



## **University of Colorado Boulder**

Office of Student Conduct  
Regent Administrative Center 206  
(303) 492-5550  
<http://www.colorado.edu/studentaffairs/studentconduct/>

Office of Discrimination and Harassment  
3100 Marine Street, 3<sup>rd</sup> Floor  
(303) 492-2127  
<http://hr.colorado.edu/dh/Pages/default.aspx>

### **Guidelines for Filing a Complaint of Sexual Assault, Sexual Harassment or Discrimination or Harassment Based on Gender or Sex, including Intimate Partner Abuse and Gender-Based or Sex-Based Stalking**

The University of Colorado Boulder (CU-Boulder) prohibits Sexual Assault, Sexual Harassment and Discrimination or Harassment based on gender or sex, including Intimate Partner Abuse and gender-based or sex-based stalking and provides institutional procedures for resolving reported incidents. If you have been the victim of these behaviors it is important that you read the following information. Although not intended to be a comprehensive explanation of your options and rights, this information may be useful to you.

Sexual harassment, sexual violence and other gender-based or sex-based harassment occurring in the college setting implicates a federal law called Title IX of the Higher Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs or activities and which triggers certain responsibilities on the part of CU-Boulder. CU-Boulder's Title IX Coordinator is:

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CU-Boulder is committed to maintaining a positive learning, working and living environment. When sexual harassment or sexual violence has occurred and is brought to the attention of the school, CU-Boulder will take steps to end the harassment or violence, prevent its reoccurrence, and address its effects. For more information, see the [University of Colorado Sexual Harassment Policy and Procedures \(https://www.cu.edu/policies/aps/hr/5014.pdf\)](https://www.cu.edu/policies/aps/hr/5014.pdf) and the Discrimination and Harassment Policy and Procedures (<http://www.colorado.edu/policies/discrimination-and-harassment-policy-and-procedures>).

Within CU-Boulder's processes, the person making the allegations is referred to as the *Complainant*. The person who the allegations have been made against is referred to as the *Respondent*. A complainant who wishes to report may report directly to the OSC or the ODH. A complainant may also report directly to law enforcement. If the incident happened on campus, you may contact the University of Colorado Police Department (UCPD). If the incident occurred off campus, you may contact the Boulder Police Department. University personnel including the confidential Office of Victim Assistance (OVA) can assist complainants in making reports to law enforcement and to the OSC or the ODH and in seeking orders of protection through the courts. In some cases, there may be time-sensitive considerations for reporting, such as the option to have medical or other evidence collected and preserved. If a report is initially made with UCPD, UCPD will provide information about the report to the OSC or the ODH. In cases of sexual assault, UCPD will disclose the victim's name only with his or her consent. A

complainant may pursue both the CU-Boulder process through the OSC or the ODH and the criminal process simultaneously. In addition, students may file a Title IX complaint with the Office of Civil Rights of the U.S. Department of Education.

Both the OSC and the ODH have authority to address these complaints in a non-criminal context. The CU-Boulder process is completely separate from the police and courts. Within CU-Boulder, the identity of the respondent determines which of the two offices handles the case. When the respondent is a CU-Boulder student at the time of the incident, the OSC will investigate or otherwise resolve those cases whether they occur on or off campus. For cases where the respondent is a CU-Boulder employee, those cases are investigated or otherwise resolved by the ODH. When the respondent is both a CU-Boulder student and a CU-Boulder employee, the two offices may work together to resolve the case. If you are uncertain about which office to contact, you may call either office and they will ensure your report is ultimately reviewed by the appropriate office. When the respondent is neither a student nor employee, CU-Boulder can still assist you with counseling and other support services.

The OSC or the ODH will review the allegations and determine an appropriate course of action. Some cases can be handled informally and outside of the formal investigative process, although CU-Boulder will not mediate cases of sexual violence even on a voluntary basis. For cases that result in an investigation, those investigations are conducted by individuals who have received specialized training in those types of investigations. In general, if the OSC or the ODH conducts an investigation into a complaint, the investigation will include interviews with the complainant and respondent, interviews with relevant witnesses, and the identification, solicitation and review of any documentation relevant to the investigation including available police reports. All investigations will be conducted in a prompt, thorough and impartial manner.

The Student Conduct process is outlined in Appendix 1 of the Student Conduct Code, which can be found online here:

<http://www.colorado.edu/studentaffairs/studentconduct/code.html>

The ODH process can be found online here: <http://hr.colorado.edu/dh/Pages/Processes.aspx>

When CU-Boulder becomes aware of sexual violence, CU-Boulder may have an obligation to proceed with an investigation, regardless of a complainant's wishes, in order to ensure campus safety. You are not required to participate if you choose not to; however, this may limit CU-Boulder's ability to respond to the incident. If you request that your name or other identifying information not be used in an investigation, CU-Boulder will consider your request in light of the context of its responsibility to provide a safe and nondiscriminatory environment. In most cases, information including your name may be shared with the respondent, witnesses and with University officials who have a legitimate need to know. Beyond that, CU-Boulder will take steps to protect your identity and the identity of all individuals involved.

In CU-Boulder's process, the complainant and respondent each have the option to bring an advisor during any meeting. The advisor may be an attorney or any support person. In CU-Boulder's process, the complainant and respondent will not be permitted to directly question each other and are not required to

be present together at any point. Both a complainant and a respondent have the right to identify witnesses and provide other information relevant to the investigation. CU-Boulder will decide the case based on a *preponderance of the evidence* standard (whether or not it is more likely than not that the conduct occurred).

In most cases, CU-Boulder will not wait until a criminal case is resolved before proceeding with the case. In addition, if a CU-Boulder official has a reasonable belief that a crime has been committed, she or he may be obligated to report that to law enforcement if police have not already been notified. CU-Boulder's fact-finding investigation may be delayed for a short period of time upon a request from law enforcement, but we will promptly resume the investigation as soon as possible. CU-Boulder will use best efforts to resolve these complaints within 60 days. CU-Boulder will keep the parties advised as to the status of the case as they desire and as is reasonable. The complainant and respondent will be informed of the outcome of the case in writing.

Because the school's primary concern is student safety, minor alcohol and drug violations by a complainant will be handled informally whenever possible. The complainant's use of alcohol or other drugs does not make the complainant at fault for being a victim of sexual violence.

CU-Boulder will take interim steps to protect a complainant while the case is pending. Depending on the case and the complainant's wishes, these steps may include changes to academic, living, transportation, and working situations if such accommodations are reasonably available. In addition, these steps may include directing a respondent to not have contact with you, excluding a respondent from parts of campus, or providing you with an escort to accompany you on campus. Any adjustments made will be designed to minimize the burden on the complainant's educational program. Some of these actions may also be remedies in those cases resulting in a finding of a policy violation. If you choose not to bring a complaint forward, the Office of Victim Assistance can still assist you with navigating academic systems, discussing alternate housing and applying for a civil protection order.

CU-Boulder has a policy which prohibits **retaliation** against any employee or student who reports an incident of alleged sexual harassment or sexual violence, or any employee or student who testifies, assists or participates in a proceeding, investigation or hearing relating to these allegations. Respondents are informed of this provision, and any retaliation should be reported immediately to the appropriate Title IX officer.

Any CU-Boulder employee with supervisory authority on campus must refer reports of this conduct to the OSC or the ODH. The only exception to the obligation to report applies to confidential counseling resources including the Office of Victim Assistance (OVA), Counseling and Psychological Services (CAPS), Faculty and Staff Assistance Program (FSAP), and Psychological Health and Psychiatry (PHP).

We encourage you to contact the free and confidential Office of Victim Assistance at CU-Boulder as you process your options. They can offer counseling and advocacy in a supportive setting.

On-campus resources that may be helpful include:

- Office of Victim Assistance, C4C S440, 303-492-8855, <http://cuvictimassistance.com>

- Counseling and Psychological Services, 303-492-6766
- Wardenburg Health Center, 303-492-5101
- Faculty and Staff Assistance Program, 303-492-2030
- University of Colorado Police Department, 303-492-6666 (in emergencies dial 911)

Three off-campus resources that may be helpful are:

- Moving to End Sexual Assault (MESA), 303-443-0400 (24-hour hotline 303-443-7300)
- Boulder Police Department, 303-441-3300 (in emergencies dial 911)
- US Department of Education, Office of Civil Rights, 303-844-2024

Examples which may be policy violations include the following: an instructor suggests that a higher grade might be given to a student if the student submits to sexual advances; a supervisor implicitly or explicitly threatens termination if a subordinate refuses the supervisor's sexual advances; a student repeatedly follows an instructor around campus and sends sexually explicit messages to the instructor's voicemail or email; a student or employee touches you in an unwelcome, sexual manner without your consent; a student or employee repeatedly makes unwelcome comments about your body in person, on the phone, or in any other way; a student or employee records you engaged in sexual activity without your consent; students in a residence hall repeatedly draw sexually explicit graffiti on the whiteboard on your door; a student or employee exposes their sexual organs to you without your consent and in an unwelcome manner.

Any student found responsible for violating the provision on nonconsensual sexual intercourse will likely receive a sanction of suspension or expulsion. Any student found responsible for violating the provision on nonconsensual sexual contact, sexual exploitation, sexual harassment, or any other gender-based or sex-based misconduct, will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident and taking into account factors such as any previous conduct code violations. The OSC director reserves the right to broaden or lessen any range of recommended sanctions in the event of mitigating factors or egregiously offensive behavior.

For a thorough explanation of CU-Boulder processes, please see the websites noted above or contact a Title IX officer.