

OIEC
Resolution Procedures
2023-2024

Effective: August 14, 2023

Table of Contents

Office of Institutional Equity and Compliance

I. Overview and Mission Statement of the Office of Institutional Equity and Compliance

The Office of Institutional Equity and Compliance (OIEC) was created in August 2014 to



OIEC are not postponed while criminal or civil proceedings are pending unless there are extenuating circumstances, as determined by the OIEC. Dismissal of criminal charges or acquittal in a criminal case does not prevent the OIEC from resolving an incident.

3. There is no time limitation for reporting a concern to the OIEC, however, the OIEC's ability to address concerns is dependent in part upon the university's degree of control over a respondent at the time the matter is reported. The OIEC's response to the report will be governed by the current Resolution Procedures and Applicable Policies.
4. After proper notice as provided for in this document, the failure of an individual to appear or respond to the OIEC does not prevent the OIEC from proceeding with or completing the applicable process.
5. For employees, any matters falling outside the scope of the Applicable Policies may be addressed by the appointing/disciplinary authority. For students, [Student Conduct and Conflict Resolution](#) (SCCR) has jurisdiction for all other student conduct matters not listed herein. In the event that there are multiple potential charges involving the Applicable Policies or the Student Code of Conduct, the OIEC shall have the discretion to determine the most appropriate way to proceed in accordance with university policies and applicable laws. Options include concurrent investigations, joint investigations, deferring to the findings of one office or using the investigation and findings of one office as the basis of further investigation by the other.
6. When an alleged violation involves more than one University of Colorado campus, the complaint shall be resolved by the campus with the disciplinary authority over the respondent. The campus responsible for the resolution process 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 resolution process.
7. University employees and students sometimes work or study at the worksite or program of another organization affiliated with the university. When a violation is alleged by or against university employees or students in those circumstances, the complaint shall be addressed 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, at its discretion, choose to 1) conduct its own resolution process; 2) conduct a joint resolution process with the affiliated entity; 3) defer to the findings of a resolution process by the affiliated entity where the university has reviewed the resolution process and is satisfied that it was fairly conducted; 4) use the resolution process and findings of the affiliated entity as a basis for further investigation or adjudication; or 5) take other action as determined appropriate by the Associate Vice Chancellor of the OIEC or designee. In all circumstances, university employees and students who work or study at the worksite or program of another organization affiliated with the university can connect with the OIEC to be connected with campus support resources.



8. Conduct alleged to have occurred before an individual became a student, faculty, staff, contractor, patient, volunteer, or affiliated entity with CU Boulder may be addressed through applicable supportive and safety measures, educational measures, and resolution procedures as determined by the Associate Vice Chancellor of the OIEC or designee. The Associate Vice Chancellor or designee will consider whether the alleged conduct adversely affects the safety of or equal access to employment or education for any current CU Boulder community members.

IV. Reporting Options

****Call 911 in an emergency or if you have an immediate safety concern.****

A. University/Office of Institutional Equity and Compliance

To notify the university of any of the prohibited conduct listed in Sections VII, VIII, and IX, to request support measures

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reporting and participation. However, final jurisdiction and decision-making regarding any conduct not covered by the Applicable Policies will be made by the Director of Student Conduct and Conflict Resolution (for students) or the appointing/disciplinary authority (for employees).

Even if a complainant chooses not to report formally or chooses not to participate in a resolution process (through OIEC or law enforcement), the complainant can contact the OIEC for information and assistance accessing on- or off-campus supportive services as set forth in Section V and to access available supportive and safety measures as set forth in Section VII(C)(1) and Section VIII(C)(1).

B. Law Enforcement

Complainants are not required, but do have the right, to file a criminal complaint with law enforcement simultaneously with an administrative report to the university/OIEC. The OIEC can assist in reporting to law enforcement for complainants alleging misconduct that is also a criminal offense.

In some instances, the OIEC is obligated to report the alleged conduct to the appropriate law enforcement agency. In those instances, the OIEC will make reasonable effort to notify potential complainants prior to reporting to law enforcement. See Section VI(D).

- **University Police/On Campus**
(303) 492-6666 (non-emergencies)
[CU Boulder PD General Information website](#)
[CU Boulder PD Anonymous Reporting website](#)

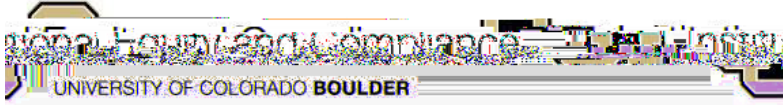
Reporting to the University of Colorado Boulder Police Department (CUPD) will constitute notice to the university/OIEC and may result in an OIEC resolution process subject to applicable state law.

- **City of Boulder Police/Off Campus**
(303) 441-3333 (non-emergencies)
[Boulder PD General Information website](#)

Preservation of evidence

It is important to preserve evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining an order of protection. Regardless of whether or not a complainant wants to report an incident(s), it is important to preserve any evidence of the sexual assault (or other misconduct) so that if a complainant decides at any point in time to report the incident, that evidence is still available.

Examples of evidence to preserve include, but are not limited to: the clothing the



individual was wearing, bedding, text message correspondence discussing the assault (either with the accused or with friends or family), photographs, screenshots, emails, social media correspondence/posts (Facebook, Tinder, Snapchat, Instagram, Grindr, etc.), correspondence via other messaging applications (Whatsapp, Kik, GroupMe, WeChat, etc.), Buff OneCard access records, video surveillance⁶, and names of witnesses and contact information.

Regardless of if an individual wants to report the assault to the police, a medical exam can be done to preserve evidence. The Sexual Assault Nurse Examiner (SANE) program at the Emergency Department at Boulder Community Health Foothills Hospital is available to conduct a SANE exam, ideally within five to seven days of the sexual assault. It is best if an individual does not bathe, shower, eat, drink, douche or change clothes. However, evidence can be collected if you have done any or all of these things. More information about the SANE exam program can be found on the [Boulder Community Health SANE webpage](#).

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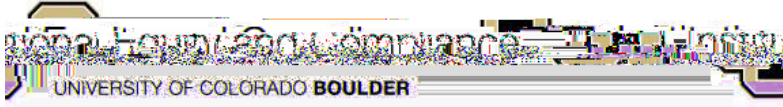
V.



The privacy of student education records will be protected in accordance with the university's policy for compliance with the Family Educational Rights and Privacy Act (FERPA) and state law protections. Access to personnel records is restricted in accordance with university policy and state law.

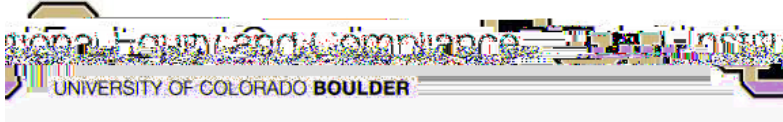
The Family Educational Rights and Privacy Act of 1974 (FERPA), as amended by the Higher Education Amendments of 1998, governs access to records, and information from within those records, pertaining to students that are maintained by the university including OIEC. Pursuant to FERPA, the university may disclose records and information pertaining to a student with the student's written consent.

Even in absence of student consent, FERPA authorizes university officials who demonstrate a legitimate educational need to have access to relevant OIEC records and information pertaining to students that are necessary to perform their duties for the university.



additional acts of misconduct or other violence;

- The seriousness of the alleged misconduct, including whether the respondent threatened further misconduct or other violence against the complainant or others,



- Any other signs of predatory behavior.

If the Title IX Coordinator or designee determines that at least one of the above factors is present, then the Title IX Coordinator or designee may determine that the university may exercise jurisdiction, and the Sexual Misconduct definitions and procedural requirements apply.

C. Supportive and Safety Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent that are designed to restore or preserve equal access to the (y6jEMC v)-1 (i)-095A



- academic services (extensions of time or other course-related adjustments, arranging for a party to re-take a course, excusing related absences, or withdrawing from a class without penalty);
- accessing medical services;
- accessing counseling services;
- employment modifications;
- campus safety escort services and increased security and monitoring of certain areas of campus;
- transportation/parking modifications;
- mutual or individual no-contact orders enforced by the university;
- discussing options and providing referral information for obtaining criminal or civil orders of protection;
- residential relocations on or off campus;
- student refunds (more information is available online at the



etc.⁷

- Administrative Leave (Decisions to place a non-student employee on administrative leave during the pendency of a Formal Grievance Process are made in consultation with Chief Human Resource Officer or designee and appointing/disciplinary authority.)
- Temporary suspension of supervisory or evaluative authority for employees in consultation with Chief Human Resource Officer or designee and appointing/disciplinary authority.

a. Individualized Safety and Risk Analysis

The OIEC will conduct an individualized safety and risk analysis to determine what, if any, emergency removals are necessary. The factors considered in the safety and risk analysis include:

- Seriousness of the alleged conduct;
- Location of the alleged incident(s);
- The risk that the respondent will commit additional acts of sexual or other violence;
- Whether the respondent threatened further sexual or other violence against the complainant or others;
- Whether there have been other misconduct complaints about the same respondent or if the respondent has a known history of arrests or records from a prior school indicating a history of sexual or other violence;
- The existence of multiple complainants or respondents;
- Whether the conduct was facilitated by the incapacitation of the complainant (through alcohol, drugs, disability, unconsciousness, or other means);
- Whether the alleged conduct was perpetrated with force, violence, or weapons;
- Whether the complainant is a minor;
- Whether the alleged conduct reveals a pattern of perpetration (by the alleged

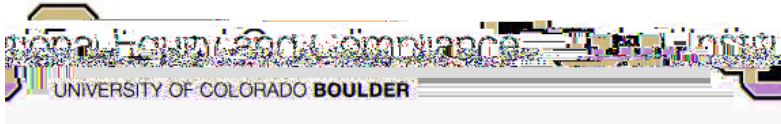
⁷ See related campus policy, [University of Colorado Boulder Exclusions of Persons from University Property Procedures](#).



The university will provide the complainant and respondent with regular written updates on the status of the Formal Grievance Process throughout the process until conclusion.

Good cause may exist for a variety of factors, including the complexity of the circumstances of each allegation, the integrity and completeness of the investigation, compliance with a request by law enforcement, or due to concurrent law enforcement activity likely to produce materially relevant evidence, absences by the parties, the availability of witnesses, the necessity to provide translation services or accommodations of a disability, university breaks or vacations, the necessity to access relevant and probative documentation that is not immediately available, or other legitimate reasons.

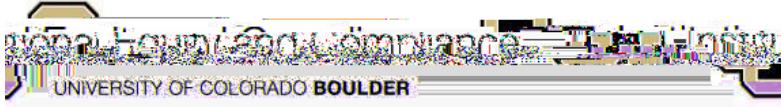
In order to deliver a reasonably prompt process, the complainant and the respondent each have a responsibility to cooperate in the process. The parties are expected to provide information and documentation in a timely manner. The parties are expected to provide information and documentation in a timely manner. The parties are expected to provide information and documentation in a timely manner.



Who May File a Formal Complaint

To initiate a grievance process under the policy, either the complainant or Title IX Coordinator or designee must file and sign a Formal Complaint.

- *Title IX Sexual Misconduct:* To file a Formal Complaint, a complainant must be participating in or attempt-3 (e)4.9 (mc(al)1 (C)1 63 (e)4. BDC qpl)1 -1 (i)1 (pat)-w 11.ii or at1

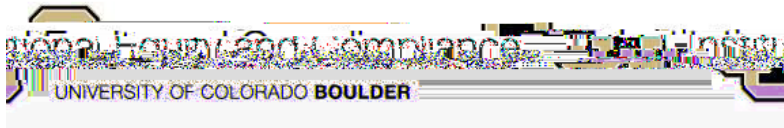


Notice of Complaint and Dismissal, which will include a summary of the allegations reported and an explanation as to the reason for the dismissal from the Formal Grievance Process.

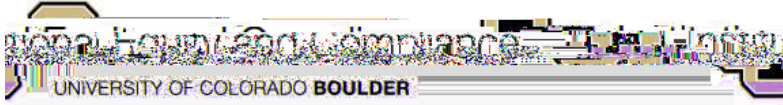
Appeal of Dismissal of Formal Complaint

If a Formal Complaint is dismissed, either party may appeal. To file an appeal of the dismissal, the complainant or respondent must submit the appeal within seven (7) days of the Notice of Complaint and Dismissal. The appeal must include an explanation as to why the alleged misconduct, if true, would violate the Sexual Misconduct, Intimate Partner Violence, and Stalking Policy and why the Formal Complaint should not be dismissed.

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the issuance of the Notice of Allegations to schedule a meeting.⁹

If, during the course of an investigation, a complainant alleges additional violations or the Title IX Coordinator or designee decides to investigate additional allegations about the complainant or respondent that are not included in the initial Notice of Allegations, the OIEC will issue an Amended Notice of Allegations to both parties.

The written Notice of Allegations (and any Amended Notices of Allegations) will include:

- The identity of the parties involved in the incident;
- The specific section(s) of the policy allegedly violated;
- The conduct allegedly constituting Sexual Misconduct;
- The date and location of the alleged incident(s), to the extent known and available;
- Information about the Formal Grievance Process;
- A statement that the respondent is presumed not responsible for the alleged conduct and that a Determination Regarding Responsibility is made at the conclusion of the Formal Grievance Process;
- Information about the policy provisions that prohibit knowingly making false statements or knowingly submitting false information during the Formal Grievance Process;
- Information that the parties have equal opportunity to inspect and review evidence;
- Information that the complainant and respondent may each have an advisor of their choice, including an attorney. The advisor may not engage in any conduct that would constitute harassment or retaliation against any person who has participated in an investigation and may be denied further participation for harassing or retaliatory conduct.

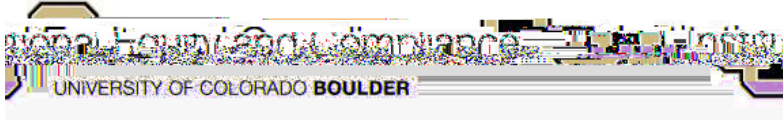
Evidence Gathering

After the written Notice of Allegations has been issued to the parties, the OIEC's investigator(s) will seek to obtain all available evidence directly related to the allegations at issue.

Collection of evidence may include conducting interviews with the parties and witnesses, obtaining university records such as Buff OneCard and door access records and video recordings, and collection of other documentation such as police reports, emails, text messages, etc.

The university, and not the parties, holds both the burden of proof and the burden of gathering evidence sufficient to reach a Determination Regarding Responsibility for Sexual Misconduct.

⁹ All complainants and respondents will be provided with written notice of the date, time, location, and purpose of their respective investigative interviews, or other meetings, with sufficient time to prepare in order to participate.



Each party may bring one advisor of their choosing to conduct cross-examination to the live hearing, with prior notice to the university that the advisor will attend and that advisor's name. The university will inform both parties of the identity of the other party's advisor. If a party does not have an advisor for the live hearing, the university will provide that party an advisor for purposes of cross-examination without fee or cost to the party. For university-appointed advisors, their role will end at the conclusion of the hearing.

Though a party may utilize an advisor of their own choosing throughout the Formal Grievance Process, the role of the university-appointed advisor is limited to conducting cross-examination of parties and witnesses during the live hearing. A party may not personally conduct cross-examination during the hearing. Even if a party declines to work with an advisor, the party will have a university advisor appointed, and the university-provided advisor will be present to conduct cross-examination of the other party and witnesses.

Upon notice that a party needs an advisor for the hearing, the university will endeavor to assign an advisor at least fourteen (14) days prior to the scheduled pre-hearing conference so the advisor may prepare. The advisor provided by the university to conduct cross-examination on behalf of that party may be, but is not required to be, an attorney.

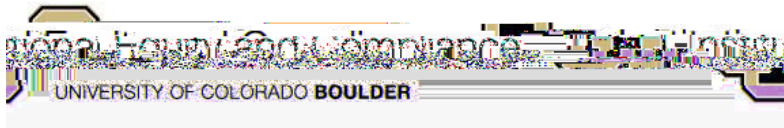
Live hearings will be conducted virtually, with parties (and their respective advisors) located in separate locations. Technology will enable the Hearing Officer or panel of decision-makers and parties to simultaneously see and hear the party or the witness answering questions. Hearings are closed to the public. Each party is also permitted to bring one support person of their choice to the hearing, with prior notice to the university that a support person will attend and that support person's name. The support person may not be a witness to the incident(s) at issue and may not speak during the hearing.

The Hearing Officer must create an audio or audiovisual recording, or transcript, of any live hearing and the university must make it available to the parties for inspection and review.

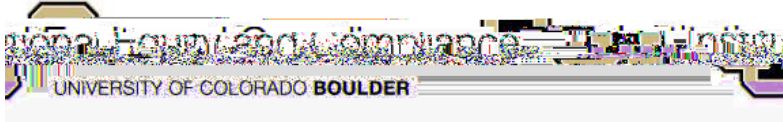
Pre-Hearing Conference

To effectuate an orderly, fair, and respectful hearing, the Hearing Officer will convene a pre-hearing conference with each party and party's advisor to plan for the hearing. Attendance is required, at minimum, by each party's advisor. The parties will be provided the name(s) of the Hearing Officer and panelists, if applicable, prior to the pre-hearing conference.

Prior to the pre-hearing conference, the parties will provide the Hearing Officer with a list of witnesses they may call and evidence they may use during the hearing.

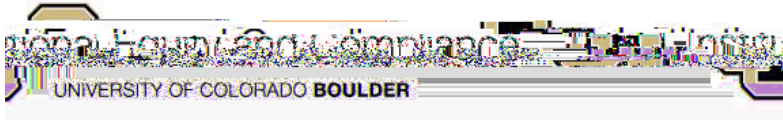


At the pre-



Cross-Examination Procedure

At the live hearing, the Hearing Officer must permit each party's advisor to ask each party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Each party's advisor must ask questions directly, orally, and in real time. A party's advisor may only ask a party or witness relevant questions.



the policy.

In applying the preponderance of the evidence standard, the Hearing Officer and panelists, if applicable, may consider both direct and circumstantial evidence. The Hearing Officer and panelists, if applicable, may determine the credibility of parties and witnesses and the weight to be given to their statements, taking into consideration their means of knowledge, strength of memory and opportunities for observation, the reasonableness or unreasonableness of their statements, the consistency or lack of consistency of their statements, their motives, whether their statements are contradicted or supported by other evidence, any evidence of bias, prejudice or interest, and the person's manner and demeanor when providing statements.

It is the responsibility of the Hearing Officer, not the parties or the investigators, to make a determination based on the totality of the available information whether or not the preponderance of the evidence has been met. Neither party bears a burden of proof. The ultimate determination of factual findings and responsibility rests with the Hearing Officer after full consideration of all available evidence.

Opportunity for Optional Impact Statements

Following the hearing, but prior to the issuance of the determination regarding responsibility, both parties will be separately invited by the OIEC to submit an optional impact statement for the sanctioning decision maker(s) to consider regarding the incident(s) under investigation. This opportunity will be made available to both parties regardless of whether either party participated in the live cross-examination process. The OIEC will review any submitted information and include it in the case file, but will

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- The impact of separating a student from their education;
- Whether the complainant was incapacitated at the time of the conduct;
- Relationship between the parties, including degree of control of one party over another;
- Whether there was force/violence, weapons, or threats of force/violence;
- Any prior history of related criminal, conduct, or policy violations; including but not limited to the University of Colorado Code of Conduct and University of Colorado Boulder Student Code of Conduct and any active disciplinary sanctions in place at time of the conduct;
- Impact of incident on complainant;
- Acceptance of responsibility by respondent; and
- On-going safety risk to complainant or community.

Possible sanctions

Sanctions may include one or more of the following:

- **Warning/Written Reprimand:** A warning/written reprimand is a written statement from the Board or designee that the behavior was inappropriate and that more serious action will be taken should subsequent infractions occur.
- **Educational Sanctions:** The student may be required to attend a class, evaluation, or program (e.g., alcohol or anger management classes or training on sexual misconduct or protected-class discrimination and harassment). This is not an exhaustive list but should serve as a reference for the types of educational sanctions that may be imposed.
- **Meeting with the Senior Director of Support and Safety Measures or designee:** The student may be required to meet with a university official to review the terms of the sanction and ensure compliance prior to eligibility to apply for readmission, as applicable.
- **Residence Hall Reassignment:** A student who resides in a residence hall is assigned to a different residence hall on campus.
- **Residence Hall Termination:** A student's residence hall agreement is terminated.



university residence on either a permanent or temporary basis. Specific exclusion from the residence halls may also be imposed.

- Formal Disciplinary Probation: A student is placed on probation. Probation lasts for 11 () J J (l)-4 (l)J (l)-4 0(5 () J J e2 BDC92r)-3 (a)4.9 (r) J J19BDC /501 Tw -3 (i)1 (c)-1 (ex)-

- **Disciplinary Stop and Disciplinary Hold:** A disciplinary stop shall be placed on a student's record if they are suspended as the outcome of the OIEC proceedings. A disciplinary stop 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 re-admitted. A disciplinary hold may also be placed if a student fails to complete assigned sanctions, which has the same impact on a student's records and registration as described above. The disciplinary hold will not be removed until all sanctions are completed.
- **Additional Sanctions:** The Board has the discretion to impose any additional sanctions that may be warranted and appropriate given the circumstances of the case.

ii. Sanctioning Process for Employee Respondents

In cases where the Formal Grievance Process results in a determination that an employee respondent is responsible for a policy violation or acted inappropriately or unprofessionally, the matter will be referred, with the written determination (prior to the inclusion of the sanction), to the disciplinary authority. If the respondent is a student employee and the alleged misconduct occurs outside the employment capacity, the OIEC may determine that the respondent's supervisory upline has a legitimate need to know information related to the case resolution such that they may consider employment sanctions.

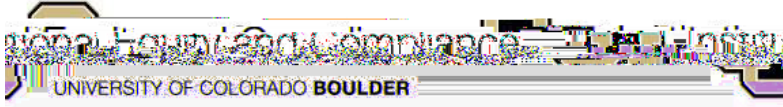
Any sanctioning process pursuant to these Resolution Procedures does not replace any additional meetings that may be required under other applicable personnel processes (e.g., State Personnel Board Rules for classified employees; Professional Rights and Responsibilities procedure and Privilege and Tenure process for faculty). University disciplinary authorities also have the ability to take disciplinary action for inappropriate or unprofessional behavior that may not rise to the level of a violation of the Sexual Misconduct Policy or may be outside the purview of the Sexual Misconduct Policy.

OIEC's formal recommendation to disciplinary authority

The Associate Vice Chancellor of the OIEC or designee will provide a formal recommendation to the disciplinary authority as to applicable sanctions consistent with the factors set forth in Section VII(D)(1)(e)(i).

Sanction required

In order to remediate the effects of sexual misconduct, the disciplinary authority will impose sanctions. Sanctions for classified staff in the written determination may include

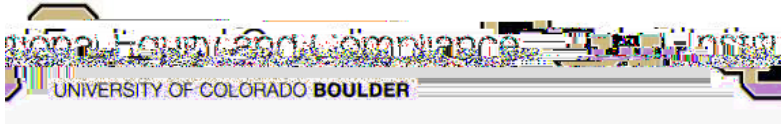


Chief Human Resource Officer or designee, the Associate Vice Chancellor of the OIEC or designee, and any other administrative staff with a need to know.

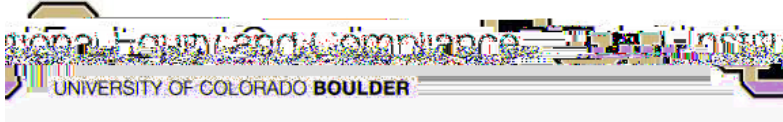
The appointing/disciplinary authority may have access to the Formal Grievance Process records and may consult with the adjudicative staff in order to determine action.

Potential sanctions include:

- Letter of Expectation/Reprimand: A warning/written letter of expectation or reprimand is a statement from the disciplinary authority that the behavior was



- Provide a referral to other campus-based resolution processes as appropriate for the specific facts of the case;
- Provide targeted or broad-based educational programming or training; or
- Conduct a Policy Compliance Meeting with the respondent. A Policy Com

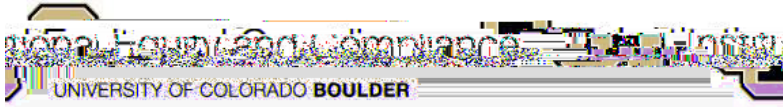


VIII. Discrimination and Harassment Policy Resolution Procedures

The university will be responsive to any report or complaint of “Prohibited Conduct” as listed below and is committed to providing prompt, fair, impartial, and equitable resolutions of any complaint reported to the OIEC, whether reported directly by a complainant or by a third party, such as a mandatory reporter. The primary concern is the safety of all university community members. The university will take steps to prevent recurrence of any prohibited conduct and remedy discriminatory effects on the complainant and others, as appropriate. The following procedures will apply to resolution of all reports or complaints of prohibited conduct related to the University of Colorado Boulder Discrimination and Harassment Policy.

A. Prohibited Conduct

The [Discrimination and Harassment Policy](#) prohibits discrimination and harassment on the basis of protected-class status in admission and access to, and treatment and employment in, its educational programs and activities. For purposes of the policy, .42 4 (c)-19()Tj- 0-3 ()5 ¶J2 ET



designee and every effort should be made to avoid depriving any student of educational access. Supportive or safety measures may be kept in place, lifted, or modified as additional information is obtained, or may be extended permanently, as appropriate.

Complainants and respondents may request supportive or safety measures from the Senior Director of Support and Safety Measures or designee. Supportive measures should be provided to complainants or respondents whether or not the complainant engages in another resolution process. Witnesses or other participants in a Formal Adjudication Process may also request supportive or safety measures. The Senior Director of Support and Safety Measures or designee will maintain oversight of these requests and the provision of any such measures.

The university will keep confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality will not impair the university's ability to provide the supportive measures.

1. Types of supportive and safety measures

Supportive and safety measures that may be available include, but are not limited to:

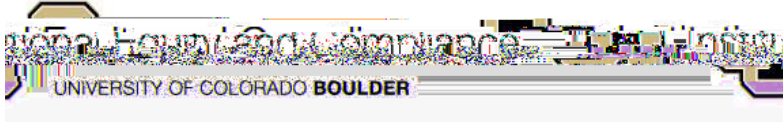
- academic services (extensions of time or other course-related adjustm51 (t)-3 eP;,3 (3 (e-3

- Whether there have been other misconduct complaints about the same respondent or if the respondent has a known history of arrests or records from a prior school indicating a history of violence;
- The existence of multiple complainants and/or respondents;
- Whether the alleged conduct was perpetrated with force, violence, or weapons;
- Whether the complainant is a minor;
- Whether the alleged conduct reveals a pattern of perpetration (by the respondent, by a particular group or organization, around a particular recurring event or activity, and/or a particular location); and
- Whether any other aggravating circumstances or signs of predatory behavior are present.

b. Opportunity to Challenge an Emergency Removal Decision

In the case of an emergency removal, the respondent will be provided written notice of the alleged prohibited conduct and the opportunity to meet, if they choose, with the Senior Director of Support and Safety Measures or designee. The Senior Director of Support and Safety Measures or designee will ensure that the respondent is afforded prompt opportunity, not to exceed 10 days of the notice of emergency removal, to challenge the decision by being heard during a meeting or phone call or by submission of a written statement. This does not preclude additional meetings, at the discretion of the Senior Director of Support and Safety Measures or designee, after the 10 days have passed to review the emergency removal.

It is the responsibility of the respondent to request the meeting or phone call. After providing the respondent with notice of the allegations and an opportunity to be heard, the Senior Director of Support and Safety Measures or designee may decide to lift or continue the emergency removal, potentially until the completion of a Formal Adjudication Process or other resolution procedure. The Senior Director of Support and Safety Measures or designee may also determine whether any exceptions may be appropriate. The emergency removal may be re-evaluated during the course of a Formal Adjudication Process or other resolution procedure if new information is presented that mitigates the threat to health and physical safety of the complainant



or others.¹¹

D. Resolution Processes

The OIEC has authority to conduct at least a preliminary inquiry upon receiving a report or



Discrimination and Harassment Policy. The OIEC may decline to pursue a Formal Adjudication Process if: 1) a complainant has requested that a Formal Adjudication Process not be pursued, and 2) the OIEC has determined that the complainant's request can be honored consistent with the university's obligation to provide a safe and non-discriminatory environment. See Section VIII(D)(1)(a) below.

Timeframes

The university will use its best efforts to complete its investigation and impose sanctions when applicable within a reasonable timeframe, although this time frame may be extended for good cause.

Good cause may exist for a variety of factors, including the complexity of the circumstances of each allegation, the integrity and completeness of the investigation, compliance with a request by law enforcement, or due to concurrent law enforcement activity likely to produce materially relevant evidence, absences by the parties, the availability of witnesses, the necessity to provide translation services or accommodations of a disability, university breaks or vacations, the necessity to access



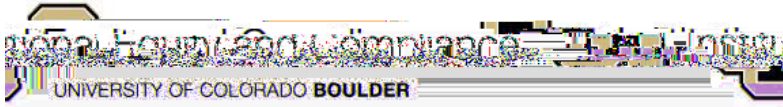
to prevent and respond to retaliation, the complainant would still like to maintain privacy or does not want to initiate a Formal Adjudication Process, the Associate Vice Chancellor of the OIEC or designee will weigh that request against the university's obligation to provide a safe, non-discriminatory environment for all students, faculty, and staff. In making that determination, the Associate Vice Chancellor of the OIEC or designee will consider a range of potentially overriding factors that would cause the Associate Vice Chancellor of the OIEC or designee to initiate a Formal Adjudication Process, including the following:

- Targets or causes harm to an individual connected with CU Boulder;
- Threatens violence against the alleged complainant or others and there is reasonable fear that such further conduct could target or cause harm to someone connected with CU Boulder;
- Is of a violent nature or was frequent or severe;
- Prior or current similar complaints about the respondent or the respondent has a known history or records from a prior school indicating a history of violence;
- Use of, or threat to use, a weapon, access to or attempts to access weapons, or a history of bringing weapons to CU Boulder;
- Multiple complainants and/or respondents
- The complainant is a minor;
- Whether the alleged protected-class discrimination or harassment, or related violations, reveals a pattern of perpetration at a given location or by a particular group; and
- Any other signs of predatory behavior

b. Rights and Responsibilities of the Parties

During a Formal Adjudication Process, the complainant and the respondent shall each have equitable opportunity to:

- An adjudication conducted by trained officials who do not have a conflict of interest or bias for or against the complainant or respondent. An official shall recuse themselves from participating in an adjudication in those instances where the official believes that their impartiality might reasonably be questioned by an independent, neutral observer due to the official's personal bias or prejudice against the complainant or respondent or where the official has a personal or professional relationship with one of the parties that would adversely affect the

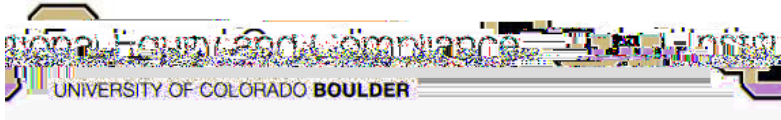


official's ability to serve as an impartial finder of fact;

- Supportive and safety measures to be provided before an adjudication or while an adjudication is pending. See Section VIII(C).
- Receive notice before they participate in an interview with sufficient time to prepare for meaningful participation;
- A process with reasonably prompt timeframes, with extensions for good cause. See Section VIII(D)(1).
- Present relevant information to the investigator(s), including inculpatory or exculpatory evidence, and identifying witnesses;
- Have an advisor of their choosing, including an attorney, advocate, or other support person who is not a potential witness in the investigation or could otherwise compromise the investigation, provide support and advice throughout the Formal Adjudication Process, including but not limited to being present for any meetings with OIEC personnel. The advisor, advocate, or other support person may not engage in any conduct that would constitute harassment or retaliation against any person who has participated in an investigation and may be denied further participation for harassing or retaliatory conduct;
- Timely and equal access to any relevant information, including witness identities and relevant information provided by complainant, respondent, witnesses, and other documentation gathered during the investigation, unless the university is legally prohibited from disclosing the information to a party, See Section VIII(D)(1)(c)(iii);
- Review and respond to a Written Evidence Summary of the relevant and material evidence gathered during the Investigation prior to any investigative findings or conclusions, as described in Section VIII(D)(1)(c)(iii);
- Submit questions to the investigator(s) to be asked of the other party or witnesses following the dissemination of the Written Evidence Summary and prior to any investigative findings or conclusions. Investigator(s) will address all relevant questions and provide an explanation as to any decision to exclude questions as not relevant, See Section VIII(D)(1)(c)(iii);
- Inspect the case file, which contains all information or evidence, unless prohibited or confidential under law, gathered as part of the investigation, including information the OIEC does not intend to rely on in reaching a determination, prior to any investigative findings or conclusions, Section VIII(D)(1)(c)(iii);



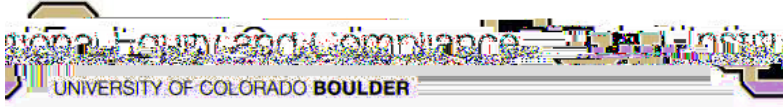
- An internal review by the Investigation Review Board before the final investigative findings are issued, Section VIII(D)(1)(c)(v);



- Provide a copy of the OIEC Resolution Procedures;
- Identify the complainant and respondent;
- Identify the Investigator(s) who will conduct the investigation;
- Identify the conduct allegedly constituting the potential violation, including the date and location of the alleged incident to the extent known and available;
- Identify the specific section of the Discrimination and Harassment Policy alleged to have been violated;
- Include a statement that no determinations have been or will be made until the conclusion of the investigation;
- Notify the parties of the availability of supportive and safety measures; and
- Require that the respondent contact the OIEC within three (3) days to schedule a meeting. If the respondent chooses not to participate in the adjudication process, the OIEC may complete the adjudication based on the totality of information obtained during the Investigation, which may include police investigation reports and other relevant documents or information, and Sanctioning and Appeal stages, if applicable.

ii. Evidence Gathering Phase of Investigation

After the Notice of Allegations has been issued to the



each party the opportunity to be heard and to respond to all relevant information.

iii. Disclosure of Written Evidence Summary

Following the evidence gathering phase, the investigator(s) shall send a Written Evidence Summary of the relevant and material information to the complainant and respondent who each have seven (7) days to review and respond. At this time, the parties will also have access to witness identities and opportunity to inspect the full investigati (gat)-ppore s dap[tw 0 m)Serperon.[tp/Fo (o(m0) men,(er)c6.d,()-3 (73 (oc 582 64.8]S



prejudice or interest, and the person's manner and demeanor when providing statements.

It is the responsibility of the OIEC, not the parties, to make a determination based on the totality of the available information whether or not the preponderance of the evidence has been met. Neither party bears a burden of proof.

For investigations involving student respondents, the



investigations involving employee respondents, the respondent's supervisor and appointing/disciplinary authority also receive the written Determination Regarding Responsibility.¹⁴

The Notice of Finding will also notify the parties as to the next step in the process, as applicable.

d. Sanctioning Process for Student Respondents

In cases where the investigation results in a policy violation, the matter will be referred by the Assistant Vice Chancellor of the OIEC or designee to the Sanctioning Board. In the event that no violation of the Discrimination and Harassment Policy was found, there is no preclusion of discipline for other student misconduct under either the Student Code of Conduct or Student Honor Code & Procedures.

i. Student Sanctioning Board

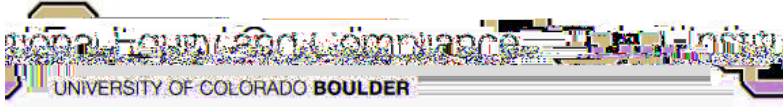
The Sanctioning Board is composed of three members who are collectively authorized to impose sanctions for student respondents and to remedy the effects of discrimination and/or harassment. The Board shall decide sanctions and/or remedies by unanimous decision and simultaneously notify the complainant and the respondent of any sanctions and/or remedies.

The OIEC Senior Director of Support and Safety Measures or designee is a member and the Chair of the Sanctioning Board for student respondents and will appoint two additional university employees who are not affiliated with the OIEC to serve on the Sanctioning Board. University employees who serve on the Sanctioning Board will have received appropriate training regarding the applicable policies and factors pertinent to the sanctioning decision.

ii. Parties' opportunity to be heard

Within seven (7) days of the date of the Notice of Finding, the respondent and complainant will each have the opportunity to present to the Board any aggravating or mitigating circumstances related to the conduct that may impact sanctioning. Parties may meet with members of the Board or submit such information to the Board in writing. For meetings, the Board will meet separately with each party, as applicable. It is the responsibility of the parties to set the appointment and meet within the time prescribed. Information submitted to the Board must be limited to describing mitigating or aggravating circumstances that may affect sanctioning. Any statement outside of these guidelines will not be considered.

¹⁴ If the respondent is a student employee and the alleged misconduct occurs outside the employment capacity, the OIEC may determine that the respondent's supervisory upline has a legitimate need to know information related to the case resolution.



iii. Factors considered in sanctioning

The Board members conduct an individualized review of the final written Determination Regarding Responsibility and may review the entire investigative file and consult with



charge the student with trespass.

- **Expulsion:** The student is required to permanently leave the university. A notation of expulsion remains permanently on the student's transcript. Expulsion from the university includes an automatic exclusion from University of Colorado property. An expulsion decision results in the student being expelled from all campuses in the University of Colorado.
- **Disciplinary Stop and Disciplinary Hold:** A disciplinary stop shall be placed on a student's record if they are suspended as the outcome of the OIEC proceedings. A disciplinary stop 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 re-admitted. A disciplinary hold may also be placed if a student fails to complete assigned sanctions, which has the same impact on a student's records and registration as described above. The disciplinary hold will not be removed until all sanctions are completed.
- **Additional Sanctions:** The Board has the discretion to impose any additional sanctions that may be warranted and appropriate given the circumstances of the case.

v. Notice to parties

The Sanctioning Board will provide a written statement to the parties (Notice of Sanction Pending Appeal) informing them of the sanction and the basis upon which any sanction was imposed.

e. Sanctioning Process for Employee Respondents¹⁵

The Associate Vice Chancellor of the OIEC or designee will notify the disciplinary authority if an employee respondent was found to have violated a policy or acted inappropriately or unprofessionally.

i. Parties' opportunity to be heard by the OIEC

Following the conclusion of any appeal of the Investigation or the expiration of the appeal deadline (7 days from the Notice of Finding, see Section VIII(D)(1)(f)(ii)), the respondent and complainant will each have an opportunity to separately meet with the Associate Vice Chancellor of the OIEC or designee to discuss any mitigating or aggravating circumstances related to the conduct that may impact sanctioning.

It is the responsibility of the parties to set the appointment and meet within the time

¹⁵ If the respondent is a student employee and the alleged misconduct occurs outside the



prescribed. Alternatively, the complainant or respondent may submit a written statement to the Associate Vice Chancellor of the OIEC or designee in lieu of a meeting. Written statements must be submitted or a meeting held within seven (7) days of the notice sent by the Associate Vice Chancellor or designee (following the appeals process or the expiration of the deadline for appeals).

Information must be limited to describing mitigating or aggravating circumstances that may affect sanctioning. Any statement outside of these guidelines will not be considered.

Any applicable sanctioning meeting pursuant to these Resolution Procedures does not replace any additional meetings that may be required under other applicable personnel processes (e.g., State Personnel Board Rules for classified employees; Professional Rights and Responsibilities procedure and Privilege and Tenure process for faculty).

ii. OIEC's formal recommendation to disciplinary authority

The Associate Vice Chancellor of the OIEC or designee will provide a formal recommendation to the disciplinary authority as to applicable sanctions consistent with the factors set forth in Section VIII(D)(1)(d)(iii).

iii. Sanction required and Potential Sanctions

In order to remediate the effects of protected-class discrimination and/or harassment, the disciplinary authority will impose sanctions.

The disciplinary authority will determine the type of sanctions in consultation with the Chief Human Resource Officer or designee, the Associate Vice Chancellor of the OIEC or designee, and any other administrative staff with a need to know.

The appointing/disciplinary authority may have access to the investigative records and may consult with the investigator(s) in order to determine action.

Potential sanctions may include:

- **Letter of Expectation/Reprimand:** A warning/written letter of expectation or reprimand is a statement from the disciplinary authority that the behavior was inappropriate and that more serious disciplinary action will be taken should subsequent infractions occur.
- **Mandatory Training:** The employee may be required to attend a training, class, or program as relevant to the misconduct.
- **Demotion:** The employee is demoted from their current position.
- **Job Duty Modifications:** The disciplinary authority may modify the employment responsibilities of the employee.



- **Reduction in Salary/Ineligibility for Merit Increases:** The employee's salary is reduced either permanently or temporarily, or the employee is not eligible for merit increases either permanently or temporarily.
- **Ineligibility for Rehire:** The employee is no longer eligible for employment at the university.
- **Exclusion:** The employee is denied access to all or a portion of university property. When an employee is excluded from university property, that employee may be permitted on University property for limited periods and specific activities with the permission of the university official or designee who imposed the exclusion. Should the employee enter university property without permission, action may be taken by the police for trespass.
- **Termination of Employment Contract or Termination of Employment:** Pursuant to applicable laws and policies specific to the employee's status, the disciplinary authority recommends or terminates employment.
- **Additional Sanctions:** The disciplinary authority has the discretion to impose any additional sanctions that may be warranted and appropriate given the circumstances of the case.

iv. Notice to parties

The Associate Vice Chancellor of the OIEC or designee will ensure to the extent possible that both parties simultaneously receive notice of any sanctions imposed and any other steps taken by the campus to remedy the discrimination and/or harassment to the extent permitted by law. Regardless of the OIEC findings, there is no preclusion of discipline by the appointing authority for other misconduct or for inappropriate or unprofessional conduct.

f. Appeals

i. Appeals for Student Respondents

Upon the conclusion of the Investigation (if no violation is found) or the Sanctioning (if a violation is found), whichever is applicable, either the complainant or respondent may file a written appeal. All appeals must be made in accordance with the procedures outlined in this section.

How to File an Appeal and Timeframe

Appeals must be submitted in writing to the Associate Vice Chancellor of the OIEC or designee within seven (7) days after the Notice of Sanction (or Notice of Finding if no violation is found) is issued. The appeal should indicate the specific basis for the appeal (see below), supporting arguments and documentation, and any other relevant



information the appealing party wishes to include. The appealing party should be aware that all appeals are documentary reviews, and no interviews are conducted. Generally, appeals are determined solely on the merits of the documents submitted. Appeal documents therefore should be as complete and succinct as possible. Unless any applicable Notice of Sanction specifies otherwise based on safety considerations, all sanctions imposed in the case will not go into effect until either the deadline for filing an appeal passes and no appeal is filed or, if a timely appeal is filed, the appeal is decided, whichever comes first.

Basis for Appeal

Appeals must state one or more of the following criteria as the reason for the appeal.

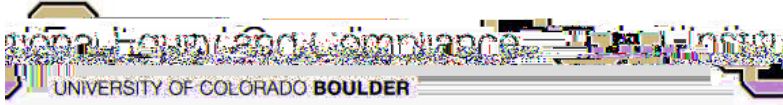
- Procedural errors by which any party was prevented from receiving a fair adjudication; or
- A sanction was disproportionate to the violation of the Discrimination and Harassment Policy.

The appealing party may not present any new evidence unless the party can demonstrate that it could not, with reasonable diligence, have been discovered or produced during the course of the investigation.

Appeal Process and Appeal Advisory Board

If an appeal is received, the Associate Vice Chancellor of the OIEC or designee will notify the other party to the original complaint (complainant or respondent) in writing, and the party will be provided seven (7) days to respond in writing to the appeal. The response should be sent to the Associate Vice Chancellor of the OIEC or designee. Neither party is required to respond to an appeal. Not responding to an appeal does not imply agreement with the appeal.

After the submission of all documentation or the seven-day deadline for response has passed, the Associate Vice Chancellor of the OIEC or designee will appoint two additional university employees (who may include staff from the Anschutz, Denver, and Colorado Springs campuses) who are not otherwise affiliated with the OIEC at CU



- Reduce or increase a disproportionate sanction.

The Board members shall not make new findings of fact. The Board shall review all documentation submitted, make the final decision upon appeal, and concurrently provide the parties with a written Notice of Appeal Decision within 21 days of its receipt of all final documentation.

ii. Appeals for Employee Respondents

Upon the conclusion of the Investigation, either the complainant or respondent may file a written appeal of the Investigation outcome. All appeals must be made in accordance with the procedures outlined in this section. Any rights of appeal of a sanction shall be conducted in accordance with the procedure for appeal, if available to the employee, such as the State Personnel Rules or rules governing proceedings before the Faculty Senate Committee on Privilege and Tenure.

Nothing in this section shall be read to create a right of appeal of sanctions for employees that is not otherwise provided for by law or university policy.

How to File an Appeal and Timeframe

Appeals must be submitted in writing, to the Associate Vice Chancellor of the OIEC or designee within seven (7) days after the Notice of Finding. The appeal should indicate the specific ground for the appeal (see below), supporting arguments and documentation, and any other relevant information the appealing party wishes to include. The appealing party should be aware that all appeals are documentary reviews in which no interviews are conducted. Generally, appeals are determined solely on the merits of the documents submitted. Appeal documents therefore should be as complete and succinct as possible.

Basis for Appeal

The only basis for appeal is:

- Procedural errors by which any party was prevented from receiving a fair investigation.

In the appeal, the party may not present any new evidence unless the party can demonstrate that it could not, with reasonable diligence, have been discovered and produced during the course of the investigation.

Appeal Process and Appeal Advisory Board

If an appeal is received, the Associate Vice Chancellor of the OIEC or designee will notify the other party to the original complaint (complainant or respondent) in writing and provide seven (7) days to respond in writing to the appeal. The response should be sent to the Associate Vice Chancellor of the OIEC or designee. The Associate Vice



Neither party is required to respond to an appeal. Not responding to an appeal does not imply agreement with the appeal.

After the submission of all documentation, or the seven-day deadline for response has passed, the Associate Vice Chancellor of the OIEC or designee will appoint two additional university employees (who can include staff from the Anschutz, Denver and Colorado Springs campuses) who are not otherwise affiliated with the OIEC at CU Boulder to serve on the three-person Appeal Advisory Board. The Appeal Advisory Board appointees will have received appropriate training on the applicable policies and appeal procedures. The Associate Vice Chancellor of the OIEC or designee is the Chair of the Appeal Advisory Board.

Appeal Decisions

Upon review of the appeal, the Appeal Advisory Board may recommend that the Associate Vice Chancellor of the OIEC:

- Uphold the initial decision in its entirety and refer to the disciplinary authority for sanctioning if applicable; or
- Send the case back for reconsideration and potentially re-investigation.

The Board members shall not make new findings of fact. The Board shall review all documentation submitted, make the final decision upon appeal, and concurrently provide the parties with a written Notice of Appeal Decision within 21 days of its receipt of all final documentation.

2. Policy Compliance Remedies

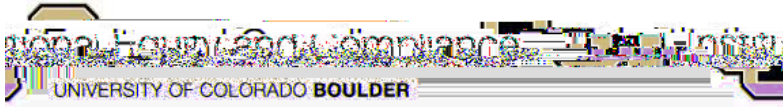
The OIEC may determine that the most prompt and effective way to address a concern is through a remedies-based resolution.

This type of approach provides the university with options that allow the university to tailor responses to the unique facts and circumstances of an incident, particularly in cases where there is not a broader threat to individual or campus safety. In these cases, the OIEC may do one or more of the following:

- Provide interim or long-term supportive measures to the complainant and/or the respondent;
- Provide a referral to other campus-based resolution processes as appropriate for the specific facts of the case;
- Provide targeted or broad-based educational programming or training; and
- Conduct a Policy Compliance Meeting with the respondent. A Policy Compliance



Meeting is not the same as formalized mediation, alternative dispute resolution, or Restorative Justice. The primary focus during a Policy Compliance Meeting remains the welfare of the parties and the safety of the campus community, but this process does not involve a written report or a determination as to whether the policy has been violated. During a Policy Compliance Meeting, the OIEC may (1) discuss the behavior as alleged and provide the respondent an opportunity to respond; (2) review prohibited conduct under the Discrimination and Harassment Policy; (3) identify and discuss appropriate future conduct and behavior as well as how to avoid behavior that could be interpreted as retaliatory; (4) inform the complainant of



be seen as something else by one or both of the parties. Moreover, others may be adversely affected by such behavior because it places the faculty member or supervisor in a position to favor or advance one student's or employee's interest at the expense of others and implicitly makes obtaining preferences contingent upon romantic or sexual favors. The policy,



The OIEC's Resolution Processes will be conducted by staff who are appropriately trained and have qualifications and experience that will facilitate prompt, fair, equitable and impartial resolutions. The Assistant Vice Chancellor of the OIEC or designee shall ensure that OIEC Resolution Process Officials, including investigators and Investigation Review Board members receive annual training on how to conduct investigations and adjudications that protect safety of all parties, ensure due process, promote accountability and other issues related to protected-class discrimination and harassment and related retaliation. The Associate Vice Chancellor of the OIEC or designee shall determine if one or more investigators shall be assigned to each case depending on the specific circumstances and as warranted.

2. Formal Adjudication Process

The OIEC may resolve a report of alleged misconduct through the Formal Adjudication Process when the alleged misconduct, if true, would be prohibited under the Amorous Relationship Policy. The OIEC may decline to pursue a Formal Adjudication Process if 1) the individual in the subordinate position has requested that a Formal Adjudication Process not be pursued, and 2) the OIEC has determined that the individual's request can be honored consistent with the university's obligation to provide a safe and non-discriminatory environment and that the matter can be brought into compliance with the steps noted above. See Section IX(C)(1) above.

Timeframes

The university will use its best efforts to complete its investigation and impose sanctions when applicable within a reasonable amount of time, although this time frame may be extended for good cause.

Good cause may exist for a variety of factors, including the complexity of the circumstances of each allegation, the integrity and completeness of the investigation, compliance with a request by law enforcement, or due to concurrent law enforcement activity likely to produce materially relevant evidence, absences by the parties, the availability of witnesses, the necessity to provide translation services or accommodations of a disability, university breaks or vacations, the necessity to access relevant and probative documentation that is not immediately available, or other legitimate reasons.

In order to deliver a reasonably prompt process, the parties each have an obligation to meet deadlines, including participating in interviews or providing relevant documentation or other evidence in a timely manner during the evidence gathering phase of the investigation, as requested by OIEC during the Formal Adjudication Process. If an individual does not participate in the evidence gathering phase of the investigation, whether by participating in an interview, providing a written statement, or submitting other evidence for consideration, in a reasonable timeframe, the OIEC may move to the next stage of the Formal Adjudication Process. Extensions of time shall only be granted for good cause shown, and the parties shall be provided written notice of extensions or any delay, as applicable, and the reasons for any such extensions or delays.



a. Rights and Responsibilities of the Parties

During a Formal Adjudication Process, the parties shall each have equitable opportunity to:

- An adjudication conducted by trained officials who do not have a conflict of interest or bias for or against the parties. An official shall recuse themselves from participating in an adjudication in those instances where the official believes that their impartiality might reasonably be questioned by an independent, neutral observer due to the official's personal bias or prejudice against the parties or where the official has a personal or professional relationship with one of the parties that would adversely affect the official's ability to serve as an impartial finder of fact;
- Supportive and safety measures to be provided before an adjudication or while an adjudication is pending. Supportive and safety measures, when determined to be appropriate and reasonably available by the Senior Director of Support and Safety Measures or designee, are intended to maintain the educational or employment environment if possible and may include counseling, extensions of time or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar accommodations. Supportive and safety measures should be individualized and appropriate based on the information gathered by the Senior Director of Support and Safety Measures or designee;
- Receive notice before they participate in an interview with sufficient time to prepare for meaningful participation;
- A process with reasonably prompt timeframes, with extensions for good cause. See Section IX

i. Written Notice of Allegations

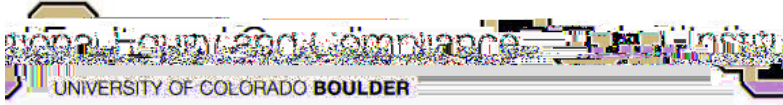
If a Formal Adjudication Process is commenced, the OIEC shall send the parties a written Notice of Allegations. The written Notice of Allegations may be sent to the parties by email or sent via U.S. mail to the permanent addresses appearing in the university's information system or the address appearing in a police report, or may be hand-delivered. Notice will be considered furnished on the date of hand-delivery or on the date emailed. For employee respondents,¹⁶ the employee's supervisory upline, including the Chancellor and the employee's appointing/disciplinary authority, as well as Human Resources, will also receive a copy of the written Notice of Allegations.

If, in the course of an investigation, an individual alleges additional violations or the Associate Vice Chancellor or designee decides to investigate additional allegations about the parties that are not included in the initial Notice of Allegations, the OIEC will issue an Amended Notice of Allegations to both parties.

The written Notice of Allegations (and any Amended Notices of Allegations) will:

- Provide a copy of the OIEC Resolution Procedures;
- Identify the respondent and the individual in the subordinate role;
- Identify the investigator(s) who will conduct the investigation;
- Identify the conduct allegedly constituting the potential violation, including the date and location of the alleged incident to the extent known and available;
- Identify the specific section of the Conflict of Interest in Cases of Amorous Relationships Policy alleged to have been violated;
- Include a statement that no determinations have been or will be made until the conclusion of the investigation;
- Notify the parties of the availability of supportive and safety measures; and
- Require that the respondent contact the OIEC within three (3) days to schedule a meeting. If the respondent chooses not to participate in the adjudication process, the OIEC may complete the adjudication based on the totality of information obtained during the Investigation Stage, which may include police investigation reports and other relevant documents or information, and Sanctioning and Appeal stages, if applicable.

¹⁶ If the respondent is a student employee and the alleged misconduct occurs outside the employment capacity, the OIEC may determine that the respondent's supervisory upline has a legitimate need to know information related to the case resolution.



ii. OIEC’s formal recommendation to disciplinary authority

The Associate Vice Chancellor of the OIEC or designee will provide a formal recommendation to the disciplinary authority as to applicable sanctions.

iii. Sanction required and potential sanctions

In order to remediate the effects of Amorous Relationship non-compliance, the disciplinary authority will impose sanctions upon the individual in the evaluative position.

The disciplinary authority will determine the type of sanctions in consultation with the Chief Human Resource Officer or designee, the Associate Vice Chancellor of the OIEC or designee, and any other administrative staff with a need to know.

The appointing/disciplinary authority may have access to the investigative records and may consult with the investigator(s) in order to determine action.

Potential sanctions include:

- Letter of Expectation/Reprimand: A warning/written letter of expectation or reprimand is a statement from the disciplinary authority that the behavior was inappropriate and that more serious disciplinary action will be taken should subsequent infractions occur.
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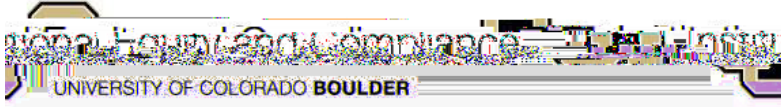
evidence during the course of the investigation.

Appeal Process and Appeal Advisory Board

The Associate Vice Chancellor of the OIEC or designee will notify the other party to the original complaint (the respondent or the individual in the subordinate role) in writing and provide seven (7) days to respond in writing to the appeal. The response should be sent to the Associate Vice Chancellor of the OIEC or designee.

Neither party is required to respond to an appeal. Not responding to an appeal does not imply agreement with the appeal.

After the submission of all documentation, or the seven-day deadline for response has passed, the Associate Vice Chancellor of the OIEC or designee will appoint two additional university employees (who can include staff from the Anschutz, Denver and Colorado Springs campuses) to serve on the Appeal Advisory Board. The members of the Appeal Advisory Board will be appointed by the Associate Vice Chancellor of the OIEC or designee.



- Provide a referral to other campus-based resolution processes as appropriate for the specific facts of the case;
- Provide targeted or broad-based educational programming or training;
- Work with the involved individuals and department to remove the evaluative authority in order to be in compliance with the Conflict of Interests in Cases of Amorous Relationships Policy; and
- Conduct a Policy Compliance Meeting with the respondent. The primary focus during a Policy Compliance Meeting remains the welfare of the parties and the safety of the campus community, but this process does not involve a written report or a determination as to whether the policy has been violated. During a Policy Compliance Meeting, the OIEC may (1) discuss the behavior as alleged and provide the respondent an opportunity to respond; (2) review prohibited conduct under the Conflict of Interest in Cases of Amorous Relationships Policy; (3) identify and discuss appropriate future conduct and behavior as well as how to avoid behavior that could be interpreted as retaliatory; (4) inform the individual in the subordinate role of the respondent's responses if appropriate; and (5) notify SCCR or the respondent's appointing/disciplinary authority of the allegations and responses if necessary, who will determine whether any other disciplinary action is appropriate.



outside investigator(s) or hearing officer(s) designated to address an allegation must adhere to the requirements of the Resolution Procedures and confer with the Assistant Vice Chancellor of the OIEC or designee on a regular basis about the progress of the grievance, adjudication, or alternative resolution process.

XI. Resources

A. Confidential Resources

On Campus:

[Office of Victim Assistance \(OVA\)](#)

Center for Community (C4C), Room N450

Phone: (303) 492-8855 (24-hour phone service)

Provides advocacy and counseling services that may be used by students, staff, faculty victims, complainants, or others who experience traumatic, disturbing or disruptive life events. All contacts are confidential.

[Counseling and Psychiatric Services \(CAPS\)](#)

Center for Community (C4C), Room N352

Phone: (303) 492-CAPS (2277) (24-hour phone service)

Offers counseling, groups and workshops for CU Boulder students. All contacts are confidential.

[Faculty and Staff Assistance Program \(FSAP\)](#)

Administrative and Research Center (ARCE), East Campus, 3100 Marine Street, 3rd Floor

Phone: (303) 492-3020

Offers counseling programs and activities for faculty and staff of the university. All contacts are confidential.

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Assists students, faculty, and staff in informally and impartially resolving complaints or disputes with other individuals, offices, or departments within the university. Does not maintain records and is independent of any department or office. All contacts are confidential.

[Student Legal Services \(SLS\)](#)

University Memorial Center (UMC), Room 311

Phone: (303) 492-6813

Provides legal counseling to students on matters such as traffic violations, criminal charges, and employment problems. Does not provide advice on internal university issues.

Off Campus:

[Moving to End Sexual Assault \(MESA\)](#)

Phone: (303) 443-7300 (24-hour hotline)

[Safe House Progressive Alliance for Non-Violence \(SPAN\)](#)

Phone: (303) 444-2424 (24-hour hotline and shelter)

[Safe House Protection Order Assistance](#)

Phone: (303) 4490 Tw 11cc-0.001 Tcmcmcmcmcmcmcmcmcm6/Artifact I e PwhCID 9oTjEMCs (



Floor

Phone: (303)-492-3020

Offers counseling programs and activities for faculty and staff of the university. All contacts are confidential.

[Office of Victim Assistance \(OVA\)](#)

Center for Community (C4C), Room N450

Phone: (303) 492-8855 (24-hour phone service)

Provides advocacy and counseling services that may be used by students, staff, faculty victims, complainants, or others who experience traumatic, disturbing or disruptive life events. All contacts are confidential.

Off Campus

[Colorado State Employee Assistance Program \(C-EAP\)](#)

Phone: (303) 866-4314

24/7 Crisis Help Line: 844-493-8255

E. Law Enforcement

On Campus

[University of Colorado Police Department \(CUPD\)](#)

1050 Regent Drive

Phone: (303) 492-6666 (non-emergencies, for emergencies dial 911)

Maintains a full-service police department. Officers, who are state certified, respond to reports of criminal acts and emergencies both on and off campus.

Off Campus

[Boulder Police Department](#)

1805 33rd Street

Boulder, CO 80301

Phone: (303) 441-3333 (non-emergencies, for emergencies dial 911)

[Boulder County Sheriff's Office](#)

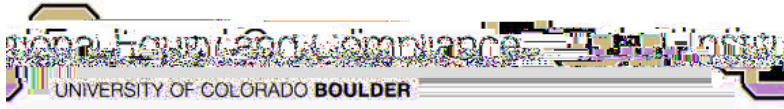
5600 Flatiron Parkway

Boulder, CO 80301

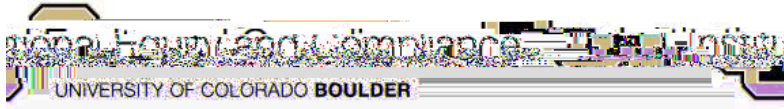
Phone: (303) 441-3600 (non-emergencies, for emergencies dial 911)

[Boulder County District Attorney](#)

Boulder County Just8p5.0BDC 0uhg1



Center for Community (C4Cuu/BBox βg)C, CRmm



Phone: (303) 492-8855 (24-hour phone service)

Provides advocacy and counseling services that may be used by students, staff, faculty



[holiday schedule online.](#))

Employee: Anyone under the university’s control (excluding independent contractors) who receives payment from the university for work performed, including but not limited to regular faculty, research faculty, university staff, classified staff, undergraduate and graduate student employees, or temporary employees.

Emergency Removal: Immediate and temporary suspension from classes or any other university building, activity, or program. This could include an interim suspension from all university activities and programs, and exclusions from all university buildings.

Mitigating Factor: Relevant circumstances accompanying the commission of misconduct or other extenuating circumstances that may be taken into account to reduce a sanction. These factors do not constitute a justification or excuse for the behavior in question.

Participants: complainant, respondent, and any witnesses or other third parties participating in an OIEC resolution process.

Party: Complainant or respondent and collectively referred to as “parties.”

Respondent: An individual who has been reported to be the perpetrator of alleged prohibited conduct under any applicable policy.

Sanction: Refers to the discipline imposed as a result of a policy violation.

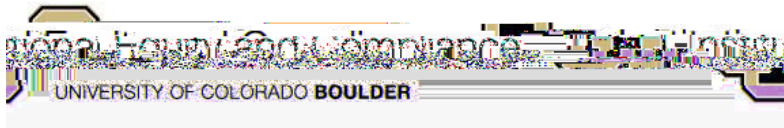
Student: The term student includes all persons taking courses at the university, either full time or part time, pursuing undergraduate, graduate, or professional studies, as well as non-degree seeking students. This includes individuals who confirm their intent to enroll in programs, those attending new student welcome or orientation sessions, students between academic terms, and those that were enrolled at the date of an alleged incident. This also includes persons who are eligible to enroll but are not enrolled at the university, persons who are suspended from the university, and persons participating in a leave of absence. Persons who withdraw after allegedly violating university policies or who are not officially enrolled for a particular term but who have a continuing relationship, as determined by Academic Advising, with the university are considered students.

University: The University of Colorado Boulder.

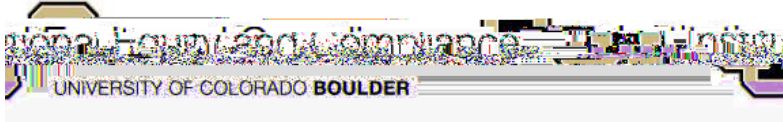
University Official: A university employee working in the performance of their duly authorized duties.

University Property: University owned or controlled property.

Witness: Any individual who may have information relating to a matter being investigated by OIEC.



XIII.



Definition of Unlawful Sexual Contact – Colorado Revised Statute § 18-3-404

(1) Any actor who knowingly subjects a victim to any sexual contact commits unlawful sexual contact if:

- The actor knows that the victim does not consent; or
- The actor knows that the victim is incapable of appraising the nature of the victim's conduct; or
- The victim is physically helpless and the actor knows that the victim is physically helpless and the victim has not consented; or
- The actor has substantially impaired the victim's power to appraise or control the victim's conduct by employing, without the victim's consent, any drug, intoxicant, or other means for the purpose of causing submission; or
- 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, unless incident to a lawful search, to coerce the victim to submit; or
- The actor engages in treatment or examination of a victim for other than bona fide medical purposes or in a manner substantially inconsistent with reasonable medical practices.

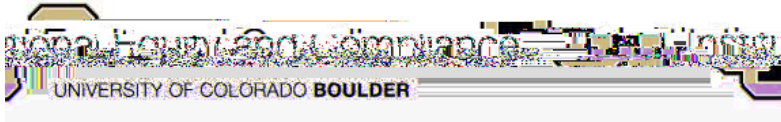
(1.5) Any person who knowingly, with or without sexual contact, induces or coerces a child by any of the means set forth in section 18-3-402 to expose intimate parts or to engage in any sexual contact, intrusion, or penetration with another person, for the purpose of the actor's own sexual gratification, commits unlawful sexual contact. For the purposes of this subsection (1.5), the term "child" means any person under the age of eighteen years.

Definition of Domestic Violence – Colorado Revised Statute § 18-6-800.3 (1)-(2)

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. 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.

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.

(Note that "dating violence" in Colorado is included with the broader definition of domestic



violence)

Definition of Stalking – Colorado Revised Statute § 18-3-602 (1)(a)-(c)

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

- 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
- 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
- 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.