviors. Behavior that conflicts with established standards, policies and guidelines may be referred for conduct proceedings. Every member of the student community must assume responsibility for becoming educated about the various University and housing standards, policies, and guidelines. It is against the basic nature of this community for anyone to demean or discriminate against another human being. A caring, educational community does not tolerate physical or psychological threats, harassment, intimidation, or violence directed against a person. Such behavior is subject to the University conduct processes.

Diversity

We are committed to a campus community where diversity is appreciated and valued, and where all individuals are treated fairly and with respect. We encourage curiosity, open communication, continuous learning, and community service as ways to create a socially just environment. We support the right to respectful disagreement with ideas and philosophies different from their own. However, we do not permit any form of behavior that places anyone in dangerous, discriminatory, or harassing environments. As a community, we expect all community members to work towards these same goals.

Article I – Authority

Article 7, Part B, of the Laws of the Regents requires each campus to develop a student Code of Conduct. The Office of Community Standards and Wellness (CSW) is authorized to establish and administer this policy. Any questions regarding interpretation

of this code or any of its provisions should be directed to the Assistant Vice Chancellor for University Life or his/her designee for final determination.

1. The Director of Community Standards and Wellness shall appoint Student Conduct Officers and Appeals Officers and determine which Student Conduct Administrator and Appeals Officer shall be authorized to hear each matter.
2. The Director of Community Standards and Wellness shall develop policies for the administration of the student conduct system and procedural rules.
3. Decisions made by a Student Conduct Administrator shall be final, pending the normal appeal process

Article II – Jurisdiction

1. The University of Colorado Denver (CU Denver) Student Code of Conduct shall apply to conduct that occurs on University premises, University-sponsored programs or activities, Campus Village Apartments, and to off-campus conduct that adversely affects the University community, poses a threat to the safety of persons or property, or damages the institution's reputation or relationship with the greater community. In addition, CU Denver, in collaboration with the communities of the greater Denver Metropolitan area, may respond to student violations of community-based laws and ordinances designed to protect civility and quality of life. The Director of Community Standards and Wellness or his/her designee shall decide whether the Student Code of Conduct shall be applied to conduct occurring off-campus on a case-by-case basis.
2. Each student shall be responsible for his/her conduct from the time of application for admission through the actual conferral of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. The disciplinary process may proceed even if the student withdraws from school while a disciplinary matter is pending.
3. It is the duty of all students who are potential parties or witnesses to an alleged violation of the Code of Conduct to participate conscientiously. Students have a duty to cooperate and to discuss the incident with an investigator and conduct officer, adhere to stated deadlines, attend scheduled meetings, and participate in all proceedings. Failure to meet these duties may result in a decision being made without the benefit of the student's participation or may result in a student being charged with failing to comply with the direction of a University Official (Article IV, 12). It is the responsibility of a charged student to seek modification to any criminal or civil restraining orders to allow for the completion of any conduct process defined in the Student Code of Conduct.
4. Proceedings initiated under this policy are separate from civil or criminal proceedings that may relate to the same incident. Investigations or conduct proceedings by the University are not postponed while criminal or civil proceedings are pending unless otherwise determined by the conduct officer.
5. The unexcused failure of a student to appear and/or respond to the conduct process does not prevent the University from proceeding with the conduct process.

Article III – Definitions

1. **Acceptance of Responsibility.** The charged student agrees that their behavior constitutes a violation of the Code of Conduct, as outlined in the Conference Notice.
2. **Affirmative Consent.** 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.
3. **Aggravating Factor.** Any circumstances accompanying the commission of misconduct that adds to its seriousness. Examples may include the use of violence or force, violation of a trust or duty, premeditation of an incident, the existence of a previous conduct violation, and elements of hate and bias.
4. **Appeal Officer.** Any individual appointed by the Director of Community Standards to process student conduct appeals.
5. **Complainant.** Any person who submits a report alleging that a student violated this Student Code.
6. **Conduct Administrator/Conduct Officer.** Any individual appointed by the Director of Community Standards and Wellness to process student conduct matters.
7. **Conduct Process.** Any process outlined in this Student Code of Conduct Policies and Procedures.
8. **Designation.** A student's classification; i.e., graduate, undergraduate, continuing education, degree seeking or non-degree-seeking.
9. **Faculty Member.** Any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.
10. **Member of the University and Campus community.** Includes any person who is a student, faculty member, University official or any other person employed by the University. This term also applies to students, faculty members, and University officials of the other institutions on the Auraria Campus, including but not limited to: the Metropolitan State College of Denver (MSCD), the Community College of Denver (CCD), and the Auraria Higher Education Center (AHEC). A person's status in a particular situation shall be determined by the Director of Community Standards and Wellness.
11. **Mitigating Factor.** Extenuating circumstances that may be taken into account to reduce a sanction. They do not constitute a justification or excuse for the offense in question.
12. **Parent.** A student's parent or legal guardian.

13. Peace Officer. A person designated by the University of Colorado, its agents, or the state or federal government with the responsibility of enforcing laws or policies.
14. Policy. The written regulations of the University as found in, but not limited to, the Student Code of Conduct, Campus Village Resident Handbook, the University web page and computer use policy, and Graduate/Undergraduate Catalogs.
15. Preponderance of Evidence. What happened more likely than not, or “50% plus a feather.” This shall be the standard of proof used in all conduct proceedings under this code.
16. Respondent. Any student accused of violating this Student Code.
17. Student. The term student includes all persons taking courses at the University, either full time or part time, pursuing undergraduate, graduate, or professional studies, as well as non-degree students and concurrently enrolled high school students. This also includes individuals admitted, those attending orientation sessions, and those that were enrolled at the date of an alleged incident. Persons who withdraw after allegedly violating the Student Code of Conduct are also considered “students.” This Student Code applies at all locations of the University, including the Downtown Denver and Anschutz campuses and any off-campus locations hosting classes or Official University functions may be held.
18. Student Organization:
 - a. *Affiliated Student Organizations* are those groups, clubs and organizations that are created by and whose voting members are students at UC Denver. These organizations are not controlled by or connected to local, state or national organizations outside the university.
 - b. *Associated Student Organizations* are local chapters of local, state, or national organizations that have a presence on campus and have been formally recognized by their respective campus.
 - c. *Outside Organizations* are any other organization having no recognition, association or affiliation with UC Denver (including, but not limited to any of its schools, colleges or programs). Students may choose to join outside organization on their own but not on behalf of UC Denver. Any student who is aligned and/or a member of an outside organization is personally responsible for his or her own activities in connection with this group. Students shall not use the university’s purchasing, travel office, payroll and personnel system for the outside organization. Any funds collected by the student on behalf of the outside organization shall not be deposited to a university account. Outside organizations shall not use the university’s name, IRS tax-exemption, tax identification number, or governmental status. Use of university facilities must be coordinated through the appropriate room reservation personnel and procedures, and is subject to a rental charge (see UC Denver Administrative Policy titled “Use of Facilities and Services by External Entities”).
19. University. The University of Colorado Denver.

20. University Official. A University employee working in the performance of his or her duly authorized duties. University officials may be full or part time, or may be student staff members or Resident Advisors.
21. University Premises. Includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks, all AHEC facilities, and Campus Village Apartments)
22. Witness. Any individual who may have information relating to a conduct case.
23. Working Day. Monday through Friday, except for official University holidays.

Article IV – Rules, Regulations and Statement of Community Expectations

The conduct listed below is prohibited, as are attempts to commit, aid, abet, or incite others to commit conduct prohibited by this code. Engaging in retaliatory acts against a person who reports an alleged violation of the code or testifies, assists, or participates in a conduct proceeding or investigation is a violation of this code.

The recommended minimum sanction for violating any of the below standards with bold type shall be suspension unless specific and significant mitigating factors are present.

1. Assaulting or physically abusing another person or being involved in brawling.
 - a. In the case of a student who is found responsible via the Student Code of Conduct process to have caused severe injury or bodily harm, the minimum sanction shall be suspension**
 - i. Severe injury and bodily harm includes but is not limited to the following: broken bones, concussions, lacerations, etc.
2. Intimate partner violence. Intimate partner violence is conduct between people who are or were involved in a sexual or romantic relationship when one person in the relationship causes harm or significant alarm or distress to the other person. This includes but is not limited to threats, assault, or other action against the person or their property when used as a method of coercion, control, punishment, intimidation, or revenge. For more information on Interpersonal Violence policies and procedures please see Appendix V.
3. Threatening or endangering the health or safety of a person (one’s self or others).
4. Sexual Misconduct: Sexual Misconduct includes Non-consensual sexual intercourse, Non-consensual sexual contact and Sexual exploitation or exposure, and Sexual Harassment.
 - a. 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.
 - b. 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.

- c. **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.
- d. **Sexual Harassment**

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.

- 5. **Indecently exposing one's body.**
- 6. **Stalking.** Repeated conduct which reasonably and subjectively causes another person to fear for his/her safety or repeated conduct which causes a person to alter his/her activities in response to the repeated conduct. Such repeated conduct may include but is not limited to any of the following: 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.
- 7. **Hazing.** Any action or situation that recklessly or intentionally endangers the health, safety, or welfare of an individual for the purpose of initiation, participation, admission into or affiliation with any organization at the University. Hazing includes, but is not limited to, any abuse of a mental or physical nature, forced consumption of any food, liquor, drugs, or substances, or any forced physical activity that could adversely affect the health or safety of an individual. Hazing also includes any activity that would subject the individual to embarrassment or humiliation, the willingness of the participant in such activity notwithstanding. (See Appendix 2)
- 8. **Abusive Conduct.** Unwelcome conduct by an individual(s) 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 abusive conduct.

- a. This policy should not be construed, and will not be enacted, to deny any student the right of free speech and expression.
9. Violating any federal, state, or local law or University regulation or policy. University policy may include but is not limited to:
 - a. Violating the University's Administrative Policy Statement entitled, "Sexual Harassment Policy Campus Appendix."
 - b. Violating the University of Colorado Denver policy entitled, "Non-Discrimination Policy."
 - c. Violating the University of Colorado Denver policy entitled, "Computing Policy Statement."
 10. Interfering with, obstructing or disrupting a University activity.
 - a. University activities include, but are not limited to, all normal University activities, such as teaching, research, recreation, meetings, public events, and disciplinary proceedings.
 - b. This prohibition includes, but is not limited to, interference, obstruction or disruption of the freedom of expression or movement of students or other members of the University community and their guests.
 11. Interfering with, obstructing or disrupting police or fire responses. This prohibition includes, but is not limited to:
 - a. Resisting arrest.
 - b. Failing to abide by the directions of a peace officer.
 - c. Tampering with, impairing, disabling, or misusing fire protection systems such as smoke detectors, fire extinguishers, sprinklers, or **alarms**.
 - d. Failing to evacuate during a fire alarm.
 - e. **Arson/setting fires.**
 12. Failing to comply with the direction of University or housing officials who are performing their duties. Students are required to comply with instructions or directions given by University or housing officials, including, but not limited to, an instruction to present identification and an instruction to appear at conduct proceedings or other mandatory meetings.
 13. Failing to abide by or complete a University sanction in a satisfactory manner, including violating the Student Code of Conduct while on University probation or suspension in abeyance.
 14. Providing false information to University officials, student conduct administrators, or peace officers in performance of their duties or forging, altering, falsifying or misusing documents or records, or knowingly

- using/possessing forged, altered or false documents or records.
15. Retaliating against or discouraging an individual from participating in a University process, acting improperly to influence a University conduct process, or the unauthorized release of confidential student or University information/records.
 - a. Direct contact with an individual or conduct body or contact through third party may constitute a violation of this provision.
 16. Violating any policy or procedure listed in the Campus Village Apartments Resident Handbook while in Campus Village. See a complete list of Campus Village Policies and procedures at:
 17. Unauthorized entry into or exit from a University facility or property including Campus Village Apartments.
 18. Damaging University property or property belonging to another.
 19. **Engaging in, inciting, or arming someone for a riot or public disturbance.**
 20. Use of electronic or other devices to make an audio or video record of another person without that person's express consent and/or knowledge when such a recording is likely to cause injury or distress to the individual being recorded.
 21. **Possessing firearms, explosives, fireworks, incendiary devices, ammunition, or other weapons on campus.**
 - a. Possession of a harmless instrument designed to look like a firearm, explosive, or dangerous weapon is also prohibited by this policy(including but not limited to BB guns, pellet guns, airsoft guns, martial arts equipment, and knives with a blade over 3" in length).
 - b. As mandated by Regent's Policy, in the case of a student who is found responsible via the Student Code of Conduct process to have intentionally or recklessly used or possessed a weapon in a way that would intimidate, harass, injure, or otherwise interfere with the learning and working environment of the University, the minimum disciplinary sanction shall be expulsion.
 - i. In the case of a harmless instrument as described in section 21a., the minimum sanction shall be expulsion if the student used the item with the intent to cause fear in or assault to another person.
 - c. **Mere possession of firearms, explosives, fireworks, incendiary devices, ammunition, other weapons, or instruments designed to look like any of the above will result in suspension unless mitigating factors are present.**
 22. Theft, including but not limited to, possessing property known to be stolen, or taking property of another without consent, even with an intent to return the

property.

23. Possessing, using, providing, **manufacturing, distributing, or selling** drugs or drug paraphernalia, or prescription drugs in violation of law or University policies
 - a. If the violation occurs in Campus Village Apartments, this prohibition includes a student who knew, or reasonably should have known, s/he was in the presence of illegal drugs or drug paraphernalia or prescription drugs.
 - b. Attending classes or University functions while under the influence of drugs/illegal substances shall also be considered a violation of this policy.
 - c. **In the case of a student who is found responsible via the Student Code of Conduct process to have endangered the health, safety, or welfare of an individual through the provision of drugs, the minimum disciplinary sanction shall be suspension.**

Note:

Although possession and use of marijuana for certain medical conditions consistent with the requirements of the Colorado Constitution is no longer a crime in the State of Colorado, the possession and use of marijuana remains illegal under federal law. Consistent with federal law, including the Controlled Substances Act and the Drug Free Schools and Communities Act, the use and/or possession of marijuana continues to be prohibited while a student is on campus, including while in campus housing.

24. Possessing, using, providing, **manufacturing, distributing, or selling** alcoholic beverages in violation of law or University policies.
 - a. If an underage student is in Campus Village Apartments, this prohibition includes a student who knew, or reasonably should have known, s/he was in the presence of alcoholic beverages, or possessed, displayed, or was in the presence of alcohol containers.
 - b. Attending classes or University functions under the influence of alcohol shall also be considered a violation of this policy. This includes inappropriate alcohol related behavior at official University functions where alcohol is served.
 - c. **In the case of a student who is found responsible via the Student Code of Conduct process to have endangered the health, safety, or welfare of an individual through the provision of alcohol, the minimum disciplinary sanction shall be suspension**

Article V – Student Code of Conduct Procedures – Individual Students

A. Charges

1. The discipline process can be initiated by police reports, Campus Village incident reports, or a report from any faculty, administrative staff, student, or other member of the University/Campus/general community. This process is initiated through the submission of a written account of the incident to the Office of Community Standards and Wellness.

2. In some cases, alternative dispute resolution such as Restorative Justice or mediation may be offered by mutual consent of the parties involved and on a basis acceptable to the Conduct Officer. A written summary of these agreements are provided to all parties. These agreements are binding and once entered are not subject to appeal. Failure to abide by the agreements could result in the situation being returned through the conduct process for possible disciplinary action.
3. Upon the receipt of a written report, the Conduct Officer may determine that there is sufficient reason to charge the student with a violation of the Student Code of Conduct and a University disciplinary hearing is warranted. The conduct officer may 1) initiate conduct proceedings by sending the student a Conference Notification; 2) resolve the situation through an informal resolution process including but not limited to mediation or a meeting between the respondent and a student conduct officer or a third party; or 3) determine that the facts of the complaint or report, even if true, would not constitute a violation of the Code of Conduct or applicable policy

B. Conference Notification

1. All charges shall be presented to the Respondent in electronic form via their official CU Denver Email Account. This notification will provide the Respondent with information on how to obtain or review the initiating reports, and set a time for the conference. The notification shall also include:
 - a. A description of the alleged misconduct and violation
 - b. The Code of Conduct provisions that are alleged to have been violated
 - c. Instructions on how to request copies of records obtained from outside agencies
 - d. An explanation of the student conduct process
2. Conferences are scheduled not less than three (3) business days (less than the three day minimum would require mutual agreement between the student and Conduct Officer) nor typically more than fifteen (15) business days after the student has been notified of the charges
 - a. Expedited Process
 - i. When the Conduct Officer determines that a prompt review is essential (e.g., end of the semester, the student is graduating, or there is substantial concern for the health, safety, or welfare of a member of the University community), the Conduct Officer may require that the student meet with him or her within 24-48 hours. In these cases notice may be given by telephone, or by email.
3. The notification may contain specific requirements or restrictions, pending the resolution of the matter through the conduct process as needed to protect the interests of involved students or the University. These requirements could include but are not limited to, temporary relocation in student housing, restriction from specific campus locations, or orders prohibiting contact with complainants or

witnesses. The notification will be sent to the student's official University e-mail address.

C. Options for Resolution of Disciplinary Charges

After review of the information contained with the Conference Notification, the Respondent has the following options:

1. Accept responsibility for the charges
 - a. When the Respondent substantially agrees with the contents of the complaint and accepts responsibility for the infraction, the conference will involve an administrative meeting with the Conduct Officer to determine the appropriate level of discipline and other sanctions or restorative resolution outcomes.
2. Dispute the charges
 - a. In the event that the student does not accept responsibility for the charges or substantially disagrees with information contained within the report, a formal University Conduct Conference will be conducted.
3. Alternative Dispute Resolution Methods
 - a. In some instances there may be additional options offered to resolve the conflict or concern. These shall be utilized at the discretion of the Conduct Administrator

D. Conferences

Student Conduct Conferences shall be conducted by University Conduct Officers according to the following guidelines:

1. The Complainant and the Respondent may be accompanied by an advisor or support person of their choice, at their own expense. Such advisor may be an attorney. Since the direct interaction with the student(s) involved is essential to the educational relationship with the University, the advisor is limited to counseling the student and may not act as a representative of the student, speak on the student's behalf, or participate directly in any conference. University Conduct Officers may also consult with or choose to have University Counsel, in an advisory capacity, present at a conference.
 - a. The Student Conduct Officers reserves the right to remove the advisor/support person should s/he not adhere to the above guidelines or become a disruption to the process.
 - b. If a student chooses to bring an advisor to the meeting, it is the student's obligation to select an advisor whose schedule allows attendance within the time frame designated in the Student Conduct Conference Notice. The conduct officer is not obligated to reschedule the conference to accommodate attorneys acting as advisors to students.
2. University conduct conferences and administrative meetings are considered private educational interactions between the student(s) and the University. The

Complainant, Respondent and their advisors, if any, shall be allowed to attend the entire conference at which information is received (excluding deliberations). Admission of any other person to the conference shall be at the discretion of the Conduct Officer.

3. Pertinent records, exhibits, and written statements, including personal impact statements, may be accepted as information for consideration. The Complainant and the Respondent shall be allowed to review and respond to any reports or statements the Conference Officer will consider as the basis for the charges or determination of evidence related to the conference.
 - a. Reports may be redacted in order to protect the privacy of educational records of all parties involved.
4. The Complainant and the Respondent will have the opportunity to present his/her own version of the incident or events by personal statements, as well as through written statements from witnesses and other forms of documentation or information.
5. If a Respondent, with notice, does not appear for the conference, a decision may be made in their absence taking into consideration the totality of the information related to the charges available at the time of the conference.
6. For official purposes of the University Conduct process there shall be a single verbatim record of the proceedings maintained by the University. This record shall remain the property of the University and will not be disseminated. A student may request a review of the recording in accordance with the Community Standards and Wellness records request procedures.
7. In disputed cases, the Complainant and/or the Respondent may provide written statements from witnesses and/or ask for relevant witnesses to be contacted by the Conduct Officer. Witnesses shall be present only during the time they are presenting information in the conference. Witnesses will provide information to and answer questions directed from the Conduct Officer. Questions may be suggested by the Respondent and/or Complainant to be answered by each other or by witnesses. In order to preserve the educational tone of the conference and to manage the proceedings appropriately, the Conduct Officer may ask that all questioning be directed through him/her and use discretion related to limiting repetitive information/statements. All procedural questions are subject to the final decision of the Conduct Officer.
8. If information presented in the conference creates additional need for clarification or investigation, or to accommodate irresolvable scheduling conflicts with key witnesses, the Conduct Officer may reschedule the conference.
9. If the conference involves more than one Respondent, the Conduct Officer, in his or her discretion, may permit the conferences concerning each student to be

conducted either jointly or separately.

10. The Conduct Officer may accommodate availability and/or remote location of witnesses through conference phone calls or other alternate means. Accommodations may also be made related to concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Respondent, and/or other witness during the conference by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Conduct Officer to be appropriate.
11. Formal rules of process, procedure, or evidence as established and applied in the civil or criminal justice system do not apply to this process.

E. Decisions

1. After the conference concludes, the Conduct Officer will review all pertinent information and make a determination related to each of the charges specified from the Student Code of Conduct. The determination is based on the preponderance of evidence standard-*whether it is more likely than not* that the respondent violated the Student Code of Conduct.
2. Conduct Officers have the authority to determine the appropriate level of disciplinary action taking into consideration the severity of the infraction, impact on individuals or the community, and the past record of discipline. In addition to the sanctions listed below, the Conduct Officer may place limits or conditions, require relocation in or removal from Campus Village, restitution, community service, and/or specify participation in educational programs and interventions including but not limited to those related to alcohol or drug use, ethical decision making, personal counseling, community issues, and restorative justice.
3. Written notice of the Conduct Officer's decision will be sent to the student within fifteen (15) business days of the conference. The notification shall consist of the determination of responsibility, level of discipline imposed, and a complete description of any sanctions or requirements. In disputed cases, when the Respondent is found responsible for the charges, the notification will also include a summary of the basis for the determination. A copy of the decision may also be sent to other appropriate University offices.

F. Sanctions

The following sanctions may be applied when appropriate to individual students. More than one of the sanctions listed below may be imposed for any single violation. Failure to complete disciplinary sanctions within required deadlines will result in a hold

being placed on the student's registration status. These sanctions may include but are not limited to:

1. Warning or Written Reprimand - A student may be given a warning or written reprimand for minor infractions.
2. General Disciplinary Probation - Probation is for a designated period of time during which the student is required to show appropriate changes in attitude and behavior. Specific sanctions or restrictions may be imposed as a part of this sanction but do not result in loss of good standing with the University. A violation of the terms of General Disciplinary Probation, or subsequent misconduct after discipline, is grounds for further disciplinary action, including loss of good standing, suspension, or expulsion.
3. Disciplinary Probation/Loss of Good Standing - Probation is for a designated period of time in which appropriate changes in attitude and behavior are expected to occur. Specific sanctions or restrictions may be imposed as a part of this probation. A student on this disciplinary probation is not in good standing with the University. Good standing shall include but not be limited to a requirement for eligibility to represent the University, to serve on a University committee, to participate in intercollegiate or Sports Club athletics, and for recognition by the University including any office held in a student organization. A violation of the terms of disciplinary probation, or subsequent misconduct, is grounds for further disciplinary action, including suspension, or expulsion.
4. Discretionary/Educational Sanctions - Educational programs or assignments, Restorative Justice, mediation, community service, individual assessment, counseling, substance abuse education, intervention or treatment, or other related discretionary sanctions may be offered or required.
5. Restitution - Compensation for loss, damage, or injury. This may take the form of appropriate service or monetary or material replacement.
6. Residential Reassignment - A student may be reassigned to another student housing room when disruption has occurred in the residential community or in order to separate persons on a temporary or permanent basis. The student will be responsible for all costs and fees associated with relocation as a result of this sanction.
7. Residential Termination/Eviction - Permanent separation of the student from Campus Village as a result of a student conduct conference. The University expects first-year students to live in student housing and manage their behavior to comply with community standards. If a first year student is expelled from the Campus Village, the Conduct Office will determine if the student may be allowed to continue as a student without complying with the University's live-in regulations.

8. Disciplinary Suspension - Suspension for a distinct period of time and/or the specification that a student must fulfill certain requirements before re-admission or re-instatement will be considered. While suspended, the student is not entitled to attend classes, use University facilities, participate in University activities, or be employed by the University. Special conditions may be stipulated for reinstatement at the conclusion of the period of suspension. The student is not in good standing with the University during the term of the suspension.
9. Suspension in Abeyance - A suspension may be held in abeyance or deferred under special conditions in which the student participates in a designated program as a condition to remain in school under a strict probationary status.
10. Disciplinary Expulsion - Expulsion is permanent removal from the University with no opportunity to return.
11. Revocation of Admission or Degree - Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or for other serious violations committed by a student prior to matriculation or graduation.
12. Withholding of Degree - The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code of Conduct, including the completion of sanctions imposed.
13. Parental Notification - Parents may be notified of disciplinary decisions when a student under the age of 21 is found responsible for engaging in an infraction(s) involving alcohol, drugs, or the threat or use of violence and the disciplinary decision involves disciplinary probation, suspension, or expulsion and/or student housing relocation or expulsion. Letters are sent to the primary parent address provided to the University.
14. Exclusion/Trespass – The student is denied access to all or a portion of campus. Unless otherwise noted exclusion includes all buildings and property on the Auraria Campus and any building owned or operated by CU Denver. When a student is excluded from campus, that student may be permitted onto campus for limited periods and specific activities with the permission of the Director of Community Standards or his/her designee. Should the student enter campus without permission, action may be taken by the police for trespass, including arrest.
15. Interim Suspension - The Chancellor, Provost and the Associate Vice Chancellor for Student Affairs have the authority to suspend on an interim basis, pending final disposition of the case, any student when, in the opinion of these officials, such a suspension is necessary to:
 - a. Maintain order on the campus;
 - b. Preserve the orderly functioning of the University;

- c. Stop interference in any manner with the public or private rights of others on University premises;
- d. Stop actions or potential actions that threaten the health or safety of any person; or
- e. Stop actions or potential actions that destroy or damage property of the University, its students, faculty, staff, or guests.

Interim suspension will also include excluding the student from campus. This exclusion begins immediately upon notice from the appropriate University official, without a conference with a conduct officer. A conference with a conduct officer is then scheduled as soon as possible (usually within 10 calendar days) to determine how the case will continue and to begin the conduct process. In extreme matters, an interim suspension may be put in place until a student receives a final disposition in a court process after having been charged with a serious crime.

G. Appeal of a Disciplinary Decision

A student may only appeal if s/he has received a sanction including loss of good standing, housing termination, suspension, or expulsion. A decision reached by a Conduct Officer may be appealed to a University Appeals Officer by either the Respondent(s) or Complainant(s). For an appeal to be considered it must meet at least one of the criteria listed below.

The appellant shall submit a written request for an appeal through the Community Standards and Wellness website. The appeal must be specific and clearly state the reasons for the request. The appeal request shall be submitted within three (3) business days of the date the appellant is notified of the decision rendered by the Conduct Officer. Failure to submit a request for appeal within the specified time will render the decision of the Conduct Officer final and conclusive. An extension may be granted at the discretion of the conduct officer.

1. Except as necessary to explain the basis of new information, an appeal shall generally be limited to a review of the record of the conference and supporting documents for one or more of the following reasons:
 - a. To determine whether the conference was conducted fairly in light of the charges and information presented, and in conformity with proscribed procedures giving both the Respondent and complaining parties the opportunity to prepare and present relevant information to be considered in the determination of an appropriate outcome. Minor deviations from designated procedures will not be a basis for sustaining an appeal unless there is a demonstrable adverse effect on the outcome of the conference.
 - b. To determine whether the sanctions(s) imposed were appropriate for the violation of the Student Code of Conduct which the student was found to have committed.
 - c. To consider new information, sufficient to alter the decision or other relevant facts not brought out in the original conference, because such

information and/or facts were not known to the person appealing at the time of the original conference. This does not include information that was known at the time of the conference but was not shared.

2. The University Appeals Officer will review the written request for appeal to determine if the acceptable grounds for the appeal are met. After review of the appellant's request, which may include but is not limited to review of the record, the Appeals Officer shall take one of the following actions:
 - a. If the appeal does not meet one or more of the stated criteria the appeal will be denied
 - b. Affirm the decision: the Appeals Officer agrees that the information before him or her supports the decision reached by the Conduct Officer.
 - c. Return the case to the original Conduct Officer for further consideration; while the case is being re-considered, the student must continue to abide by any stated conditions
3. When questions of law arise, the Appeal Officer may consult with University Legal Counsel.
4. If an appeal is returned to the original Conduct Officer to consider new information, the general process outlined under conference procedures will be used.
5. The Appeals Officer will communicate his or her decision in writing in a timely manner. Except where the matter is returned to the Conduct Officer for further consideration, the matter shall be considered final and binding upon all involved.

Article VI – Student Records

A. Student Records

1. Student disciplinary records will be maintained in accordance with the Federal Family Educational Rights and Privacy Act of 1974 (FERPA) and subsequent amendments and the guidelines for implementation. The record of disciplinary actions will be kept in the Community Standards and Wellness office. Disciplinary records are actively maintained for a minimum period of seven years from the date of graduation or withdrawal from the University. Expulsion is a permanent notation on the official transcript. Information regarding a student's disciplinary record is available to persons or offices internal to the University or at institutions where a student seeks to enroll who have a "demonstrated educational need to know". Disclosure of disciplinary records outside of the above listed entities generally requires a written release from the student. This may also include parents.
2. Every student may review, upon request, all non-confidential contents of his/her conduct file, to the extent permitted by law
3. Release of Conduct information –
 - a. Provisions of the Family Educational Rights and Privacy Act of 1974, as

amended by the Higher Education Amendments of 1998, govern access to a student's academic transcript or conduct file. The student and/or those university officials who demonstrate a legitimate educational need for disciplinary information may have access to the student's conduct file. Parent(s) who provide proof that a student is a dependent as defined in Section 152 of the Internal Revenue Code of 1954, i.e., a copy of the last federal income tax return listing the student as a dependent, can have access to the student's conduct file without written consent of the student. In this case, parents may also have access to a conduct file even if the student has requested otherwise.

- b. In addition, parent(s) may be notified if a student under 21 years of age is found responsible for a violation involving use or possession of alcohol or other drugs. All other inquiries, including, but not limited to, inquiries from employers, government agencies, news media, family, friends, or police agencies, require a written release from the student before access to university conduct files is granted. Information may be released pursuant to a lawfully issued subpoena and as provided by the Campus Security Act as amended by the Higher Education Amendments of 1992.
- c. The Campus Security Act permits higher education institutions to disclose to alleged victims of any crime of violence (murder, robbery, sexual assault, aggravated assault, burglary, motor vehicle theft, arson) the results of the conduct proceedings conducted by the institution against an alleged perpetrator with respect to such crime.

B. Transcript Notations and Holds

1. Notations of disciplinary action on the student's transcript will only be made by the Office of Community Standards and Wellness.
 - a. Disciplinary expulsion will be permanently noted on the academic transcript.
 - b. Disciplinary suspension is noted on the transcript during the period of suspension and/or until the conditions for re-admission have been met.

C. Conduct Hold

1. While conduct proceedings are pending, the University may place a conduct hold on the student's records. The disciplinary hold is honored by the University of Colorado at Denver campus, including Continuing Education, and prohibits the student from registering for classes until the conduct process has been completed. The hold prohibits the academic transcript from being released until all actions have been completed.
2. A conduct hold shall be placed on a student's record if they are suspended as the outcome of the conduct proceedings. A conduct hold is honored by all University of Colorado campuses and prohibits a student from being admitted to any of the campuses and from registering for classes until the suspension period is over and the student has reapplied and has been readmitted.

Article VII - Interpretation and Revision

1. Under the authority of the Board of Regents, any question of interpretation or application of the Student Code of Conduct shall be referred to the Assistant Vice Chancellor for University Life or his or her designee for final determination.
2. The Student Code of Conduct shall be reviewed and revised every five years under the direction of the Director of Community Standards and Wellness in consultation with Legal Counsel.

Appendix I - Parent/Guardian Contact Policy Resulting from FERPA Amendments Related to Section 952:

If a parent or guardian contacts the University seeking information regarding a student's alcohol or drug-related conduct record, and the student is under 21 years of age, information may be shared by an informed, full-time staff member in the Office of Community Standards and Wellness or his/her designee.

The designated staff member will share information regarding any alcohol or drug-related infraction in which a student, afforded due process through the conduct procedures, has been found responsible for the infraction. Parents seeking information regarding behaviors, for which charges are pending or in process, must have their student's written consent to the disclosure.

When the University is aware of an alcohol or drug overdose requiring hospitalization, and the student is personally unable to make contact with family, an informed University staff member may notify the parents or guardians, regardless of whether or not an infraction occurred.

Further, notification to parents/guardians is allowed when:

- The violation involved was of sufficient severity or related to a pattern of drug or alcohol related infractions which warrant a drug or alcohol evaluation; or
- The violation involved was of sufficient severity or related to a pattern of drug or alcohol related infractions which, should a further infraction occur, would likely result in suspension or expulsion from the University; or
- The violation involved harm or threat of harm to self or another person; or
- There was a significant risk to the health or safety of the student as a result of consumption of alcohol or use of drugs.

Any student may request that information not be disclosed to parent/guardians, if the nondisclosure request is related to personal safety or other serious family circumstances. The request must be made in writing to the conduct officer, prior to the disposition of the case. The conduct officer may, at his or her discretion, honor the non-disclosure request. In order to best facilitate communication with parents/guardians, conduct officers should encourage students to speak first to their parents/guardians regarding conduct issues.

Appendix II: Colorado Law Regarding Hazing

Section 18-9-124 (2), C.R.S defines hazing as follows:

“(2) As used in this section, unless the context otherwise requires:

(a) ‘Hazing’ means any activity by which a person recklessly endangers the health or safety of or causes a risk of bodily injury to an individual for purposes of initiation or admission into or affiliation with any student organization; except that “hazing” does not include customary athletic events or other similar contests or competitions, or authorized\ training activities conducted by members of the armed forces of the state of Colorado or the United States.

(b) ‘Hazing’ includes but is not limited to:

(I) Forced and prolonged physical activity;

(II) Forced consumption of any food, beverage, medication or controlled substance, whether or not prescribed, in excess of the usual amounts for human consumption or forced consumption of any substance not generally intended for human consumption;

(III) Prolonged deprivation of sleep, food, or drink.”

Appendix III: Good Samaritan Provision

The health and safety of members of the University of Colorado at Denver (UCD) are the primary concerns of the University. The University is committed to ensuring that students obtain timely medical assistance for themselves and for their peers. To this end, we have instituted a “Good Samaritan” Provision.

The Auraria Campus Police Department will assist those individuals whose judgment or health is severely affected due to alcohol consumption by facilitating transport to a local detox center or hospital, or by taking other protective measures. Students are encouraged to inform local or state police, student housing staff, or security when assistance is needed.

Whenever a student assists an intoxicated individual in procuring the assistance of local or state police, security, residence life staff, or other medical professionals, neither the intoxicated individual, nor the individual who assists will be subject to University disciplinary action (such as probation, suspension in abeyance, suspension or expulsion) with respect to the alcohol incident. (This provision does not preclude disciplinary action regarding other violations of University standards, such as theft, sexual harassment/assault, vandalism, harassment, etc.).

This provision offers a health related response to the incident rather than a disciplinary consequence **and does not excuse or protect those individuals or organizations that deliberately or repeatedly violate the University’s Alcohol Policy.**

In order for this policy to apply, the intoxicated student(s) must agree to timely completion of alcohol education activities, assessment, and/or treatment depending on the level of concern for student health and safety. Serious or repeated incidents will prompt a higher degree of medical concern. Failure to complete recommended follow-up may result in disciplinary action and could prompt the imposition of a medical withdrawal. Likewise, organizations involved in an incident must agree to take recommended steps to address concerns.

This provision only governs the application of the University’s Student Code of Conduct and has no status in other jurisdictions such as local or state courts. It should also be noted that this provision may only be invoked by a student at the time when his or her case is being heard or investigated by a conduct officer or investigator. Based on the totality of the incident, the conduct officer will make the final determination as to the applicability of this provision and reserves the right to reduce sanctions or dismiss charges.

The Good Samaritan provision does not limit the authority of law enforcement personnel or University staff to act as required at the time of an alleged violation of University standards or state or local laws.

Appendix IV: Colorado Law Regarding Riots

Section 18-9-101(2), Colorado Revised Statutes states:

“Riot means a public disturbance involving an assemblage of three or more persons which by tumultuous and violent conduct creates grave danger of damage, destruction or death.”

Section 18-9-102, C.R.S. states:

“Inciting riot.

1. A person commits inciting riot if he:
 - a. Incites or urges a group of five or more persons to engage in a current or impending riot; or
 - b. Gives commands, instructions, or signals to a group of five or more persons in furtherance of a riot.
2. A person may be convicted under sections 18-2-101, 18-2-201, or 18-2-301 of attempt, conspiracy, or solicitation to incite a riot only if he engages in the prohibited conduct with respect to a current or impending riot.
3. Inciting riot is a class 1 misdemeanor, but, if injury to a person or damage to property results therefrom, it is a class 5 felony.”

Section 18-9-103, C.R.S. states:

“Arming rioters.

1. A person commits arming rioters if he:
 - a. Knowingly supplies a deadly weapon or destructive device for use in a riot; or
 - b. Teaches another to prepare or use a deadly weapon or destructive device with intent that any such thing be used in a riot.
2. Arming rioters is a class 4 felony.”

Section 18-9-104, C.R.S. states:

“Engaging in a riot.

1. A person commits an offense if he or she engages in a riot. The offense is a class 4 felony if in the course of rioting the actor employs a deadly weapon, a destructive device, or any article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon, or if in the course of rioting the actor represents verbally or otherwise that he or she is armed with a deadly weapon; otherwise, it is a class 2 misdemeanor.
2. The provisions of section 18-9-102 (2) are applicable to attempt, solicitation, and conspiracy to commit an offense under this section.”

Section 23-5-124, C.R.S. states:

“Student enrollment - prohibition - public peace and order convictions.

1. No person who is convicted of a riot offense shall be enrolled in a state-supported institution of higher education for a period of twelve months following the date of conviction.
2. A student who is enrolled in a state-supported institution of higher education and

- who is convicted of a riot offense shall be immediately suspended from the institution upon the institution's notification of such conviction for a period of twelve months following the date of conviction; except that if a student has been suspended prior to the date of conviction by the state-supported institution of higher education for the same riot activity, the twelve month suspension shall run from the start of the suspension imposed by the institution.
3. Nothing in this section shall be construed to prohibit a state-supported institution of higher education from implementing its own policies and procedures or disciplinary actions, in addition to the suspension in subsection (2) of this section, regarding students involved in riots.
 4. The court in each judicial district shall report to the Colorado commission on higher education the name of any person who is convicted in the judicial district of a riot offense.
 - a. The Colorado commission on higher education shall make the conviction reports received pursuant to paragraph (a) of this subsection (4) available to all state-supported institutions of higher education with the notification that the persons included in the conviction reports are subject to the provisions of this section and that the state-supported institution of higher education in which any of such persons are enrolled shall consider appropriate disciplinary action against the student.
 5. Each state-supported institution of higher education shall notify its students and prospective students of the requirements of this section. The governing board of each state-supported institution of higher education shall prescribe the manner in which this information shall be disseminated.
 6. For purposes of this section, unless the context otherwise requires:
 - a. 'Convicted' means having received a verdict of guilty, pleaded guilty or nolo contendere, or having received a deferred judgment and sentence.
 - b. 'Riot offense' means:
 - i. Inciting riot, as described in section 18-9-102, C.R.S.;
 - ii. Arming rioters, as described in section 18-9-103, C.R.S.;
 - iii. Engaging in a riot, as described in section 18-9-104, C.R.S."

Appendix V – Sexual Assault and Harassment Policy and Procedures

I. Introduction

Regent Policy 2-J, adopted on June 23, 2003, established that consistent with the *Laws of the Regents, Article 10, Non-Discrimination*, the University will not tolerate acts

of sexual harassment or related retaliation against or by any employee or student in its educational programs and activities.

II. Policy Statement

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, or veteran status in admission and access to, and treatment and employment in, its educational programs and activities. (Regent Law, 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.

This policy (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 this policy for anyone acting knowingly and recklessly either to make a false complaint of sexual harassment or to provide false information regarding a complaint.

Robust discussion and debate are fundamental to the life of the University. Consequently, this policy shall be interpreted in a manner that is consistent with academic freedom as defined in Regent Law, Article 5 D, last amended 10/10/02.

It is intended that individuals who violate this policy be disciplined or subjected to corrective action, up to and including termination or expulsion.

III. Definitions

Appointing authority - an appointing authority is the individual with the authority or delegated authority to make ultimate personnel decisions concerning a particular employee.

Disciplinary authority - a disciplinary authority is the individual who has the authority or delegated authority to impose discipline upon a particular employee.

Supervisor - A supervisor is anyone who has the authority to hire, promote, discipline, evaluate, grade or direct faculty, staff, or students.

Complainant - a complainant is a person who is subject to alleged sexual harassment.

Respondent - a respondent is a person whose alleged conduct is the subject of a complaint.

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.

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.

Retaliatory Acts: It is a violation of this policy to engage in retaliatory acts against any employee or student who reports an incident of alleged sexual harassment, or any employee or student who testifies, assists or participates in a proceeding, investigation or hearing relating to such allegation 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.

IV. POLICIES AND PROCEDURES

1. **Obligation to Report** - In order to take appropriate corrective action, the University must be aware of sexual harassment or related retaliation. Therefore, anyone who believes that s/he has experienced or witnessed sexual harassment or related retaliation should promptly report such behavior to a campus sexual harassment officer (see campus Appendix discussed below) or any supervisor (see section B below).
2. **Supervisor's Obligation to Report** - Any supervisor who experiences, witnesses or receives a written or oral report or complaint of sexual harassment or related retaliation shall promptly report it to a campus sexual harassment officer. This section of the policy does not obligate a supervisor who is required by the supervisor's profession and University responsibilities to keep certain communications confidential (e.g., a professional counselor or ombudsperson) to report confidential communications received while performing those University responsibilities. Each campus shall have an appendix to this policy designating the supervisory positions that qualify under this exception.
3. **Investigation Process**
 - a. Reports or complaints under this policy shall be addressed and resolved as

report which shall include a statement of factual findings and a determination of whether this policy has been violated. The report shall be presented for review to the standing review committee designated by the Chancellor, or, in the case of System Administration, the President.

8. 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. Once the standing review committee has completed its review, the report(s) shall be sent to the campus sexual harassment officer(s), the complainant and the respondent, to the extent permitted by law. The report also shall be sent to the Chancellor, or, in the case of System Administration¹, to the President. If a Chancellor is the respondent or complainant, the report shall be sent to the President. If the President or the Secretary of the Board of Regents is the respondent or complainant, the report shall be sent to the Board of Regents.
9. Reporting Process
 - a. If a policy violation is found, the report(s) shall be sent to the disciplinary authority for the individual found to have violated the policy, and the disciplinary authority must initiate a disciplinary process against that individual. The disciplinary authority shall have access to the records of the investigation. If disciplinary action is not taken, the appointing authority and the Chancellor, or in the case of System Administration, the President shall be notified accordingly.
 - i. Following a finding of violation of the policy, the disciplinary authority shall forward to the sexual harassment officer and to the Chancellor, or in the case of System Administration, the President, a statement of the action taken against an individual for violation of this policy.
 - ii. If a policy violation is not found, the appointing authority and the Chancellor, or in the case of System Administration, the President, shall be notified accordingly.
 - b. The sexual harassment officer shall advise the complainant and respondent of the resolution of any investigation conducted under this policy.
 - c. A copy of the investigator's written report as approved by the standing review committee, shall be provided to:
 - i. the complainant;
 - ii. the respondent;
 - iii. the respondent's appointing authority.
 - d. In all cases, the sexual harassment officer shall retain the investigator's report, as approved by the standing review committee, for a minimum of three (3) years or for as long as any administrative or legal action arising out of the complaint is pending.
 - e. All records of sexual harassment reports and investigations shall be considered confidential and shall not be disclosed publicly except to the

extent required by law.

10. **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.
11. **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.

No Limitations on Existing Authority

1. No provision of this policy shall be construed as a limitation on the authority of a disciplinary authority under applicable policies and procedures to initiate disciplinary action. If an individual is disciplined for conduct that also violates this policy, the conduct and the discipline imposed shall be reported to a campus sexual harassment officer. If an investigation is conducted under this policy and no policy violation is found, that fact does not prevent discipline of the respondent for inappropriate or unprofessional conduct under other applicable policies and procedures.

Information and Education

1. The President's Office shall provide an annual report documenting: (1) the number of reports or complaints of policy violations; (2) the categories (i.e., student, employee, or other) and sexes of the parties involved; (3) the number of policy violations found; and (4) examples of sanctions imposed for policy violations.
 - a. Each campus shall broadly disseminate this policy, distribute a list of resources available on the campus to respond to concerns of sexual harassment and related retaliation, maintain the campus appendix to the sexual harassment policy, and develop and present appropriate educational programs. Each campus shall maintain information about these efforts, including a record of how the policy is distributed and the names of individuals attending training programs.

Oversight Committee

1. There shall be an oversight committee consisting of campus and system representatives appointed by the President. No one shall serve on this committee who has been involved with a sexual harassment case in any capacity during the previous two years. The oversight committee shall annually gather and review information regarding investigations conducted under this policy and the ultimate actions taken as a result of such investigations. The oversight committee shall be responsible for making confidential findings and recommendations to the University Counsel for the purpose of enabling the University Counsel to provide legal advice to the Board, the President, the campus chancellors, and other University officials, as appropriate concerning the equitable, effective and lawful implementation of the policy.

RELATED POLICIES

1. Administrative Policy Statement, "Conflict of Interest in Cases of Amorous Relationships," provides that an amorous relationship between an employee and a student or between two employees constitutes a conflict of interest when one of the individuals has direct evaluative authority over the other and requires that the direct evaluative authority must be eliminated.
2. For related complaint, grievance or disciplinary processes, refer to Regent Policies 5. H. Faculty Senate Grievance Process and 5. I. Faculty Dismissal for Cause Process (for faculty), State Personnel Board Rules (for classified employees), and campus student disciplinary policies and procedures (for students).

HISTORY

1. **Initial Policy Effective:** The *University Policy on Sexual Harassment* was issued on July 1, 1999. **Supersedes:** *Sexual Harassment Policy and Procedures* was last amended on July 1, 2003. **Reviewed By:** Campus human resources directors and sexual harassment officers.