

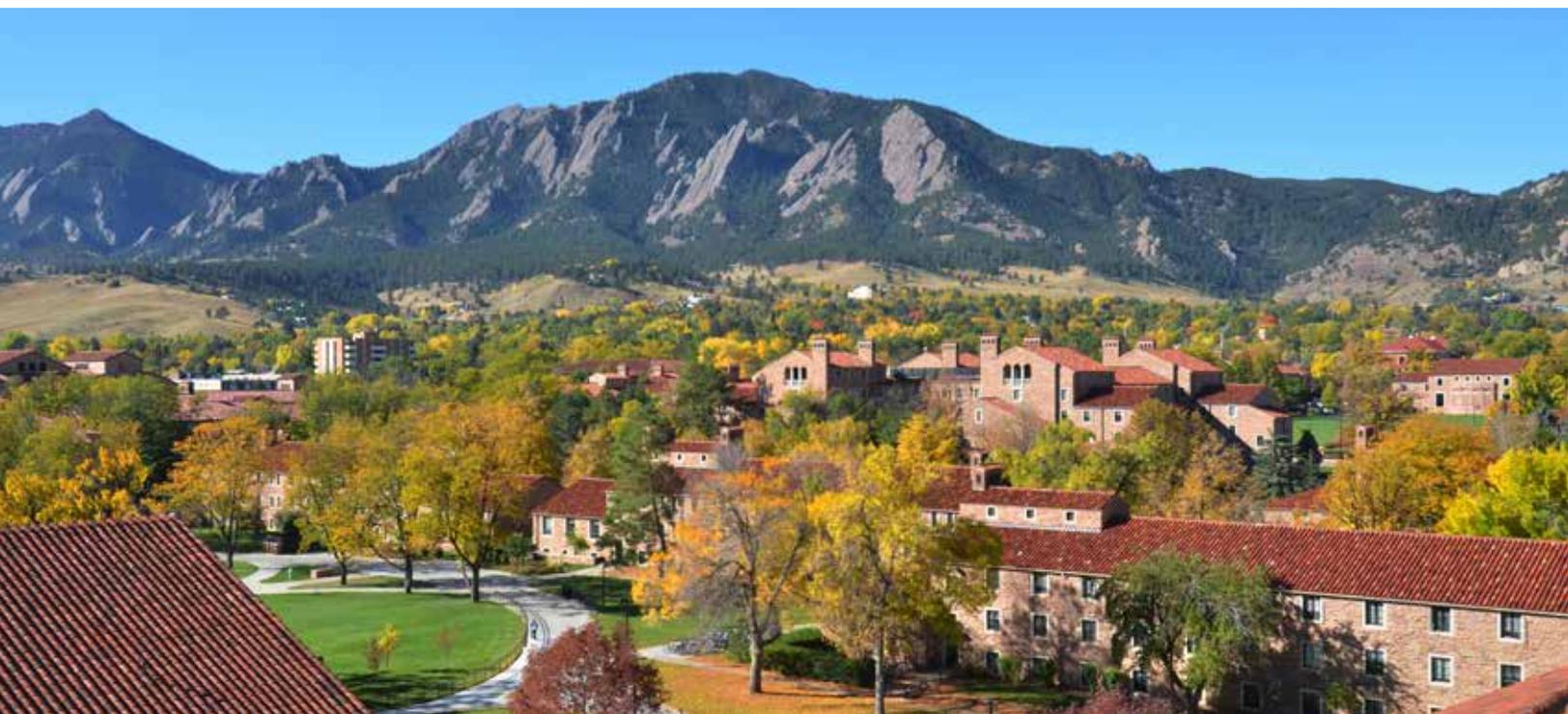


Office of Student Conduct
& Conflict Resolution
UNIVERSITY OF COLORADO **BOULDER**

OFFICE OF STUDENT CONDUCT & CONFLICT RESOLUTION

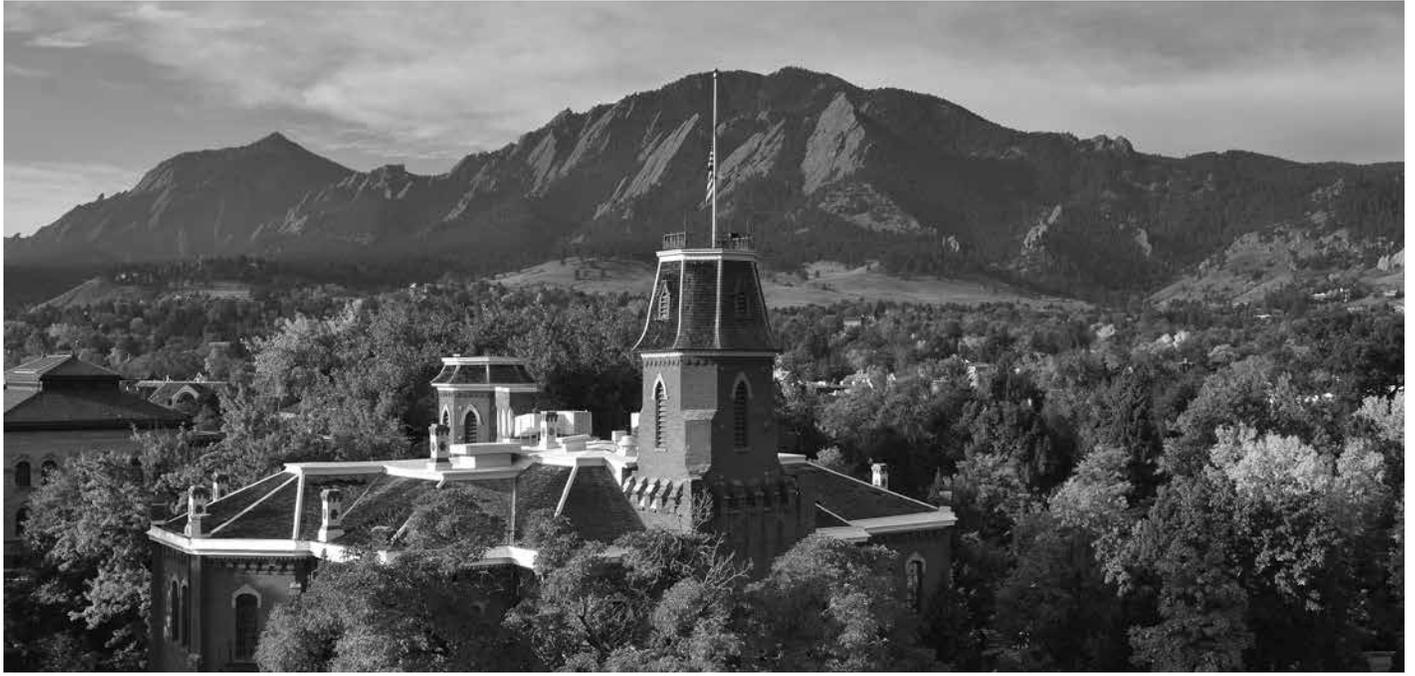
Student Conduct Code Policies & Procedures **2016 –17**

Effective 8/8/2016



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A. PURPOSE AND VALUES OF THE OFFICE OF STUDENT CONDUCT AND CONFLICT RESOLUTION

PURPOSE

Support community safety, student growth and success by helping students

- Reflect on decisions
- Be accountable for their actions
- Make decisions in congruence with community standards of conduct.

CLARIFICATION OF VALUES

1. The student will understand the effect of their behavior on others.
2. The student will demonstrate ethical development, will comply with institutional policy, and will commit no further violations of policy.
3. The student will gain understanding of the institutional values reflected in institutional policies.
4. The student will gain a better understanding of the importance of personal integrity. Through our process the student will be asked to reflect on their beliefs, ethics and values. The student will be able to articulate their personal ethics and values, will act in congruence with those ethics and values, and will make decisions that reflect their beliefs.
5. The student will contribute positively to the university community and beyond.
6. The student will gain a better understanding of the consequences and potential consequences of their personal actions and will learn the purposes of institutional policies.
7. The student will employ critical thinking in problem solving and ultimately obtain a degree.

B. AUTHORITY

Article 7, Part B, of the Laws of the Regents requires each campus to develop a student code of conduct. The Office of Student Conduct and Conflict Resolution (OSC) 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 vice chancellor for student affairs or his/her designee for final determination.

Questions regarding behavioral problems should be directed to the Office of Student Conduct and Conflict Resolution, University of Colorado Boulder, 10 UCB, Boulder, CO 80309, phone 303-492-5550.

C. JURISDICTION

1. This policy governs:

- a. Student conduct that occurs on or as it relates to university property or at official functions and university-sponsored programs conducted away from the campus. University property is defined as land, buildings and facilities in possession of or owned, used or controlled by the university or funded by university budgets.
- b. Student conduct that occurs off university property is subject to this policy if it: (1) adversely affects the health, safety, or security of any member of the university community or the mission of the university; or (2) involves any records or documents of the university.
- c. For purposes of this policy, the university's mission is broadly defined to include both its academic goals and the importance of developing civic responsibility in our students.

2. Actions taken under the conduct process are separate and apart from any law enforcement or other court process or proceeding, such as a civil lawsuit or criminal prosecution that may relate to the same underlying factual incident. The Office of Student Conduct and Conflict Resolution's jurisdiction does not depend on whether a student is criminally charged through the criminal justice system. The conduct process is not postponed while criminal or civil proceedings are pending unless otherwise determined by the conduct officer. Dismissal of criminal charges or acquittal in a criminal case does not prevent the Office of Student Conduct and Conflict Resolution from investigating and adjudicating an incident.
3. The unexcused failure of a student to appear and/or respond to the conduct process does not prevent the university from proceeding with or completing the conduct process.
4. For jurisdictional information related to sexual misconduct (including sexual assault, sexual harassment, intimate partner violence and gender/sex-based stalking), protected class discrimination and harassment and any related retaliation see section J1.
5. For jurisdictional information on cases pertaining to academic misconduct see section J2.
6. Questions or concerns regarding policy and procedure for students charged or convicted of a crime that occurred prior to being a student should be directed to the Dean of Students Office or the Office of Admissions.

D. ADVISORS

Students may bring an advisor of their choice, including but not limited to advocates or attorneys, to any conduct process meeting, including, but not limited to conduct hearings. Advisors are not permitted to speak for, or on behalf of the student during any phase of the conduct process, including conduct hearings. However, with permission from the conduct officer advisors may make a statement and/or ask questions of the student to present relevant information after the conduct officer has completed discussions with the student. 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 Notice. The Office of Student Conduct and Conflict Resolution, or designated conduct officer, is not obligated to reschedule the meeting to accommodate an advisor's schedule.

E. DUTIES OF STUDENTS

It is the duty of all students to participate conscientiously and honestly in any conduct process. Students have a duty to cooperate and discuss relevant information with conduct officers and other Office of Student Conduct and Conflict Resolution staff, adhere to stated deadlines, attend scheduled meetings, and otherwise participate in all processes.

Knowingly providing false or misleading information to the Office of Student Conduct and Conflict Resolution is a violation of this Policy and Procedures. This provision does not apply to reports made or information provided in good faith, even if the facts alleged are not later substantiated.

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 and subject to sanctions for failing to comply with the direction of a university official.

F. PROHIBITED STUDENT CONDUCT

The conduct listed below is prohibited, as are attempts to commit conduct prohibited by this code. Prohibited conduct also includes conduct engaged in by electronic means, including, but not limited to, computers (such as with use of the Internet for email or social media purposes), any type of phone (such as by calls, texts, instant messaging, or the Internet), or any other means of electronic communication. These provisions should not be construed, and will not be enacted, to deny any student any rights protected by the United States and/or Colorado Constitution.

1. Physical Misconduct. Any intentional or reckless physical force causing or likely to cause bodily harm upon any person including, but not limited to, assault, fighting, brawling, or restraining someone against their will.
2. Threats to or Endangerment of Person(s). Threatening or endangering the safety of another person.
3. Threats to or Endangerment of Animal(s). Threatening or endangering the health or safety an animal.
4. Aiding and abetting. Contributing to the commission of conduct prohibited by this code.
5. Public Exposure. Recklessly and publicly exposing one's intimate body parts or engaging in public urination, defecation, or sex acts that do not fall under the Office of Institutional Equity's Process and Procedures jurisdiction.
6. Violation of Law. Violating any federal, state, or local law, as determined by the OSC.
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 or group 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. Abusive conduct, including verbal abuse, threats, intimidation, coercion, or other conduct which has caused a person substantial emotional distress and where the circumstances would cause a reasonable person to suffer substantial emotional distress.
9. Violation of university policy or regulation. This includes but is not limited to:

- a. The “Campus Use of University Facilities” policy. See www.colorado.edu/policies/campus-use-university-facilities
 - b. “Acceptable Use of CU-Boulder’s IT Resources.” See www.colorado.edu/policies/acceptable-use-cu-boulder%E2%80%99s-it-resources.
10. Interference, Obstruction, Disruption of University Activity. Materially and substantially 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, Residence Life activity or operations, recreation, meetings, public events, and disciplinary proceedings. University activities include off-campus university programs or activities.
 - 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 re-sponse. This prohibition includes, but is not limited to resisting arrest and/or failing to abide by the directions of a peace officer.
12. Failing to comply with the direction of university officials who are performing their duties. Students are required to comply with instructions or directions given by university officials, including, but not limited to, an instruction to present identification or a no contact directive from the Office of Student Conduct and Conflict Resolution.
13. Failing to abide by or complete a university sanction in a satisfactory manner.
14. Impersonation of another, using another person’s identity, or furnishing materially false information to law enforcement or any university official, including manufacturing, use or possession of false identification. This section prohibits use of false identification or the identification of another person to gain entrance to any facility or business. This section also prohibits forging or altering another person’s signature or any official university document.
15. Retaliation. Retaliating against or discouraging, directly or through third parties, an individual from participating in a university process, including the conduct process. To be considered retaliation there must be a causal connection between a materially adverse action and the act of reporting a violation or participating in a conduct process. A materially adverse action is one that would dissuade a reasonable person from reporting a violation, and includes, but is not limited to intimidation, threats, or coercion. A determination of whether an action is materially adverse is a fact dependent inquiry made on a case-by-case basis by the conduct officer.
16. Fire Safety. Violation of local, state, federal or campus fire policies including, but not limited to:
- a. Intentionally or recklessly causing a fire which damages University or personal property.
 - b. Failure to evacuate a university controlled building during a fire alarm.
 - c. Improper use of University safety equipment.
 - d. Tampering with or improperly engaging a fire alarm or fire detection equipment while on University property.
17. Unauthorized use of, entry into, exit from, or presence on university property, property belonging to another, and/or digital property.
18. Damaging university property or property belonging to another.
19. Engaging in, inciting, or arming someone for a riot or public disturbance. (See Appendix 1 for further information)
20. Use of an electronic or other device to make an audio and/or visual recording of another person (including, but not limited to photographing, videotaping, filming, or audio recording) without the person’s express consent when such recording causes the person to suffer substantial emotional distress and would cause a reasonable person to suffer substantial emotional distress. The storing, sharing, and/or distribution of such records by any means are also prohibited.
21. Possessing firearms, explosives, incendiary devices, ammunition, or other weapons on campus except as permitted by law. “Weapon” as used in this provision may be an instrument of offensive or defensive combat; anything used, or designed to be used, in destroying, defeating, or injuring a person; an instrumentality designed or likely to produce bodily harm. A weapon may include, but not be limited to, the following: any firearm, slingshot, cross-knuckles, knuckles of lead, brass or other metal, any bowie knife, dirk, dagger or similar knife, or any knife having the appearance of a pocket knife, the blade of which can be opened by a flick of a button, pressure on the handle or other mechanical contrivance. A harmless instrument designed to look like a firearm, explosive, or dangerous weapon which is used by or is in the possession of a person with the intent to cause fear in or assault to another person is expressly included within the meaning of weapon. See Regents Policy, www.cu.edu/regents/Policies/Policy141.htm.
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 in violation of law or university policies. Use or possession of marijuana, including medical marijuana used or possessed under Colorado Constitution Article 18, section 14, is strictly prohibited on campus. Any such use or possession is a violation of the Student Conduct Code. In addition, the state constitutional amendment authorizing individuals over the age of 21 to recreationally use marijuana (“Amendment 64”) does not change this prohibition or authorize a student to use marijuana. Federal law, including the Drug Free Schools Act, continues to prohibit marijuana. Thus marijuana use, even if in compliance with Amendment 64, is prohibited on campus.

- a. Misuse of legal substances; use of general products as intoxicants or “means to get high”; and inhaling or ingesting a substance (including but not limited to nitrous oxide, glue, paint, gasoline, solvent, etc.) other than in connection with its intended purpose is also prohibited.
 - b. Use of a prescription drug other than by the person to whom the drug is prescribed and in accordance with the prescription is prohibited. This includes sharing drugs such as Ritalin or Adderall.
24. Possessing, using, providing, manufacturing, distributing, or selling alcoholic beverages in violation of law or university policies.

- a. Driving while under the influence of alcohol and/or drugs.

25. Violating any Housing and Dining Services policy. Violating any residence hall policy appearing in Residence Hall Policies or any policy properly communicated through Housing and Dining Services staff. All responsible findings for violation of this policy will be expunged at the end of each academic year. See Residence Hall Policies at housing.colorado.edu/resources-tips-policies-procedures/residence-hall-handbook for more information

This includes, but is not limited to the following:

- a. Violating the noise policy.
- b. Throwing items of any kind from windows, balconies, roofs, etc.
- c. Tampering with, propping open, or misusing residence hall security doors or tampering with security cameras and/or surveillance equipment.
- d. Disposing of personal trash in hallways, bathrooms, or other common areas.
- e. Keeping a pet or animal in the residence hall except as required by law.
- f. Playing any type of restricted game in the buildings (e.g., Frisbee, hockey, golf, darts); throwing snowballs; participating in water fights; or bicycling, skateboarding, or in-line skating in the buildings or specified areas close to the buildings.
- g. Maintaining open flames, burning incense or candles, using barbecues or grills, possession or use of a blow torch, using prohibited appliances, hanging/displaying prohibited tapestries, or possessing any of these items, even if meant for display only, or cooking in resident rooms, common areas, and areas surrounding the residence halls.
- h. Failing to instruct guests as to university or residence hall rules and policies. Residents are responsible for and are held accountable for the conduct of their guests and all activities in their rooms.
- i. Violating the visitation policy.

- j. Throwing food and/or items in the residence hall dining centers; and/or carrying out food from the dining centers, except where permitted.
- k. Violating the smoke-free buildings policy.
- l. Violating the overnight guest policy.
- m. Violating the roommate agreement policy.

G. DEFINITIONS

Unless the context requires a different meaning, the following definitions apply.

- 1. Acceptance of Responsibility.** The responding student agrees that their behavior constitutes a violation of the code of conduct, as outlined in the student conduct notice.
- 2. Aggravating Factor.** Any circumstances accompanying the commission of prohibited conduct 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.
- 3. Conduct Process.** Any processes outlined in this Student Conduct Code Policies and Procedures. These include, but are not limited to Office of Student Conduct and Conflict Resolution procedures, informal processes, investigations of alleged prohibited conduct, and appeals processes.
- 4. Conduct Officers.** Conduct officers include any university staff member designated to investigate and/or make decisions about facts in student conduct cases. Conduct officers have the authority to determine sanctions including, but not limited to, exclusions, no-contact directives, administrative moves, residence hall termination, informal probation, formal disciplinary probation, suspension, expulsion, and educational sanctions
- 5. Designation.** A student’s classification; i.e., graduate, undergraduate, continuing education, degree seeking or non-degree-seeking.
- 6. Mitigating Factor.** Extenuating circumstances that may be taken into account to reduce a sanction for prohibited conduct. These factors do not constitute a justification or excuse for the prohibited conduct in question.
- 7. Parent.** A student’s parent or legal guardian.
- 8. Peace Officer.** A person designated by the University of Colorado or the state or federal government with the responsibility of enforcing laws or policies.
- 9. Preponderance of Information.** This is the standard of proof used in the formal resolution process under this code, meaning it is more likely than not that the alleged behavior occurred.
- 10. Student.** 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 also includes individuals who confirm their intent to enroll in programs, those attending 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 not enrolled at the university and persons participating in the Time-Off Program.
- 11. Student Conduct Appeal Committee (SCAC).** A body of University community members, students, faculty, or staff,

appointed by the Vice Chancellor for Student Affairs charged with reviewing cases that have been appealed through the Office of Student Conduct and Conflict Resolution. See section J.

12. **University.** The University of Colorado Boulder.
13. **University Official.** A university employee working in the performance of duly authorized duties. University officials may be full or part time, or may be student staff members.
14. **University Property.** University owned or controlled property.
15. **Witness.** Any individual who may have information relating to a conduct case.
16. **Working Day.** Monday through Friday, except for official university holidays.

H. CONDUCT PROCESS

The following procedures will be used for the student conduct process:

1. Commencement of a Conduct Process

A conduct officer may initiate a conduct process on the basis of a complaint or report received from any source, including, but not limited to an individual, a residence hall official, or a law enforcement agency. Upon receipt of a complaint or report, the conduct officer may review the information to decide whether the allegations fall within the jurisdiction of the Student Conduct Code and whether a conduct process should occur. The conduct officer may: 1) initiate a conduct process by sending the student a Student Conduct Notice; 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 student conduct code or applicable policy, and take no further action.

2. Student Conduct Notice

- a. When the conduct officer initiates conduct process, a Student Conduct Notice will be sent to the student who is the subject of the report or complaint. As noted in the Student Email Policy (www.colorado.edu/policies/student-e-mail-policy), email is an official means of communication within CU Boulder. Therefore, the university has the right to send communications to students via email and the right to expect that those communications will be received and read in a timely fashion. At the conduct officer's discretion, the notice may also be hand-delivered or sent via standard U.S. mail to the mailing or permanent address appearing in the university's student information system or police report. Notice to the student will be considered furnished on the date of hand-delivery; on the date emailed or three days after the date the notice is placed in the U.S. mail.
- b. The Student Conduct Notice shall include:
 - i. A summary of the known factual information supporting the alleged prohibited conduct;
 - ii. The conduct code provisions that are alleged to have been violated; and

- iii. The requirement that the student schedule a student conduct meeting with the conduct officer within the time frame designated in the letter.

- c. If a "no-contact" directive is detailed in the Student Conduct Notice, it is the responsibility of the student not to have any contact with the individual (s) named, directly, through third parties, or via electronic means. If an "exclusion" directive is detailed in the Student Conduct Notice, it is the responsibility of the student to abide by the directives as outlined in the notice.
- d. In cases which a student has been contacted for a conduct code violation by police at a sporting event, or other event, notice for the conduct processes may be given immediately by the OSC. Such notice may include a pre-set conduct meeting time with the Office of Student Conduct and Conflict Resolution.
- e. Expedited Student Conduct Process. When the conduct officer determines that a prompt student conduct meeting is essential (including but not limited to university orientation, end of the semester, the student is graduating, or there is substantial concern for the health, safety, or welfare of any person), the conduct officer may require that the student meet with him or her within 48 hours. In addition, in these cases, notice may be given via email, telephone, hand delivery, or by an end-of-semester contact form.

3. Student Conduct Process

The Office of Student Conduct (OSC) resolves alleged prohibited conduct through either the informal resolution or formal resolution process. Student Conduct Officers have the authority and sole discretion to determine whether to initiate either the formal or informal resolution process. This decision is primarily based on, but not limited to, the following factors:

- i) If the student admits or otherwise takes responsibility for the alleged prohibited conduct;
- ii) The student's prior conduct record;
- iii) The nature and severity of the alleged prohibited conduct;
- iv) The alleged impact and/or harm caused to another person or community;
- v) Whether the alleged conduct would violate the Student Conduct Code; and
- vi) Any other factors that the conduct officer finds relevant to the specific allegations.

The formal resolution process is an adjudication of the alleged prohibited conduct, considered an educational but disciplinary process, and may result in disciplinary sanctions and a conduct disciplinary record.

The informal resolution process is intended as a form of alternative dispute resolution, is voluntary, primarily educational in nature, not an adjudication of the allegations, not considered a

disciplinary process, and instead will result a written agreement with the student.

Because the OSC does not consider the informal resolution process to be a disciplinary process, it will not result in a disciplinary conduct record or file. Informal resolutions will never result in sanctions such as suspension or expulsion.

The first step in either process is initiated by the conduct officer issuing a written student conduct notice to the student which prompts the student to schedule a meeting with the conduct officer, as outlined in the notice.

a. Informal Resolution

This process may generally include, but is not limited to, a meeting with a conduct officer, completion of the agreement, and/or participation in the Restorative Justice program as is referenced in H.5.

During the meeting, if the conduct officer determines that the informal resolution process may be appropriate, the conduct officer will offer it as an option to the student and address any questions the student may have about the process. If the student accepts responsibility for the alleged prohibited conduct and agrees to and completes the agreement developed during the meeting, then the OSC will consider the matter to be resolved informally.

The agreement may include, but is not limited to the following required actions:

- i) Alcohol or substance use class
- ii) Participation in Alcohol Impact Circle
- iii) Meeting with campus resources
- iv) Other educational requirements

To identify appropriate and meaningful requirements in agreements, students are encouraged to engage in interactive communications with the student conduct officer.

The conduct officer reserves the right to stop the informal resolution process and initiate the formal resolution process at any time prior to the student's fulfillment of the agreement requirements, including but not limited to student failing to schedule or attend the meeting with a conduct officer, denies responsibility for the alleged prohibited conduct, does not want to participate in the informal resolution process, or the conduct officer determines that the matter is more appropriately resolved under the formal resolution process.

b. Formal Resolution

This process generally includes written notice of the factual allegations and alleged violations of the Student Conduct Code, the opportunity to meet with the conduct officer to address the allegations and provide information to the conduct officer, the conduct officer reviewing the allegations and making factual and violation determinations based on

the preponderance of the evidence, and written notice to the student of the conduct officer's determinations.

1. The conduct officer will consider the following in making this determination:
 - i. The allegations in the Student Conduct Notice and the responding Student's response to those allegations.
 - ii. Any relevant documents that are contained in the file or presented by the student, alleged victim, or any other interested party.
 - iii. The oral or written statements of any witnesses with relevant information, as supplied by the parties to the case or as requested by the conduct officer.
- c. The responding student may identify witnesses believed to have relevant information to impart to the conduct officer. If the conduct officer determines that the witness may have relevant information, a good faith effort to contact such witnesses will be made to obtain a statement from them.
 - i. The Office of Student Conduct and Conflict Resolution cannot guarantee the participation of an identified witness.
 - ii. The conduct officer may decline to contact any witnesses if the conduct officer believes that the witness does not have information relevant to the facts in dispute.
 - iii. The responding student may submit questions to the conduct officer to be asked of the witnesses, but is not entitled to be present during the conduct officer's interview of witnesses, including the victim. It is within the discretion of the conduct officer to decide whether to ask the witnesses any question(s) submitted by the responding student.
 - iv. Students and university employees are expected to participate as reasonably requested in the conduct process as a responsibility of membership in the university community and failure to do so may result in disciplinary action.
 - v. The conduct officer, may choose to meet again with the responding student or any other witnesses, including the any reporting party, in order to obtain responses to additional information gathered during the formal resolution process.
- d. Prior to the conduct officer's decision in a formal resolution process, responding students may request to know the names of any witness or reporting party, if not already provided, and have access to review and respond to the relevant information any such individuals have provided to conduct officers.
- e. Technical rules of evidence and procedures applicable to civil and criminal court cases do not apply to the student conduct process. The conduct officer is authorized to consider any information relevant to the allegation of prohibited conduct.

- f. The conduct officer may exclude any person, including the responding student and the student's advisor, who disrupts a meeting.
- g. The conduct officer will make determinations about the facts and the credibility and reliability of the information provided and determine whether the student has violated the Student Conduct Code.
- h. If the student is found responsible for violating the Student Conduct Code, the conduct officer will determine any aggravating or mitigating circumstances and assign sanctions. The conduct officer will notify the responding student and appropriate university officials of the decision in writing. The appeal process in these cases is outlined in Section J.
- i. The Office of Student Conduct and Conflict Resolution maintains a record of the information obtained pursuant to the formal resolution process. The record includes copies of all correspondence between the responding student and the Office of Student Conduct and Conflict Resolution, copies of any audio records, all documents, and the decision.
- j. If the student does not schedule or attend a scheduled meeting with the conduct officer or attends a meeting but does not participate by the date specified in the notice, the conduct officer may decide the outcome of the case in the student's absence or without the student's participation based on the information available to the conduct officer.
- k. Students are required to comply with any deadlines and dates of the formal resolution process. Requests for any delay in the process or rescheduling of any meeting are discouraged, will be considered on a case by case basis, and granted only if the conduct officer determines that the circumstances are appropriate.

4. Directives

- a. The Director of Student Conduct and Conflict Resolution, or their designee, has discretion at any point during a conduct process, formal or informal, to assign a no-contact directive. When a student is issued a no-contact directive, the student may request to meet with a conduct officer to discuss the factors of the no-contact directive. These directives will remain in effect for the duration of the conduct process and until otherwise notified by the Director of Student Conduct or their designee.
- b. If a student is assigned a no-contact directive, they are prohibited from having any contact with the student(s) as described in the notice. Contact includes but is not limited to direct contact and all forms of communication, extending to email, social media sites, phone, texting, or any contact through parties (mutual friends). Failure to abide by the no-contact directive may result in the conduct officer issuing a student conduct notice of alleged violations of F. 12 and subject the student to sanctions. Any retaliatory contact direct toward any student connected to a student conduct process is prohibited, as described in F.15, and may result in the conduct officer issuing a student conduct notice of alleged violations of F.15 and subject the student to sanctions.

5. Restorative Justice

The Director of Student Conduct and Conflict Resolution, or their designee, has discretion to refer a report or complaint to the restorative justice program.

All parties must agree on the resolution and be bound by the decision with no review/appeal. Students who do not successfully complete the restorative justice program will be forwarded to the Office of Student Conduct and Conflict Resolution for the formal or informal resolution process as determined by the conduct officer. The Office of Student Conduct and Conflict Resolution will determine whether or not a case is eligible for the Restorative Justice Process.

6. Standard of Proof and Process

In order to find that a student has engaged in prohibited conduct, the standard of proof required is a preponderance of the information contained in the record. The information must demonstrate that it is more likely than not that the student violated the Student Conduct Code.

7. Request to Inspect Records

Students have the right to inspect and review their education records to the extent that it includes information directly related to them. To do so, students must submit a request to inspect records form. The Office of Student Conduct and Conflict Resolution will comply with a request for access within a reasonable time, not to exceed 45 days. Arrangement shall be made for the student to review their records in the presence of a staff member. Please be advised that the Office of Student Conduct and Conflict Resolution does not permit the copying of these records, does not allow the education records to be removed from our offices, does not allow unauthorized individuals to inspect education records, and the records may have certain information redacted pursuant to law. Please see our website at www.colorado.edu/osc/sites/default/files/attached-files/2015-2016_osc_request_to_inspect_records.pdf

Notwithstanding the above, pursuant to H.3.e, prior to the conduct officer's decision in a formal resolution process, and if not already provided, responding students may request to know the names of any witness or reporting party, and have access to review and respond to the relevant information any such individuals have provided to conduct officers.

8. Student Conduct Processes Closed

The university may audiotape any conduct processes. The student or his or her advisor must obtain permission from the conduct officer to audiotape any conduct processes. Any audiotape that is made by the university may be listened to by the responding student, but not copied, and will be kept for as long as described in section K.1.

I. SANCTIONS

Overview

- a. After hearing the case, the conduct officer may find by a preponderance of the information that the responding student is not responsible for violating the Student Conduct Code, or may find the student responsible for violating the Student Conduct Code and issue sanctions based on that finding. The responding student and an alleged victim may provide an impact statement or character references for consideration during the sanction process, if the student is found responsible.

- b. Sanctions imposed for prohibited conduct will be based upon a consideration of all of the circumstances in a particular case. Mitigating and aggravating circumstances will be considered. Repeated violations are likely to result in progressively severe sanctions. One or more of the sanctions below may be imposed. In all cases, the conduct officer and conduct body reserve the right to use their discretion in determining the appropriate sanction for a case, which could include lower or higher sanctions than the prescribed guidelines. All decisions regarding responsibility and appropriate sanctions will be given to a student in writing.
- c. Sanctioning of alcohol and drug violations may be more severe if the incident includes any of the following aggravating factors(s): public intoxication, provision of alcohol/drugs to minors, driving a vehicle under the influence of alcohol/drugs, damage to property, obstruction of a peace officer or failure to cooperate with a university official. Sanctioning may also be more severe if the violation is accompanied by other violations of the Student Conduct Code or multiple violations of the Student Conduct code.

1. Educational Sanctions

The student may be required to attend a class, program or lecture, or be involved with the community in a way that brings about a new understanding of the community and how their behavior may have impacted others. This is not an exhaustive list but should serve as a reference for the types of educational sanctions that may be imposed.

2. Warning

A warning/written reprimand is a written statement from the conduct officer or conduct body that the behavior was inappropriate and that more serious conduct action will be taken should subsequent infractions occur.

3. Residence Hall Reassignment

A student who resides in a residence hall is assigned to a different residence hall on campus.

4. Residence Hall Termination

A student's residence hall agreement is terminated through the conduct process and the student is prohibited from residing in any university residence hall on either a permanent or temporary basis. Specific exclusion from the residence halls may also be imposed. Termination may occur in cases where a student appears to be involved in violations of the Student Conduct Code and the behavior or pattern of behavior has a significant negative impact on their living community.

Residence Hall Termination in Abeyance. The student's residence hall agreement is terminated, but due to mitigating circumstances the termination is deferred, allowing the student to continue living in the residence hall and providing a student with a final opportunity to prove they can operate responsibly within the living community. If the student, through

the conduct process, is found to have violated the Student Conduct Code or any Residence Hall Living Policy during the period of termination in abeyance, the student will be immediately terminated from the residence hall for the duration of the abeyance, and may be given additional sanctions, including an extension of the termination and suspension.

5. Probation

A student is placed on probation. Probation lasts for a specific period of time. Any violation of the Student Conduct Code or the conditions of probation committed during the probationary period will likely result in further disciplinary action.

6. Formal Disciplinary Probation

Probation for a designated period of time in which specific sanctions or restriction may be imposed as part of this probation. Further prohibited conduct is likely to result in suspension. The student on formal disciplinary probation is not in good standing with the University. Loss of good standing may prohibit or impact a student from:

- a. Representing the University through official events.
- b. Studying Abroad.
- c. Serving in a leadership position or on a University committee.

For information about the Community Re-Engagement Program which enables a student to end Formal Disciplinary Probation early, see section L.4.

7. Parental Notification

The OSC notifies parents when a student under age 21 is found responsible for violating the alcohol or drug policy.

8. Suspension

The student is required to leave the university for a specific period of time. A suspension notation appears on the student's transcript. After the period of suspension has expired, the transcript notation will be removed. The student is required to apply for readmission to the university after the suspension period. Suspension from the university includes an exclusion from university property during the period of suspension. A suspension decision results in the student being suspended from all campuses of the University of Colorado system. Upon completion of the suspension, if the student wishes to return to the university, they must complete the re-admission process through the Office of Admissions.

9. Expulsion

The student is required to permanently leave the university. A notation of expulsion remains permanently on the student's transcript. An expulsion keeps the incident on file in the Office of Student Conduct and Conflict Resolution permanently. Expulsion from the university includes an automatic exclusion from university property. An expulsion decision results in the student being expelled from all campuses of the University of Colorado system.

10. Exclusion

The student is denied access to all or a portion of university property. When a student is excluded from university property, that student may be permitted onto university property for limited periods and specific activities with the permission of the Director of the Office of Student Conduct and Conflict Resolution or their designee. Should the student enter university property without permission, action may be taken by the police for trespass.

11. Restriction or Denial of University Services

The student is restricted from using or is denied specified university services, including participation in university activities.

12. Delayed Conferral of Degree

The issuance of a student's diploma is delayed for a specified period of time.

13. Recommendation for Revocation of Degree

The conduct officer or hearing board recommends to the Regents of the University of Colorado revocation of an earned degree.

14. Additional Sanctions

Additional sanctions include, but are not limited to, requiring the student to compensate a victim for theft, damage, counseling or other expenses incurred as a result of the incident.

J. APPEALS PROCESS

1. Introduction

A responding student may only appeal if the sanctions of formal disciplinary probation, termination of housing contract, suspension, or expulsion were imposed. All appeals must be made in accordance with procedures outlined in this section. The appeal is the final step in the conduct process. An appeal does not provide a second hearing of the case. The review on appeal will be based on the existing record, or new information provided per J.2.a.iii below. The information provided to the appeal officer in the student's request for appeal and information the conduct officer may present regarding the rationale for the decision. Deviation from the procedures in this code will not invalidate a proceeding or decision or be a basis for appeal except where such deviation has clearly resulted in significant prejudice to a responding student or complainant.

2. Appeals

a. Criteria

A student may appeal upon one or more of the following grounds:

- i. The established procedures were not followed in a significant way and as a result, the factual findings, the sanction, or both, were not correct.
- ii. The severity of the sanction imposed was not appropriate based on the nature of the violation or the circumstances.

In cases in which a responding student has accepted responsibility, such appeals are limited to having the severity of the sanction reviewed.

- iii. There is new information that would have been material to the outcome, had the information been presented at the student conduct meeting. The new information must be included with the student's request for appeal. Also, the student must show that the new information was not known to the person appealing at the time of the original student conduct meeting.

b. Appeals Process

If a case is appealed, and unless the welfare of a person or the community is threatened, all of the 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.

An appeal must be filed by the date specified in the original decision letter from the Office of Student Conduct and Conflict Resolution. If a student files an appeal, they will be informed of the outcome when the appeal process has been completed. An appeal will only be considered if it includes the request to appeal form, the student's criteria for appeal and rationale for appeal. It is the student's obligation to provide any and all materials they wish to have considered at the time of appeal submission. Subsequent information and/or revisions to the appeal will not be accepted. The Director of the Office of Student Conduct and Conflict Resolution or their designee will make the decision as to whether these conditions have been met. A student may file an appeal by delivering it to the Office of Student Conduct and Conflict Resolution.

The request for appeal form is available in the Office of Student Conduct and Conflict Resolution, at the front desk of any residence hall office, or at <http://www.colorado.edu/osc/>. Students are encouraged to consult with all resources about the appeal process prior to submitting the request for an appeal.

c. Appeal Exemptions

There are no student appeals for the following: 1.) Colorado law regarding hazing; 2.) Amnesty Policy; and 3.) Colorado law regarding riots. See Appendix.

d. Student Conduct Appeal Committee

- i. The Vice Chancellor for Student Affairs, or their designee, upon the recommendation from the Director of Student Conduct and Conflict Resolution shall appoint the Student Conduct Appeal Committee (SCAC) members. The SCAC members shall have no prior involvement with the case through the Office of Student Conduct and Conflict Resolution. The SCAC shall only consider information contained in the record of the case that is transmitted to the appeal officer; however, the SCAC may request clarification of the decision rendered by the conduct officer. Any SCAC member who believes

they are unable to be an objective participant for a given appeal is expected to remove themselves from the SCAC for that particular appeal.

- ii. The SCAC shall consist of three members. One member of the SCAC will serve as the lead appeal reader (LAR). The LAR must be a staff or faculty member and is responsible for management of the SCAC.
- iii. The SCAC will review the student's appeal and decide on an action, as outlined in J.2.e, by a majority vote. The LAR will compose an Appeal Decision Letter to the student and submit it to the Office of Student Conduct and Conflict Resolution. The Office of Student Conduct and Conflict Resolution will provide a copy of the Appeal Decision Letter to the student.

e. Actions Available to the Student Conduct Appeal Committee

The SCAC shall have the authority to:

- i. Affirm the initial decision.
- ii. Find that improper procedures were used, to the prejudice of the student. In this case, the SCAC can refer the case back to the conduct officer with a recommendation on how to correct the procedures. The conduct officer may make a new decision on the case. The student may then submit another request for appeal if the student again has grounds to appeal after the new decision.
- iii. Reduce or increase the sanction, if the SCAC determines that the sanction imposed was too severe or too lenient, given the nature of the violation and/or the circumstances. A sanction should not be increased or decreased unless there is compelling justification to do so. Merely disagreeing with the decision of the conduct officer is not a compelling justification.
- iv. Find that (a) the student has presented information that would have been material to the outcome of the case, had the information been presented at the student conduct meeting, and (b) the information was not known to the person appealing at the time of the original student conduct meeting. In this event, the SCAC will refer the case back to the conduct officer for reconsideration in light of the new information.

f. Questions of Law

If questions of law arise during the appeal process, the SCAC may consult with the Office of the University Counsel.

K. Additional Information

1. Record Retention

The Office of Student Conduct and Conflict Resolution maintain student conduct records in accordance with federal and state law and university policy. Disciplinary records are retained for five years after the conduct decision letter is sent unless other-

wise stated within the Student Conduct Code. All disciplinary records are destroyed after these periods, except in cases of expulsion and sexual misconduct.

a. Sealing of Student Conduct Record

The OSC typically expunges formal student conduct records 5 years after a final decision letter in a student conduct process is provided to a student, except to the extent that may be required otherwise by law, or in the case of expulsions which are maintained indefinitely.

Student conduct records may be sealed earlier by the Office of Student Conduct and Conflict Resolution upon written petition from the student by completing and submitting the "Petition to Seal Student Conduct Record" form found here: www.colorado.edu/osc/sites/default/files/attached-files/request_to_seal_student_conduct_record.pdf

For the purposes of this document, "sealed" means that files will be labeled as "sealed" and the record and underlying information in the record shall not be disclosed to external third parties by the Office of Student Conduct and Conflict Resolution except as required by law, for example in case of a subpoena. However, these records will be maintained internally and may be utilized for university disciplinary purposes until expunged.

Further violations of the Code of Conduct may result in an approved sealed decision being reversed.

Factors to be considered in review of the petition include:

- i. The student's disciplinary record as a whole.
- ii. The student's conduct after the violation.
- iii. The nature of the violation(s) including, but not limited to, the severity of the damage, injury, harm, or other impact resulting from the violation(s).
- iv. Whether all sanctions have been completed as directed or not, including informal probation, formal disciplinary probation, suspension, or expulsion.
- v. The person's responses to petition questions and other provided information.

The Dean of Students or their designee will make the final determination if a petition is approved. Student conduct records created less than 120 days ago shall not be expunged without compelling justification. The decision is final and is not appealable.

2. Interim Suspension

Prior to final resolution of a conduct process, the Vice Chancellor for Student Affairs, the Dean of Students, the Director of the Office of Student Conduct and Conflict Resolutions, or any of their designee(s), have the authority to interim suspend a student when, in the sole discretion of such official, the student's alleged prohibit conduct imposes the potential for continuing threat to persons or property or ongoing threat of disrupting academic progress.

Interim suspension may include an immediate and temporary: (1) prohibition for the student to attend any classes and any other university activity or program and (2) exclusion from entering any university property, in absence of prior permission or qualification from the Director of the Office of Student Conduct and Conflict Resolution, or designee.

During any time that a student is excluded from university property, the student may only enter university property for the limited periods and specific purposes prior authorized by the Director, or designee. Violation of this prohibition may result in further student conduct process and/or law enforcement action.

In the case of an interim suspension, the student will be provided simultaneous oral (with written notice to follow) or written notice of the alleged prohibited conduct and the opportunity to meet as soon as possible (*but not to exceed ten (10) days*) with the Director, or designee, to provide opportunity for the student to be heard and respond to the interim suspension decision so that the Director, or designee, may determine if the interim suspension will continue based on the student's response and other known, relevant information at the time. It is the responsibility of the responding student to schedule the meeting in the applicable timeframe, if requested.

After notice and opportunity to be heard, the Director, or designee, may decide to lift the interim suspension, modify the interim suspension, or continue the interim suspension, potentially until the conduct officer has made final findings and imposed a sanction, if applicable.

3. Adjudication Fee

When a student's incident results in informal probation, formal disciplinary probation, and suspension, a \$75 fee will be assessed. For subsequent incidents resulting in informal probation, formal disciplinary probation, and suspension, a \$100 fee will be assessed. This fee is used by the Division of Student Affairs to support educational programs and presentations. The Office of Student Conduct and Conflict Resolution does not receive any of the adjudication fee. Failure to pay the adjudication fee by the due date will result in late fees and/or service charges per the bursar's office. A financial stop will be placed on the student's record if the student fails to pay the adjudication fee by the due date. This stop will prevent the student from:

- a. Registering for future terms;**
- b. Participating in drop/add;**
- c. Receiving an academic transcript; and**
- d. Receiving a diploma.**

4. Disciplinary Hold and Disciplinary Stop

While the conduct process is pending, the university may place a disciplinary hold on the student's records. The disciplinary hold is honored by the University of Colorado Boulder campus, including Continuing Education, and prohibits the student from registering for classes until the conduct process, including the review procedure if requested, has been completed. The transcript hold prohibits the academic transcript from being released until all actions have been completed.

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.

A disciplinary stop shall be placed on a student's record if they are suspended as the outcome of the conduct process. 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 readmitted.

5. Refund Policy After Disciplinary Action

If a student is suspended or expelled from the university, assessment or refund of tuition and fees and/or Housing and Dining Services room and board costs are made in the same way as when a student voluntarily withdraws. See the Office of the Registrar (registrar.colorado.edu, 303-492-6970, or Regent Administrative Center room 101).

If a student has their Housing and Dining Services contract terminated, assessment or refund of room and board costs are made pursuant to the terms of the Housing and Dining Services contract.

The date used for determining the amount due will be the first day of the suspension, expulsion and or Housing and Dining Services contract termination, as decided upon by the conduct officer.

6. Release of Conduct Information

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. Office of Student Conduct and Conflict Resolution student information and records are available to university officials or offices with a "legitimate educational interest" under the Family Educational Rights and Privacy Act.

Notations of disciplinary action on the student's transcript will be made only by the Office of Student Conduct and Conflict Resolution. Expulsion will be permanently noted on the academic transcript. Suspension is noted on the transcript during the period of suspension and/or until the conditions for re-admission have been met.

The Office of Student Conduct and Conflict Resolution has discretion regarding whether to allow parent(s) who provide proof that a student is a dependent as defined in Section 152 of the Internal Revenue Code of 1954, to have access to their child's student information. A copy of the last federal income tax return listing the student as a dependent will serve as proof of dependency and may allow the parent(s) 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. 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.

In absence of a health or safety emergency, disclosure of student information to third parties outside the university, including, but not limited to, inquiries from employers, government agencies, news media, family, friends, or police agencies, except university contractors with legitimate educational interest, generally requires appropriate written permission from the student .

An exception to the foregoing is that information must be released pursuant to a lawfully issued subpoena or court order, and as otherwise required by law.

7. Re-Release of Information

Individuals who are authorized to receive student information are prohibited from further disclosing/releasing such information, unless expressly permitted by law. Violation of this prohibition could result in charges being pursued under this policy or other appropriate action.

8. Additional Interim Measures

The Director of the Office of Student Conduct and Conflict Resolution or designee have the authority to assign the following interim measures prior to a conduct meeting to promote campus safety.

- a. Interim Conduct Relocation
- b. Interim Exclusion
- c. Interim No Contact Directive
- d. Interim Class Exclusion

More information about interim measures can be found at www.colorado.edu/osc/students/sanctions/interim-sanctions

L. RELATED INFORMATION

1. Office of Institutional Equity & Compliance

Cases involving sexual misconduct (including sexual assault, sexual harassment, intimate partner violence and gender/sex-based stalking), protected class discrimination and harassment, and any related retaliation are subject to the Office of Institutional Equity and Compliance Process and Procedures <http://www.colorado.edu/institutionalequity/policies>. For more information, contact the Office of Institutional Equity & Compliance at (303) 492- 2127 or www.colorado.edu/institutionalequity.

2. Academic Integrity

Cases involving academic dishonesty are heard under the Honor Code. For more information, contact the Honor Code Office, or see the following website: honorcode.colorado.edu.

3. Classroom Behavior

For information about classroom behavior, see the following website: www.colorado.edu/policies/classbehavior.html

4. Community Re-Engagement Program

Consistent with its educational and developmental goals, the Office of Student Conduct and Conflict Resolution maintains

a Community Re-Engagement Program designed to help students on Formal Disciplinary Probation to re-engage with their community in positive ways and become eligible for OSC to consider early termination of their Formal Disciplinary Probation. More information about the program can be found at the OSC website at www.colorado.edu/osc/students/community-re-engagement-program.

To sign up for the program, please contact the OSC at student-conduct@colorado.edu.

5. Student Organizations

a. Student organizations may be charged with violations of the Student Code of Conduct to the same extent as students.

b. Student organizations, as well as their members and other students, may also be held collectively and/or individually responsible for violations occurring within the jurisdiction provided in C.1” .

c. The Student Organization officers, leaders, signers, or individuals currently listed in an official position in the Center for Student Involvement records may be held collectively and/or individually responsible when such violations are committed by persons associated with the organization who have received consent or encouragement from the organization officers or leaders if those officers or leaders knew or reasonably should have known that such violations were being or would be committed.

d. The officers or leaders of a student organization may be directed to take action designed to prevent or end such violations by the organization or by any persons associated with the organization. Failure to comply with a directive may be considered a violation of the Student Code of Conduct, both by the officers or leaders of the organization, and by the organization.

M. RESOURCES

The following are **confidential** resources available to students:

Student Legal Services

University Memorial Center 311
303-492-6813

www.colorado.edu/studentaffairs/legal

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

Counseling and Psychiatric Services (CAPS) @ C4C

S440
303-492-6766

Counseling and Psychiatric Services (CAPS) @
Wardenburg 1st floor
303-492-5101

colorado.edu/health/counseling

Offers psychiatric care, including counseling, individual and group psychotherapy, and medication, peer education, substance abuse counseling and education, and stress management programs to fee-paying students. All contacts are confidential.

* Significant portions of the sexual misconduct policy were adapted with permission from Brett Sokolow, JD, the National Center for Higher Education Risk Management and the Association of Title IX Administrators

Confidential Resources (continued):

Office of Victim Assistance

Center for Community S440
303-492-8855

cuvictimassistance.com

Provides services that may be used by victims or others who experience traumatic, disturbing, or disruptive life events. All contacts are confidential.

Ombuds Office

Center for Community
S440 303-492-8855

cuvictimassistance.com

Assists students, faculty, and staff in 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. The Ombuds offices are confidential and not “responsible employees” for mandatory reporting purposes pursuant to University of Colorado Boulder applicable policies but do not currently have a statutory privilege in Colorado.

The following resources, although **not confidential**, are available to students.

Student Support and Case Management

Center for Community S430
303-492-7348

www.colorado.edu/student-affairs/sscm

Student Support & Case Management Services supports students throughout their college career in order to best achieve their academic and co-curricular goals. Case management does not solve students' problems for them, but rather helps the student identify issues and appropriate resources and works collaboratively with the student to develop an action plan.

Office of Institutional Equity &

Compliance 3100 Marine Street, 2nd floor
303-492-2127

www.colorado.edu/institutionalequity/

Investigates all cases involving sexual misconduct (including sexual assault, sexual harassment, intimate partner violence and stalking), protected class discrimination and harassment and any related retaliation.

University of Colorado Police Department

1050 Regent Drive
303-492-6666 (non-emergencies)
911 (emergencies)

www.colorado.edu/police

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

Cultural Unity & Engagement Center

Center for Community N320
303-492-5667

www.colorado.edu/cue

Provides advising, counseling, outreach, and diversity education training.

Gender and Sexuality Center

Center for Community N450
303-492-1377

www.colorado.edu/gsc

Provides information dissemination and referral, cultural educational, and social programming and advocacy and support for any students, faculty and staff who identify along the spectrum of gender and sexual orientation, including those who are questioning and exploring their identities and those who identify as gay, lesbian, bisexual, transgender, queer, intersex and their allies.

Women's Resource Center

UMC 416
303-492-5713

www.colorado.edu/WomensResourceCenter

Provides information on services, organizations, and events through a variety of resources in a women-focused environment.

N. APPENDICES

Appendix 1: 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, or injury to property, or persons, or substantially obstructs the performance of any governmental function.

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) (a) 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.

(b) 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 pre-scribe 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 2: Colorado Law Regarding Hazing

As used in this section, unless the context otherwise requires:

1(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 3: Amnesty Provision

The health and safety of members of the University of Colorado Boulder (CU) are the primary concerns of the University. To this end, we have instituted an "Amnesty" policy. The purpose of this policy is to facilitate an educational and safety focused response to qualifying incidents rather than a disciplinary consequence. 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 their case is being heard or investigated by a conduct officer. 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 Amnesty policy 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.

1. Scenarios in which Amnesty May Apply

a. Alcohol and Drug Related Emergencies

Whenever a student assists an intoxicated individual in procuring the appropriate assistance as determined by the OSC, neither the intoxicated individual, nor the individual(s) who assists will be subject to formal university disciplinary sanctions with respect to the alcohol or drug related incident. This provision does not preclude disciplinary action regarding other violations of university standards, such as theft, sexual harassment/assault, vandalism, harassment, or other prohibited conduct. The University of Colorado Boulder Police Department and City of Boulder Police Department will assist those individuals whose judgment or health is severely affected due to alcohol or drug use by facilitating transport to the Addiction Recovery Center, Boulder Community Hospital, Wardenburg Health Center, or by taking other protective measures. Appropriate assistance can be local or state police, community safety officer, residence life staff, or medical professionals. If calling to help in an alcohol or drug related emergency, the reporting party must remain with the intoxicated student and cooperate with staff in obtaining assistance.

b. Victims

The University provides amnesty to victims of violations of policy who may be hesitant to report the incident to the University because they fear that they themselves may be accused of conduct code violations at the time of the incident. Victims who commit minor conduct code violations, such as underage drinking, will not be subject to formal university disciplinary sanctions.

c. Witnesses to Conduct Code Violations

Students who are engaged in minor violations, such as under-age drinking, but who cooperate with the University in providing information related to serious violations by others while they engaged in those minor violations will be provided amnesty for their minor violations. Educational options may be explored, but the reporting student will not be subject to formal university disciplinary sanctions.

2. Additional Conditions of the Amnesty Policy

In order for this policy to apply:

- a. The student must agree to a timely conversation with an Office of Student Conduct and Conflict Resolution or Housing and Residence Life staff member.
- b. If it is determined by the conduct officer that education activities, assessment, and/or treatment are necessary to address the concern for student health and safety, students will be required to pursue and complete such interventions.

Serious or repeated incidents will prompt higher level educational requirements. Furthermore, students that deliberately or repeatedly violate the code of conduct, as determined by the Office of Student Conduct and Conflict Resolution, may be ineligible for the Amnesty policy. Failure to complete recommended follow-up may also result in loss of eligibility for Amnesty and in disciplinary action.

3. If the Amnesty policy is invoked by the Office of Student Conduct and Conflict Resolution:

- a. The university will:
 - i. Review the facts of the incident;
 - ii. Initiate a meeting with students involved;
 - iii. Discuss/assign educational interventions.
- b. The university will not:
 - i. Assign formal disciplinary sanctions (informal probation, formal disciplinary probation, suspension, expulsion).
 - ii. Charge an adjudication fee for this incident.

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