



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

STUDENT CODE OF CONDUCT

Policies & Procedures

2020 – 2021

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The information contained within this document is intended to provide general information to members of the university community and is not intended to, nor does it, create a contract between Student Conduct & Conflict Resolution (SCCR), or the University of Colorado Boulder, and community members. SCCR reserves the right to change or eliminate any of the language herein at its discretion and without notice.

A. MISSION AND VALUES OF STUDENT CONDUCT & CONFLICT RESOLUTION

MISSION

Provide students with individualized responses to support community standards and conflict resolution that emphasize accountability and growth by:

- Fostering reflection on the impact of their behaviors;
- Promoting harm repair and responsible community membership;
- Cultivating the wellbeing and safety of the University of Colorado (CU) Boulder community.

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.

5. Through the Student Conduct & Conflict Resolution process, the student will be asked to reflect on their beliefs, ethics, and values.
 - a. 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.
6. The student will contribute positively to the university community and beyond.
7. 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.
8. 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. Student Conduct & Conflict Resolution (SCCR) 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 Dean of Students or their designee for final determination.

Questions regarding behavioral problems should be directed to Student Conduct & Conflict Resolution, studentconduct@colorado.edu, University of Colorado Boulder, 10 UCB Boulder, CO 80309, phone 303-492-5550.

C. JURISDICTION

1. This document 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, digital space, 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:
 - i. adversely affects the health, safety, or security of any member of the university community, including the student alleged to have violated university policy, or the mission of the university;
 - ii. involves any records or documents of the university;
 - iii. involves conduct that may be a violation of federal, state, or local law as determined by SCCR.
 - 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.
 - d. Wherever the Student Code of Conduct refers to "responding student", the same also applies to Recognized Student Organizations (RSOs). RSOs, as described in the Student Organization Handbook (<https://www.colorado.edu/involvement/>), are general student organizations recognized by the Center for Student Involvement (CSI) and the University. For additional information, see L.5.
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. SCCR's jurisdiction does not depend on whether a responding 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 SCCR from investigating and adjudicating an incident.

3. The unexcused failure of a responding 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, harassment, and any related retaliation, see Section L.1.
5. For jurisdictional information pertaining to academic misconduct, see Section L.2.
6. Questions or concerns regarding policy and procedures for students charged or convicted of a crime that occurred prior to being admitted should be directed to Student Conduct & Conflict Resolution or the Office of Admissions.

D. ADVISORS

Responding students may bring an advisor of their choice, including but not limited to, an advocate, attorney, or other person who is not a potential witness or could otherwise compromise the process, to any conduct process meeting, including, but not limited to, meetings in the formal resolution process. Advisors are not permitted to speak for, or on behalf of, the responding student during any phase of the conduct process, including meetings in the formal resolution process. However, with permission from the conduct officer, advisors may make a statement and/or ask questions of the responding student to present relevant information after the conduct officer has completed discussions with the responding student. If a responding student chooses to bring an advisor to the meeting, it is the responding student's obligation to select an advisor whose schedule allows attendance within the time frame designated in the Student Conduct Notice.

SCCR, or the 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 communicate conscientiously and honestly in any conduct process. Students have a duty to cooperate and discuss relevant information with conduct officers and other SCCR staff, adhere to stated deadlines, attend scheduled meetings, and otherwise participate in all processes.

Knowingly providing false or misleading information to SCCR is a violation of the Student Code of Conduct. 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 violation of policy as outlined in F.12.

F. PROHIBITED STUDENT CONDUCT

The conduct listed below is prohibited, as are attempts to commit conduct prohibited by this code, and/or aiding or abetting in conduct prohibited by this code or university policy. 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 that could reasonably cause, bodily harm upon any person including, but not limited to, assault, fighting, brawling, or restraining someone against their will.
 - a. **Physical Harassment.** No person shall, with intent to harass or annoy another, strike, shove, kick, spit on, or otherwise touch or subject an individual to physical contact.
2. **Threats to or Endangerment of Person(s).** Threatening or endangering the safety of another person(s). This includes a verbal or written threat, if:
 - a. it was a serious expression of an intent to commit an act of unlawful violence to a particular individual, group of individuals, or foreseeable recipient, after taking into consideration the context and totality of the circumstances whether they would reasonably perceive that a serious expression of intent to commit an act of unlawful violence had been made; or
 - b. its very utterance inflicts injury or tends to incite an immediate breach of the peace.
3. **Threats to or Endangerment of Animal(s).** Threatening or endangering the health or safety an animal(s).
4. **False Application Materials.** Providing materially false information on an application for admission to the University which would have materially impacted eligibility or conditions for admission when one knew or did not use one's best efforts to determine the accuracy of the information provided.
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 and Compliance's Process and Procedures jurisdiction.
6. **Violation of Law.** Violating any federal, state, or local law, as determined by SCCR.
7. **Hazing.** Any action or situation that recklessly or intentionally endangers the health, safety, or welfare of, or causes a risk of bodily injury to, 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, any forced physical activity that could adversely affect the health or safety of an individual, any activity that would subject the individual to embarrassment or humiliation, or any forced violation of University policy, and/or local, state, or federal law. The willingness of the participant in such activities are notwithstanding (See Appendix 2).
8. **Abusive Conduct.** Abusive conduct, including severe, persistent, or pervasive 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. "Campus Use of University Facilities" policy: <http://www.colorado.edu/policies/campus-use-university-facilities>
 - b. "Acceptable Use of CU Boulder's IT Resources": <http://www.colorado.edu/policies/acceptable-use-cu-boulders-it-resources>
10. **Interference, Obstruction, or 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 activities 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. **Obstruction of Peace Officers.** Interfering with, obstructing, or disrupting police, fire response, or medical response. This prohibition includes, but is

not limited to, resisting arrest and/or failing to abide by the directions of a peace officer and/or paramedics.

12. Failure to Comply. 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 SCCR.
13. Sanction Noncompliance. Failing to abide by or complete a university sanction in a satisfactory manner.
14. False Identification. 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 or a criminal 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 such a 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; or
 - d. tampering with or improperly engaging a fire alarm or fire detection equipment while on University property.
17. Unauthorized Access. Unauthorized use of, entry into, exit from, or presence on University property, property belonging to another, and/or digital property. This includes, but is not limited to, unauthorized exit or entry through windows, locked doors, construction sites, or areas closed to the public.
18. Damage to Property. Damaging university property or property belonging to another. This includes, but is not limited to, graffiti and the alteration of property such that it is temporarily unusable.
19. Riots. Engaging in, inciting, or arming someone for a riot or public disturbance (See Appendix 1).
20. Recording. 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 is also prohibited.
21. Weapons. Possessing firearms, explosives, incendiary devices, ammunition, or other weapons on campus, in a university leased building, or areas where such possession interferes with the learning and working environment, 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; any 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 another person is expressly included within the meaning of weapon. See Regents Policy: <http://www.cu.edu/regents/policy-14i-weapons-control/>.
22. Theft. 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. Drugs: Possessing using, providing, manufacturing, distributing, or selling drugs, or drug paraphernalia in violation of university policies or law, including, but not limited to, marijuana, methamphetamine, cocaine, opiates, LSD, hallucinogenic mushrooms, heroin, designer drugs such as Ecstasy and GHD, or other controlled substance or any substance used for

an intoxicating effect. This includes a prohibition of any marijuana use or possession, including medical marijuana, on campus, campus properties, or while participating in university sponsored activities (See Appendix 5).

- 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. Providing, possessing, or selling use of a prescription drug other than by the person to whom the drug is prescribed, or use not in accordance with the prescription, is prohibited. This prohibition includes sharing prescription drugs such as Ritalin or Adderall.
 - c. Driving while under the influence of drugs.
24. Alcohol. Possessing, using, providing, manufacturing, distributing, or selling alcoholic beverages in violation of law or university policies
- a. Use or possession of alcoholic beverage by individuals under the age of 21;
 - b. Intoxication to the point of endangering oneself or another person’s health or safety, regardless of age; or
 - c. Driving while under the influence of alcohol.
25. Violating any Residential Handbook Policy. Violating any housing policy appearing in the Residential Handbook: Policies, Regulations, and Standards of Conduct or any policy 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.

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, 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. 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.

- g. Violation of the guest policy. This includes, but is not limited to, failing to instruct guests as to university or residence hall rules and policies, the overnight guest policy, and the visitation policy. Residents are responsible for and are held accountable for the conduct of their guests and all activities in their rooms.
- h. Violation of dining policies, including but not limited to throwing food and/or items in dining centers; carrying out food from the dining centers, except where permitted; and/or utilizing dining centers without proper payment.
- i. Violating the smoke-free buildings policy.
- j. Violating the roommate agreement policy.

See the Residential Handbook for more information: https://www.colorado.edu/living/housing/policies-forms-and-accommodations#residential_handbook-1317

26. Violating university requirements or public health orders in place to reduce the risk of spreading infectious disease (See Appendix 4).
- a. Failing to follow any and all applicable federal, state, and/or local public health orders, or applicable public health recommendations, policies or directives when required by University policy or other University requirements. If multiple orders, directives, or recommendations apply, or in the event of conflict between or among them, students are required to follow the most restrictive public health order directive, or recommendation.
 - b. Failing to follow University policies, procedures, and any other requirements in place to help reduce the risk of contracting or spreading infectious diseases.
 - c. To the extent consistent with University policy, failing to comply with any additional or more specific actions required by a campus department, unit, or building proctor, to limit the spread of infectious disease, while participating in a program or activity, utilizing a service or benefit, or using University facilities.
 - d. Failing to abide by face covering requirements. If University policy, procedures, or other requirements and/or public health orders require wearing face coverings, students are required to

wear face coverings that cover the nose and mouth whenever indoors on-campus and whenever outdoors on-campus when physical distancing of six feet or more is not possible. This does not apply to: (1) offices when used only by one student with a closed door; (2) private living spaces such as the interior of an apartment or residence hall room and bathroom, but not including communal living spaces that are accessible to all students in a building such as shared kitchens lounges, or bathrooms; or (3) when a specific activity the student is participating in cannot be reasonably done while wearing a face covering with this exception applying only as long as the duration of the activity, including but not limited to while brushing one's teeth in a communal bathroom, or while eating in a University dining hall or center.

- e. Failing to abide by gathering prohibitions or restrictions as set forth in University policy and/or public health orders, directives, or recommendations that students are required to follow pursuant to University requirements.

appointed by the Director of Student Conduct & Conflict Resolution, or their designee, and charged with reviewing cases that have been appealed through SCCR. See Section J.

- 7. **Conduct Process.** Any processes outlined in this Student Code of Conduct. These include, but are not limited to, SCCR procedures, informal processes, investigations of alleged prohibited conduct, and appeals processes.
- 8. **Conduct Officers.** Conduct officers include any university staff member designated to investigate and/or make decisions about facts and violations 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, probation, formal disciplinary probation, suspension, expulsion, and educational sanctions.
- 9. **Designation.** A student's classification; i.e., graduate, undergraduate, continuing education, degree seeking, or non-degree seeking.

- 10. **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.
- 11. **Parent.** A student's parent or legal guardian.
- 12. **Peace Officer.** A person designated by the University of Colorado or the state or federal government with the responsibility of enforcing laws or policies.
- 13. **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 the alleged behavior occurred.
- 14. **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 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.

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 Student 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 include the use of violence or force, violation of trust or duty, premeditation of an incident, the existence of a previous conduct violation, and/or elements of hate and bias.
- 3. **Attempts [to commit prohibited conduct].** An individual or group has the direct and specific intent to commit a violation of the Student Code of Conduct, whether or not they are aware of the policies within the Student Code of Conduct.
- 4. **Circle Process.** A dialogue that emphasizes listening, reflection, and building community among participants and creates a space to share differences. Circles value non-judgement, multiple truths, and inclusion.
- 5. **Complainant.** A person who is subjected to alleged prohibited conduct under these policies.
- 6. **Conduct Appeal Board.** A body of university community members, students, faculty, and/or staff

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

the report or complaint. As noted in the Student Email Policy (<http://www.colorado.edu/policies/student-e-mail-policy>), email is an official means of communication within the University of Colorado Boulder. Therefore, the university has the right to send communications to responding 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 responding student will be considered furnished on the date of hand delivery, on the date emailed, or three business days after the date the notice is placed in the U.S. mail.

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 Code of Conduct and whether a conduct process should occur.

The conduct officer may:

- i. initiate a conduct process by sending the responding student or Recognized Student Organization (RSO) a Student Conduct Notice;
 - a. RSO Conduct Notices will be sent to the email address provided by the student organization to the Center for Student Involvement.
 - b. Communications with RSOs will be directed to the president, principal officer, student group signatory, or other student(s) designated by the group to act as an agent on behalf of the group.
- ii. resolve the situation through an informal resolution process including, but not limited to, mediation or a meeting between the responding student and a student conduct officer or a third party; or
- iii. determine that the facts of the complaint or report, even if true, would not constitute a violation of the Student Code of Conduct 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 responding student who is the subject of

- b. The Student Conduct Notice shall include:
 - i. a summary of the known factual information supporting the alleged prohibited conduct, including the date and location of any incident, to the extent known and available;
 - ii. the code of conduct provisions that are alleged to have been violated;
 - iii. the requirement that the responding student schedule a student conduct meeting with the conduct officer within the time frame designated in the letter. In cases where the responding student lives on campus, the letter may specify a specific date, time and location for the conduct meeting; and
 - iv. the conduct meeting will be scheduled based on the availability of the conduct officer and the student's scheduled classes.
- c. If a "no contact" directive is detailed in the Student Conduct Notice, it is the responsibility of the responding 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 responding student to abide by the directives as outlined in the notice.
- d. In cases where a responding student has been contacted for a Code of Conduct violation by police at a sporting or other event, notice for the conduct process may be issued at the time of the incident by SCCR staff. Such notice may include a preset conduct meeting time with SCCR.
- e. Expedited Student Conduct Process. When the conduct officer determines that a prompt student conduct meeting is essential (including but not limited to university new student welcome or orientation, end of the semester, the responding student is graduating, or there is substantial

concern for the health, safety, or welfare of any person), the conduct officer may require that the responding student meet with them 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**

SCCR resolves alleged prohibited conduct through either the informal resolution or formal resolution process. 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 responding student admits or otherwise takes responsibility for the alleged prohibited conduct;
- ii. the responding 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 Code of Conduct; and/or
- 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 disciplinary conduct 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 responding student. Because SCCR 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 responding student, which prompts the responding student to schedule a meeting or attend a scheduled 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 Section 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 responding student and address any questions the responding student may have about the process. If the responding student accepts responsibility for the alleged prohibited conduct and completes educational sanctions assigned by the conduct officer, then SCCR will consider the matter to be resolved informally.

The educational sanctions may include, but are not limited to, the following required actions:

- i. alcohol or substance use class;
- ii. participation in a circle process;
- iii. participation in conflict coaching and/or a mediation process;
- iv. meeting with campus resources; and/or
- v. other educational requirements.

To identify appropriate and meaningful requirements in agreements, responding students are encouraged to engage in interactive communications with the 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 responding student's fulfillment of the agreement requirements for reasons including, but not limited to:

- i. a responding student failing to schedule or attend the meeting with the conduct officer;
- ii. a responding student's denial of responsibility for the alleged prohibited conduct;
- iii. if a responding student does not want to participate in the informal resolution process; or
- iv. the conduct officer determines that the matter is more appropriately resolved under the formal resolution process.

b. **Formal Resolution**

This process generally includes:

- i. written notice of the factual allegations and alleged violations of the Student Code of Conduct;
- ii. the opportunity to meet with the conduct officer to address the allegations and provide information to the conduct officer;
- iii. the conduct officer reviewing the allegations and making factual and violation determinations based on preponderance of the evidence; and
- iv. written notice to the responding student of the conduct officer's determinations.

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 documents or information that the conduct officer finds relevant, including without limitation, relevant documents presented by the responding student, any alleged victim, or any other interested party; and/or
 - iii. the oral or written statements of any witnesses with relevant information, as presented by the responding student, any alleged victim, or other interested party, as it appears in a report, 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. SCCR 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 and the conduct officer may decline to ask a question that is not reasonably calculated to lead to the discovery of probative information or when the probative value of the information is outweighed by the danger of unfair prejudice or confusion of the issues or by considerations of undue delay or needless presentation of cumulative information.
 - iv. Students and university employees are expected to communicate as 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 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/or 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 responding student has violated the Student Code of Conduct based on a preponderance of the evidence. If the evidence weighs so evenly that the conduct officer is unable to determine that there is a preponderance on either side, the conduct officer must determine that there is insufficient evidence to conclude there has been a violation. In applying the preponderance of the evidence standard, the conduct officer may consider both direct and circumstantial information. The investigator may determine the credibility of witnesses, and the weight to be given 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 information, any evidence of bias, prejudice or interest, and their manner and demeanor when providing statements.
 - h. If the responding student is found responsible for violating the Student Code of Conduct, 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. In accordance with governing federal law, the conduct officer may also provide information about the findings and sanctions to the complainant in cases of violence. The appeal process, if applicable, is outlined in Section J.

- i. SCCR 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 SCCR, copies of any audio records, all documents, and the decision.
- j. If the responding 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 responding student's absence or without the responding student's participation based on the information available to the conduct officer.
- k. Responding 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. Policy Reminders

SCCR may send students a Policy Reminder if a submitted report indicates a possible violation of university policy. The Policy Reminder is a letter providing a summary of the report and reminding students of the relevant policy in the Student Code of Conduct. No action is required on the part of the student, and the student is not charged nor is a finding issued based on the report received. A Policy Reminder does not result in a disciplinary action or a disciplinary record with the University.

5. Directives

- a. The Director of Student Conduct & Conflict Resolution, or their designee, has discretion at any point during a conduct process, formal or informal, to assign a no contact directive, including after decision has been made, regardless of finding. When a responding student is issued a no contact directive, the responding student may request to meet with a conduct officer to discuss the factors of the no contact directive or to request that SCCR lift the no contact order. These directives will remain in effect for the duration of the conduct process and until otherwise notified by the Director of Student Conduct & Conflict Resolution or their designee.
- b. If a responding student is assigned a no contact directive, they are prohibited from having any contact with the person(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 a third party.

Failure to abide by the no contact directive may result in the conduct officer issuing a Student Conduct Notice for an alleged violation of F.12 and subject the responding student to sanctions. Any retaliatory contact directed toward any person connected to a student conduct process is prohibited as described in F.15, may result in the conduct officer issuing a Student Conduct Notice of alleged violations of F.15, and subject the responding student to sanctions.

6. Restorative Justice

The Director of Student Conduct & Conflict Resolution, or their designee, has discretion to refer a report or complaint to the University of Colorado Restorative Justice Program (CURJ). All parties must agree on the resolution and will be bound by the decision with no review/appeal.

Responding students who do not successfully complete the CURJ Program will be forwarded to SCCR for the formal or informal resolution process as determined by the conduct officer.

SCCR will determine whether or not a case is eligible for CURJ.

7. Standard of Proof and Process

In order to find that a responding 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 responding student violated the Student Code of Conduct.

8. Request to Inspect Records

Responding 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, responding students must submit a request to inspect records form. SCCR will comply with a request for access within a reasonable time, not to exceed 45 days. Arrangement shall be made for the responding student to review their records in the presence of a staff member in SCCR. Please be advised that SCCR 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 SCCR website: <https://www.colorado.edu/sccr/>.

Notwithstanding the above, pursuant to H.3.d, 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.

9. **Student Conduct Processes Closed**

The university may audiotape any conduct processes.

The responding student, and/or their 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 reviewing and considering the case, the conduct officer may find by a preponderance of the information that the responding student is not responsible for violating the Student Code of Conduct, or may find the responding student is responsible for violating the Student Code of Conduct and issue sanctions based on that finding. The responding student and any alleged victim may provide an impact statement or character references for consideration during the sanction process, if the responding student is found responsible.
- b. Sanctions imposed for prohibited conduct will be based upon a consideration of all of the relevant circumstances in a particular case. Mitigating and aggravating circumstances will be specifically considered. Repeated violations, even if of differing prohibited conduct, may result in progressively severe sanctions. One or more of the sanctions below may be imposed. In all cases, the conduct officer or Conduct Appeal Board, to the extent applicable, reserves the right to use their discretion in determining the appropriate sanction for a case, which could include lesser or more severe sanctions than the prescribed guidelines.
- c. Sanctioning of alcohol and drug violations may be more severe if the incident includes any of the following aggravating factors(s):
 - i. public intoxication;
 - ii. medical transport;
 - iii. providing alcohol/drugs to minors;
 - iv. driving a vehicle under the influence of alcohol/drugs;
 - v. damage to property;
 - vi. obstruction of a peace officer; and/or
 - vii. failure to abide by a university official.

Sanctioning may also be more severe if the violation is accompanied by other violations of

the Student Code of Conduct or multiple violations of the Student Code of Conduct.

1. **Alcohol and/or Drug Testing**

A responding student may be required to show compliance with sobriety from alcohol and/or drugs through the submission of alcohol and drug testing. The length of time and frequency of these tests is at the discretion of the conduct officer.

2. **Educational Sanctions**

The responding 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.

3. **Warning**

A warning/written reprimand is a written statement from the conduct officer or conduct body that the behavior was in violation of a specific university policy and that more serious conduct action will likely be taken should subsequent infractions occur.

4. **Residence Hall Reassignment**

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

5. **Residence Hall Termination**

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

Residence Hall Termination in Abeyance. The responding student's residence hall agreement is terminated, but due to mitigating circumstances the termination is deferred, allowing the responding student to continue living in the residence hall and providing a responding student with a final opportunity to prove they can operate responsibly within the living community. If the responding student, through the conduct process, is found to have violated the Student Code of Conduct or any Residence Hall Policy during the period of termination in abeyance, the responding student will likely 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/or suspension.

6. Probation

A responding student is placed on probation, which lasts for a period of time, as specified in writing. Further prohibited conduct, including, but not limited to, violations of the Student Code of Conduct, Residential Handbook, the Sexual Misconduct Policy, or the Discrimination and Harassment Policy, committed during the probationary period will likely result in further disciplinary action.

7. Formal Disciplinary Probation

Probation for a designated period of time in which specific sanctions or restriction may be imposed. Further prohibited conduct, including, but not limited to, violations of the Student Code of Conduct, Residential Handbook, the Sexual Misconduct Policy, or the Discrimination and Harassment Policy, is likely to result in suspension. The responding student on formal disciplinary probation is not in good standing with the university. Loss of good standing may prohibit or impact a responding student from:

- a. representing the University through official events;
- b. participating in Education Abroad; and/or
- c. serving in a leadership position or on a university committee.

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

7. Parental Notification

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

SCCR notifies parents when a responding student is found responsible for violating a public health order and there is an articulable concern for the safety of the student, such as a surge in cases.

8. Suspension

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

9. Expulsion

The responding student is required to leave the university permanently. A notation of expulsion remains permanently on the responding student's transcript. In the event of an expulsion, SCCR will keep the incident file indefinitely. Expulsion from the university includes an automatic exclusion from university property. An expulsion decision results in the responding student being expelled from all campuses of the University of Colorado system.

10. Exclusion

The responding student is denied access to all or a portion of university property. When a responding student is excluded from university property, that responding student may be permitted onto university property for limited periods and specific activities with the permission of the Director of SCCR or their designee. Should the responding student enter university property without permission, the police may take action for trespassing.

11. Restriction or Denial of University Services

The responding student is restricted from using, or is denied access to, specified university services and or university activities.

12. Revocation of Admission

The responding student's admission is revoked. If the student wishes to enroll in classes at the institution in the future, they must reapply as a potentially newly incoming student.

13. Additional Sanctions

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

14. Recognized Student Organization Sanctions

In addition to the sanctions listed above, violations by RSOs may result in the RSO being placed on Probation or Bad Standing (as outlined in the Student Organization Handbook) within CSI, which includes, but is not limited to, revocation of the following:

- a. being listed on the university's public directory;
- b. reserving campus space;
- c. hosting or sponsoring events;
- d. access to campus funding and fundraising opportunities; and/or
- e. access to the organization's operational account with the university.

RSOs may still be sanctioned even if the violation of the Code was a member, or members, of the organization when there was knowledge or consent given by the organization's officers, or when they acted as a cohort with other members of the organization.

J. APPEAL PROCESS

1. Introduction

A responding student may only appeal if the sanctions of formal disciplinary probation, termination of housing contract, suspension, or expulsion are 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 or new (“de novo”) review 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 responding student’s request for appeal and information the conduct officer may present regarding the rationale for the decision will be used to render an appeal decision. Deviation from any of the process or procedures in this document 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. Appeal Criteria

- a. A responding 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. For 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 responding student’s request for appeal. In addition, the responding student must show that the new information was not known or otherwise available to the person appealing at the time of the original student conduct meeting.
- b. Unless the welfare of an individual, group, or the community is threatened, the sanctions imposed 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, and the appeal is decided, whichever comes first.
- c. An appeal must be filed by the date specified in the original decision letter from SCCR. If a responding 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 responding student’s criteria for appeal, and rationale for appeal. It is the responding student’s obligation to provide 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 SCCR or their designee will make the decision as to whether these conditions have been met. A responding student may file an appeal by emailing or delivering it to SCCR.

The request for appeal form is available online at: <https://www.colorado.edu/sccr/>.

Responding students are encouraged to consult with all resources about the appeal process prior to submitting the request for an appeal.

Appeal Exemptions

There are no responding student appeals for the following:

- i. Colorado Law regarding riots;
- ii. Colorado Law regarding hazing; and
- iii. Amnesty Provision
(see Appendices 1, 2, & 3).

3. Conduct Appeal Board

- a. The Dean of Students, or their designee, upon the recommendation from the Director of SCCR, shall appoint the Conduct Appeal Board members. Board members shall have no prior involvement with the case through SCCR. Students, staff, and faculty members are eligible to sit on the Appeal Board. The Board shall only consider information contained in the record of the case that is transmitted to the appeal officers; however, the Board may request clarification of the decision rendered by the conduct officer. Any Board member who believes they are unable to be an objective participant for a given appeal is expected to remove themselves from the Board for that particular appeal.
- b. The Board shall consist of three members. One member of the Board will serve as the Lead Appeal Reader (LAR). The LAR must be a staff or faculty member and is responsible for management of the Board.
- c. The Board will review the responding student’s appeal and decide on an action, as outlined in J.3.d, by a majority vote. The LAR will compose an Appeal Decision Letter to the responding student and submit it to SCCR. SCCR will provide a copy of the Appeal Decision Letter to the responding student.
- d. *Actions Available to the Conduct Appeal Board*

The Board shall have the authority to:

- i. Affirm the initial decision.
- ii. Find that improper procedures were used, to the significant prejudice of the responding student. In this case, the Board can refer the case back to the conduct officer with a recommendation on how to correct the procedures. The conduct officer may, but is not required to, make a new decision on the case. The responding student may then submit another request for appeal if the responding student again has grounds to appeal after the new decision.
- iii. Reduce or increase the sanction, if the Board 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 responding student has presented information that would have been material to the outcome of the case, had the information been presented at the responding student conduct meeting, and (b) the information was not known to the person appealing at the time of the original responding student conduct meeting. In this event, the Board will refer the case back to the conduct officer for reconsideration in light of the new information.

4. Questions of Law

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

K. ADDITIONAL INFORMATION

1. Record Retention

SCCR maintains student conduct records in accordance with federal and state law and university policy. Disciplinary records are retained for five years after the date on the conduct decision letter, unless otherwise stated within the Student Code of Conduct.

In cases that involve serious threats of violence or expulsion, records are kept indefinitely. For incidents involving sex misconduct, protected class discrimination or harassment, or related retaliation, records are retained by the Office of Institutional Equity and Compliance. See <http://www.colorado.edu/institutionalequity/policies> for additional information.

a. Sealing of Disciplinary Record

SCCR typically expunges formal student conduct records 5 years after a final decision letter is

provided to a responding student, except as outlined above. Disciplinary records may be sealed earlier by SCCR upon written petition from the responding student by completing and submitting the "Request to Seal Student Conduct Record" form found here: <https://www.colorado.edu/sccr/>.

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 SCCR, 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, if applicable.

Factors to be considered in review of the request include:

- i. The responding student's disciplinary record as a whole.
- ii. The responding 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, or suspension.
- v. The person's responses to the request questions and other provided information.

The Director of Student Conduct & Conflict Resolution, or their designee, will make the final determination if a request is approved.

Disciplinary records created less than 6 months from the date of the final decision letter shall not be sealed without compelling justification. The decision is final and is not appealable. Informal Resolution and Policy Reminders are not eligible for sealing since these cases are not disciplinary records.

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

2. Interim Suspension

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

Interim suspension may include an immediate, temporary:

- i. prohibition for the responding student to attend any classes and any other university activity or program; and
- ii. exclusion from entering any university property, in absence of prior permission or qualification from the Director of SCCR, or designee.

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

In the case of an interim suspension, the responding student will be provided 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 10 business days) with the Director of Student Conduct & Conflict Resolution, or designee, to provide an opportunity for the responding student to be heard and respond to the interim suspension decision so that the Director of SCCR, or designee, may determine if the interim suspension will continue based on the responding 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 time frame, if requested.

After notice and opportunity to be heard, the Director of SCCR, 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 conduct incident results in probation, formal disciplinary probation, or suspension, a \$75 fee will be assessed to the responding student's bursar account. For subsequent incidents resulting in probation, formal disciplinary probation, or suspension, a \$100 fee will be assessed. This fee is used by the Division of Student Affairs to support educational programs and presentations. Student Conduct & 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 responding student's record if the responding student fails to pay the adjudication fee by the due date. This stop will prevent the responding student from:

- a. registering for future terms;
- b. participating in drop/add;

- c. receiving an academic transcript; and
- d. receiving a diploma.

Student Conduct & Conflict Resolution cannot release this stop from a student's account.

4. **Disciplinary Hold and Disciplinary Stop**

While the conduct process is pending, the university may place a disciplinary hold on the responding student's records. The disciplinary hold is honored by the University of Colorado Boulder campus, including Continuing Education, and prohibits the responding 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 responding student fails to complete assigned sanctions, which has the same impact on a responding student's records and registration as described above. The disciplinary hold will not be removed until all sanctions are completed.

If the conduct process results in suspension, a disciplinary stop will be placed on a responding student's record. A disciplinary stop is honored by all University of Colorado campuses, prohibits a responding student from being admitted to any of the campuses, and from registering for classes until the suspension period is over and the responding student has reapplied and has been readmitted.

5. **Refund Policy After Disciplinary Action**

If a responding 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 responding student voluntarily withdraws. See the Office of the Registrar (<http://www.colorado.edu/registrar/>, 303-492-6970, or Regent Administrative Center room 101, 20 UCB).

If a responding 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 determined by the conduct officer.

6. **Access and Disclosure of Conduct Information**

Provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA) govern access to a responding student's educational records. SCCR student information and records are available to

university officials or offices with a “legitimate educational interest” under FERPA.

Notations of disciplinary action on the responding student’s transcript will be made only by SCCR. 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 readmission have been met.

SCCR 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 may serve as proof of dependency and may allow the parent(s) access to the student’s conduct file without written consent of the responding student. In this case, parents may also have access to a conduct file. In addition, parent(s) may be notified if a responding student under 21 years of age is found responsible for a violation involving use or possession of alcohol or other drugs.

The Director of Student Conduct & Conflict Resolution, or designee, may determine that a report to the police may be warranted based on reported information about alleged violations of policy. Staff will consider imminent risks to the health and safety of others when making this determination. In absence of health or safety emergency, disclosure of student information to third parties outside the university, other than parents, 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. A student can grant permission to any third party by completing the Authorization for Release of Information form: <https://www.colorado.edu/sccr/>. An exception to the foregoing is information that must be released pursuant to a lawfully issued subpoena or court order, and as otherwise required by law.

7. **Redisclosure 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 document or other appropriate action.

8. **Disclosure of Outcomes to Victims of Crimes of Violence**

If a person believes that they are a victim of a student’s prohibited conduct under the Student Code of Conduct that may be considered a “crime of

violence,” as defined by the Family Educational Rights and Privacy Act and its regulations (FERPA), they can submit a written request to SCCR at studentconduct@colorado.edu asking to be informed of the outcome of the student’s case.

Depending on the circumstances, a “crime of violence,” as defined by FERPA, could potentially apply to violations of the following provisions of the Student Code of Conduct: F.1. Physical Misconduct; F.2. Threats to or Endangerment of Persons(s); F.8. Abusive Conduct; F.16.a. Intentionally Causing a Fire; F.18. Property Damage; or F.22. Theft. SCCR will review each request and the circumstances of the case to determine if information is permissible under FERPA to be disclosed to the victim.

If SCCR determines that outcome information is permissible to be disclosed to the victim, FERPA authorizes SCCR to provide the name of the student who potentially violated the Student Code of Conduct, whether a violation was found, and any sanctions imposed. If information cannot be disclosed, SCCR will notify the victim and provide a reason why that information is unable to be disclosed.

9. **Additional Interim Measures**

The Director of SCCR and designee(s) have the authority to assign interim measures prior to a conduct meeting to promote campus safety, including but not limited to:

- a. Interim Conduct Relocation
- b. Interim Exclusion
- c. Interim No Contact Directive
- d. Interim Class Exclusion
- e. Interim Transcript Notation
- f. Interim Registration Hold
- g. Interim Degree Hold

More information about interim measures can be found at <https://www.colorado.edu/sccr/>.

L. RELATED INFORMATION

1. **Office of Institutional Equity & Compliance (OIEC)**

Cases involving sexual misconduct (including sex assault, sexual harassment, sexual exploitation, intimate partner violence, and gender/sex-based stalking), protected class discrimination and harassment, and any related retaliation are subject to the OIEC Process and Procedures: <https://www.colorado.edu/oiec/policies>.

For more information about these policies and procedures, contact the OIEC at (303) 492- 2127 or <https://www.colorado.edu/oiec>.

In the event that there are potential, multiple charges involving OIEC Processes and Procedures and the

Student Code of Conduct, the OIEC and SCCR shall have the discretion to determine the most appropriate way to proceed. Options include:

- a. concurrent investigations;
- b. joint investigations;
- c. deferring to the findings of one office; or
- d. using the investigation and findings of one office as the basis of further investigation by the other.

2. Honor Code

Cases involving academic misconduct are heard under the Honor Code and Procedures. For more information, contact the Honor Code honor@colorado.edu, or visit the following website: <https://www.colorado.edu/SCCR/honor-code>.

SCCR staff may defer consideration of a pending Honor Code case if another campus disciplinary or investigative process is more appropriately suited to the charges. At the conclusion of such other process, the hearing officer shall determine whether to re-open its investigation or close the Honor Code referral.

3. Classroom Behavior

For information about classroom behavior, see the following website: <http://www.colorado.edu/policies/student-classroom-and-course-related-behavior>.

4. Community Re-engagement Program

Consistent with its educational and developmental goals, SCCR maintains a Community Re-engagement Program designed to help responding students on Formal Disciplinary Probation to reengage with their community in positive ways and become eligible for SCCR to consider early termination of their Formal Disciplinary Probation. More information about the program can be found at SCCR website at <https://www.colorado.edu/sccr/student-conduct/students/after-conduct-process>.

To sign up for the program, please contact SCCR at studentconduct@colorado.edu.

5. Recognized Student Organizations

- a. RSOs may be charged with violations of the Student Code of Conduct to the same extent as students.
- b. RSOs, as well as their members and other students, may be held collectively and/or individually responsible for violations occurring within the jurisdiction provided in Section C.1.
- c. The RSO 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 (UMC) 311
P. 303-492-6813
<http://www.cubouldersls.com/>

Student Legal Services (SLS) is a small law office at CU Boulder dedicated exclusively to serving the legal needs of CU Boulder students. Sponsored by the Student Government and funded in large part by student activity fees, SLS provides accessible professional legal assistance to eligible students for a fraction of the cost of a private attorney.

Counseling and Psychiatric Services (CAPS)

Center for Community (C4C) N352
P. 303-492-2277
<http://www.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.

Office of Victim Assistance

Center for Community (C4C) N450
P. 303-492-8855
E. assist@colorado.edu
www.colorado.edu/ova

OVA provides free and confidential information, consultation, support, advocacy and short-term counseling services to University of Colorado Boulder students, graduate students, faculty and staff who have experienced a traumatic, disturbing or life disruptive event. OVA is not a part of the police department or the Office of Institutional Equity and

Compliance, and is confidential resource for students, staff, and faculty.

Ombuds Office

Center for Community (C4C)
Ombuds P. 303-492-5077
Faculty Ombuds P. 303-492-1574
<http://www.colorado.edu/ombuds/>

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 & Case Management (SSCM)

Center for Community (C4C) N460
P. 303-492-7348
E. sscm@colorado.edu
<http://www.colorado.edu/studentaffairs/sscm>

Student Support & Case Management provides support to students throughout their college career and helps them achieve their academic and personal goals. SSCM does not solve a student’s problems for them, but rather helps 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
Main P. 303-492-2127
ADA Compliance P. 303-492-9725
<https://www.colorado.edu/oiec>

The Office of Institutional Equity and Compliance (OIEC) employs a comprehensive and integrated approach for case resolution, education, assessment, support services, and ADA accommodations to create and foster a safe, inclusive, and accessible campus environment for all members of the CU community.

OIEC implements and enforces three university policies for students, staff, faculty, volunteers, and affiliates: Discrimination and Harassment; Sexual Misconduct, Intimate Partner Abuse and Stalking; and Conflict of Interest in Cases of Amorous Relationships.

University of Colorado Police Department

1050 Regent Drive
P. 303-492-6666 (non-emergencies)

911 (emergencies)

www.colorado.edu/police

The members of the University of Colorado Boulder Police Department (CUPD) are dedicated to providing the highest quality police services in order to enhance community safety, protect life and property, and reduce crime and the fear of crime.

Health Promotion

Village Center at Williams Village, Rm 190
P. 303-492-2937
<http://www.colorado.edu/health/promotion>

Health Promotion provides outreach and education on a variety of health topics. They support students in learning skills to make informed decisions about their health to help them succeed while in school and beyond.

Center for Inclusion & Social Change

Center for Community (C4C) N320
P. 303-492-0272
E. inclusion@colorado.edu
<https://www.colorado.edu/inclusion>

Provides support for all students in the exploration of all of their identities and creates a welcoming and inclusive space on campus that supports academic and personal growth by providing community-building programs, numerous educational opportunities for students to learn and teach, and a space for students to become active, informed global citizens by engaging and interacting with individuals from different cultures.

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 prescribe the manner in which this information shall be disseminated.
6. For purposes of this section, unless the context otherwise requires:
 - a. "Convicted" means having received a verdict of guilty, pleaded guilty or nolo contendere, or having received a deferred judgment and sentence.
 - b. "Riot offense" means:
 - i. Inciting riot, as described in section 18-9-102, C.R.S.;
 - ii. Arming rioters, as described in section 18-9-103, C.R.S.;
 - iii. Engaging in a riot, as described in section 18-9-104, C.R.S.

APPENDIX 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 (CU) Boulder 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. The conduct officer may choose to invoke the Amnesty Provision at any point in the process, including before a student is charged with an alleged violation of the policy. 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 policies 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 SCCR, neither the intoxicated individual nor the individual(s) who assists will be subject to formal university disciplinary sanctions with respect to the alcohol, drug, or infectious disease policy. 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 or infectious disease by facilitating transport to the Mental Health Partners Withdrawal and TRT programs, 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 Code of

Conduct violations at the time of the incident. Victims who commit minor Code of Conduct violations, such as underage drinking or COVID-19 related prohibitions, will not be subject to formal university disciplinary sanctions.

c. Witnesses to Conduct Code Violations

Students who are engaged in minor violations, such as underage drinking or COVID-19 related prohibitions, 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 a Student Conduct & Conflict Resolution or Housing and Dining Services 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 intervention(s).

Serious or repeated incidents will prompt higher level educational requirements. Furthermore, students that deliberately or repeatedly violate the Code of Conduct, as determined by SCCR, 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 Student Conduct & 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, or expulsion.
 - ii. Charge an adjudication fee for this incident.

APPENDIX 4: Student Infectious Disease Mitigation

1. Purpose and scope of Student Conduct Code F.26:
 - a. The health and safety of members of the University community are the primary concerns of the University. To this end, the University has

instituted expectations for students pertaining to the mitigation of the spread of infectious disease. The University added section F.26, which outlines prohibited conduct for students, to provide the structures necessary to maintain an in-person academic experience, while mitigating the spread of infectious disease.

- b. The F.26 provision applies to all University students as defined in G.14 of the Student Code of Conduct.
 - c. The F.26 provision is based off of recommendations and requirements found in Public Health Orders issued from the Colorado Department of Public Health and Environment, and Boulder County Public Health. They are also based off of University of Colorado directives and requirements.
2. Beyond the requirements in section F.26, and to mitigate the risk of spread of infectious diseases, students are strongly encouraged to take personal responsibility for the health and safety of themselves and others by following these recommendations:
- a. Educating one's self about the infectious disease and following all CDC guidelines. Information about the COVID-19 pandemic can be found here: <https://www.cdc.gov/coronavirus/2019-ncov/index.html>.
 - b. Understanding and complying with the local, regional, and statewide recommendations, orders directives and requirements. These can be found here:
 - i. <https://www.colorado.gov/cdphe>
 - ii. <https://www.bouldercounty.org/departments/public-health/>
 - iii. <https://bouldercolorado.gov/coronavirus>
 - c. Understanding and complying with the campus requirements and directives. These can be found here:
 - i. <https://www.colorado.edu/coronavirus>
 - d. If contacted by an individual performing contact tracing, students are must participate in a timely manner.
 - e. Monitoring public health orders and University directives and requirements, and make sure that one is informed of any updates.
3. Reasonable Accommodations to section F.26 of this code:
- a. If a student feels they may require an accommodation due to a disability in order to comply with all or parts of this policy, they should contact Disability Services at dsinfo@Colorado.edu. Disability Services will go

through normal accommodation process and provide a student with an accommodations letter if appropriate.

- b. If a student feels they may require an accommodation due to religion or creed in order to comply with all or parts of this policy, they should contact the Office of Institutional Equity and Compliance at cureport@colorado.edu.

APPENDIX 5: Student Conduct Policy and Marijuana

Use or possession of marijuana, including medical marijuana, or recreational marijuana used or possessed by individuals who are at least 21 years of age, in accordance with Colorado law, is strictly prohibited on campus.

Federal law, including the Drug Free Schools Act, continues to prohibit marijuana. Thus, marijuana use or possession, even if in compliance with state law, is prohibited by the University.

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