



UNIVERSITY OF COLORADO DENVER | ANSCHUTZ MEDICAL CAMPUS

SEXUAL MISCONDUCT PROCEDURES

Effective May 9, 2017

I. INTRODUCTION

The University of Colorado Denver |Anschutz Medical Campus (the “University”) is committed to providing a safe and non-discriminatory environment for all members of the University community. The University prohibits Sexual Assault, Sexual Exploitation, Intimate Partner Abuse, Gender-Based Stalking, Sexual Harassment, and Retaliation (together, “Prohibited Conduct”). These forms of Prohibited Conduct are defined in the University of Colorado’s Sexual Misconduct Administrative Policy Statement (the “Policy”). This document identifies the procedures (the “Procedures”) the University follows when it receives a report alleging Prohibited Conduct. The University uses these Procedures to investigate and resolve any such allegations and to impose disciplinary sanctions against individuals found responsible for violating the Policy.¹

II. REPORTING

All Responsible Employees who witness or receive information regarding any Prohibited Conduct that occurs on campus, on any property owned or controlled by the University, or off campus (including on-line or electronic conduct occurring in the context of an employment or education program or activity of the University or has continuing adverse effect on campus) are required to promptly report all known details about the Prohibited Conduct to the University Title IX Coordinator or Deputy Title IX Coordinator by telephone, email, in person, or through the University’s online Sexual Misconduct & Discrimination Report Form. Reports are required to include, to the extent known: i) Name of the alleged victim, ii) Name of the alleged perpetrator, iii) Name of any alleged witnesses, and iv) Any other relevant facts, including the date, time, and specific location of the alleged incident.

All other individuals who become aware of an incident of Prohibited Conduct are highly

¹ These procedures should be read in conjunction with the Policy. Capitalized terms used and not otherwise defined in these Procedures are defined in the Policy. For purposes of these Procedures, the “Title IX Coordinator” means the Title IX Coordinator, and Deputy Title IX Coordinator(s), and/or any trained designees.

encouraged to report all known details about the Prohibited Conduct to the University Title IX Coordinator or Deputy Title IX Coordinator by telephone, email, in person, or through the University's online Sexual Misconduct & Discrimination Report Form.

The University may have an obligations to report to the police, keeping the name of the victim confidential, in circumstances where the incident includes an allegation that a crime has been committed.

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A Complainant may choose to make a report to the University to pursue resolution under these procedures and may also choose to make a report to law enforcement. A Complainant may pursue either or both options at the same time. A Complainant who wishes to pursue criminal action in addition to, or instead of, making a report under these Procedures should contact law enforcement directly.

- 911 (for emergencies)
- Auraria Police (for non-emergencies) 303-556-5000
- Anschutz Medical Campus Police (for non-emergencies) 303-724-4444
- Denver Police (for non-emergencies) 720-913-2000
- Aurora Police (for non-emergencies) 303-627-3100

The Title IX Coordinator or Designee will assist in notifying law enforcement authorities, if the victim so chooses.

The University offers access to confidential resources for individuals who are unsure about whether to report Prohibited Conduct or are seeking counseling or other emotional support in addition to (or without) making a report to the University. Appendix A identifies confidential and other resources, both at the University and in the Denver and Aurora area.

- Appendix A – Student Resources
- Appendix B – Employee Resources

III. REMEDIAL MEASURES

Parties involved in allegations of Prohibited Conduct are entitled to receive written information, assistance and a broad range of support and remedial measures regardless of whether they choose to pursue a resolution of Prohibited Conduct. Remedial measures may include a change in academic or living situations, transportation, working situations, prohibiting contact with the Respondent, or medical and/or mental health services, including counseling. Remedial measures may be requested by contacting the University Title IX Coordinator. The University will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such

confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

IV. EXPECTATIONS AND RESPONSIBILITIES

Through these Procedures, Complainants and Respondents can expect:

- A. Written notice of an investigation, including the potential Policy violation and nature of the alleged Prohibited Conduct;
- B. The opportunity to offer information, present evidence, and/or identify witnesses relevant to the determination of a Policy violation and any sanction(s) imposed;
- C. Timely notice of any meeting or proceeding contemplated by these Procedures where the party's presence may be requested;
- D. The opportunity to have an advisor of choice, including the right to have that advisor attend any meetings or proceedings contemplated by these Procedures where the party's presence may be requested;
- E. Timely and equal access to any information that will be used during Alternative or Formal Resolution proceedings and related meetings;
- F. A reasonable length of time to prepare any response contemplated by these Procedures;
- G. Prompt and equitable resolution under these Procedures;
- H. Written notice of any extension of time frames for good cause;
- I. Privacy in accordance with the Policy and any legal requirements;
- J. The opportunity to articulate concerns or issues about the process and to challenge the investigator for actual bias or conflict of interest;
- K. The opportunity to be heard, orally and/or in writing, as to the investigative finding, determination and any sanction(s) imposed;
- L. Written notice of the outcome, imposition of any sanction(s), and the basis for each;
- M. Reasonably available interim remedial measures;
- N. Freedom from retaliation, harassment or intimidation;
- O. The responsibility to refrain from retaliation, harassment or intimidation; and,
- P. The responsibility to provide truthful information.

V. INITIAL ASSESSMENT

Upon receipt of a report of Prohibited Conduct, the Title IX Coordinator, or their designee, will make an initial assessment of the reported information and respond to any immediate health or safety concerns raised by the report. As part of this initial assessment, the Title IX Coordinator will:

- A. Assess the Complainant's safety and well-being and offer the University's immediate support and assistance;
- B. Inform the Complainant of the right to seek medical treatment, information on how to access a medical forensic examination, how to access a Sexual Assault Nurse Examiner, and the importance of obtaining and preserving forensic and other evidence;
- C. Inform the Complainant of the right to contact law enforcement, decline to contact law enforcement, and/or seek a protective order;
- D. Inform the Complainant about University and community resources, the right to seek appropriate and available remedial and protective measures, and how to request those resources and measures;
- E. Inform the Complainant of the right to seek resolution under these Procedures, and determine whether the Complainant wishes (i) to seek such resolution, or (ii) to request confidentiality (i.e., that their name or other identifying information not be shared with the Respondent, that no investigation be pursued, and/or that no disciplinary action be taken);
- F. Explain the University's prohibition against Retaliation;
- G. Assess the nature and circumstances of the information reported, including whether it provides any identifiable information;
- H. Ascertain the ages of the Complainant and the Respondent and, where either of the parties is a minor (under 18), contact the appropriate child protective service agency; and
- I. Determine whether the report triggers any Clery Act obligations, including entry of the report in the daily crime log and/or issuance of a timely warning, and take steps to meet those obligations. To the greatest extent possible, the University will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim.

The Title IX Coordinator will ensure Complainants receive a written explanation of all their resources and options and are offered the opportunity to meet with the Title IX Coordinator to discuss those resources and options. When a decision is reached to impose interim protective measures, to initiate an investigation or to take any action that involves notifying a Respondent, the Title IX Coordinator will also ensure that the Respondent receives a written explanation of all their resources and options and are offered the opportunity to meet with the Title IX Coordinator to discuss those resources and options.

VI. THREAT ASSESSMENT

In addition to the steps taken during the initial assessment, the Title IX Coordinator will conduct a threat assessment and evaluate whether based on the information provided by the Complainant there is a rational basis for concluding that there is a risk of serious harm to the Complainant or other members of the University community. The Title IX Coordinator will make this assessment based upon the following factors (the “Risk Factors”), as available:

- Whether the Respondent has prior arrests, reports and/or complaints related to any form of Prohibited Conduct or any history of violent behavior;
- Whether the Respondent has a history of failing to comply with any University No Contact Directive, other University protective measures, and/or any judicial protective order;
- Whether the Respondent has threatened to commit violence or any form of Prohibited Conduct in the future;
- Whether the Prohibited Conduct involved multiple Respondents;
- Whether the Prohibited Conduct involved a weapon or physical violence. “Physical violence” means exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking and brandishing or using any weapon;
- Whether the report reveals a pattern of Prohibited Conduct (e.g., by the Respondent, by a particular group or organization, around a particular recurring event or activity, or at a particular location);
- Whether the Prohibited Conduct was facilitated through the use of “date-rape” or similar drugs or intoxicants;
- Whether the Prohibited Conduct occurred while the Complainant was unconscious, physically helpless or unaware that the Prohibited Conduct was occurring;
- Whether the Complainant is (or was at the time of the Prohibited Conduct) a minor (under 18); and/or
- Whether any other aggravating circumstances or signs of predatory behavior are present.

Upon completion of the threat assessment, the Title IX Coordinator will determine the appropriate course of action under these Procedures, which may include: (1) no further action; (2) Alternative Resolution; or, (3) Formal Resolution. In making this determination, the Title IX Coordinator will consider the Complainant’s preference for pursuing University resolution and the manner in which any subsequent action(s) might impact the Complainant. The Title IX Coordinator will also consider any evidence showing that the Respondent made statements of admission or otherwise accepted responsibility for the Prohibited Conduct, the existence of any independent information or evidence regarding the Prohibited Conduct, and any other available and relevant information.

Where the Title IX Coordinator determines that the report raises a health or safety risk to the Complainant and/or to the University community, the Title IX Coordinator will take any appropriate University actions, which may include (1) initiation of a No-Contact Directive, administrative leave, or an Interim Disciplinary Suspension against the Respondent; (2) initiating an investigation and Formal Resolution under these Procedures; (3) arranging, imposing or extending any other appropriate remedial and/or protective measures; and/or (4) reporting information to any external agency as required or permitted by law.

Where the Complainant has requested confidentiality, that no investigation occur, and/or that no disciplinary action be taken, the University will seek to honor this request. Although the University's ability to meaningfully investigate and respond to a report may be limited if the Complainant requests that their name not be disclosed to the Respondent or declines to participate in an investigation, the Title IX Coordinator may pursue the report if it is possible to do so without the Complainant's participation in the investigation or resolution (e.g., where there is other relevant evidence of the Prohibited Conduct, such as recordings from security cameras, corroborating reports from other witnesses, or physical evidence). In the absence of such other evidence, however, the University will only be able to respond to the report in limited and general ways, such as providing targeted training or prevention programs and/or offering appropriate remedial measures to the Complainant. In such cases, the report and threat assessment will be documented and retained by the University, in accordance with applicable law. Consistent with its obligation to ensure the health and safety of the University community, where the University determines that it must move forward with an Investigation despite a Complainant's request for confidentiality, the University will notify the Complainant and will make reasonable efforts to protect the privacy of the Complainant to the extent possible. However, certain actions that may be required as part of the University's response, including an investigation and disciplinary resolution, will involve speaking with the Respondent and others who may have relevant information, in which case the Complainant's identity may have to be disclosed. In such cases, the University will notify the Complainant that it intends to move forward with an investigation, but in no event will the Complainant be required to participate in any such actions undertaken by the University.

The Title IX Coordinator will inform the Complainant of the chosen course of action and of any additional actions taken by the University to address a health or safety risk. A Complainant who has requested confidentiality, that no investigation occur, and/or that no disciplinary action be taken, may, at any time, request that the report be re-opened and pursued under these Procedures. The Title IX Coordinator may also request that a report be re-opened and pursued under these Procedures if any new or additional information becomes available.

VII. UNIVERSITY RESOLUTION

These Procedures offer two forms of resolution for reports made under the Policy: (1) Formal Resolution, which involves an investigation, review by a Standing Review Committee, and if appropriate, implementation of a sanction, and (2) Alternative Resolution, which includes a variety of informal options for resolving reports.

A. Formal Investigations²

1. Major Stages and Timelines

- a. *Notice of Investigation (NOI)* If a formal investigation is commenced, the OE shall send the Respondent and the Complainant a Notice of Investigation which will:
 - Provide a copy of the OE Procedures and applicable policy;

² Section H(7) does not apply to matters formally investigated pursuant to the University of Colorado Conflict of Interest in Cases of Amorous Relationships Policy. Section 2 ("Policies and Procedures") of that Policy applies in those cases and the University is the Complainant.

- Identify the Complainant³ and Respondent;
- Identify the investigator(s);
- Identify the ability to contest the investigator(s) assigned to the investigation;
- Identify the standard of evidence to be used;
- Identify the factual description premising a charge of prohibited conduct;
- Identify the prohibited conduct provisions under the University's Sexual Misconduct and/or Nondiscrimination Policies;
- Identify any interim protective measures, which typically include but are not limited to, a no-contact order; and
- Require that the Respondent contact the OE within three business days to set up a meeting.

If the Respondent schedules a meeting but does not attend or attends but does not participate, the OE may complete the investigation based on the totality of information obtained, which may include police investigation reports and other relevant documents or information.

The Notice of Investigation will be sent to the Respondent and the Complainant by email. It may also be hand-delivered, or sent via certified mail to the permanent mailing address appearing in the University's information system or to an address appearing on a police report. Notice will be considered furnished on the earlier of either the date emailed or mailed to the parties.

b. *Investigative Process:* The OE follows an investigative model whereby investigator(s) interview the Complainant and the Respondent separately and provide each party the opportunity to be heard and respond. There are no formal hearings. The Complainant and the Respondent shall each have the right to:

- Timely notice of an interview or meeting where a party's presence is requested;
- Present relevant information to the investigator, including evidence identifying witnesses;
- Have an advisor of their choice present during any interview, which can include, but is not limited to an attorney or advocate. Advisors are not authorized to participate instead of the Complainant or Respondent. If a Complainant or Respondent chooses to have an advisor present for interviews, it is the Complainant or Respondent's obligation to select an advisor whose schedule allows attendance within the timeframes designated. Additionally, advisors cannot be a party to, or a witness in, the investigation;

³ In certain limited situations, the OE may choose not to disclose the identity of the Complainant. These situations include, but are not limited to, situations in which a Complainant has requested that their privacy be maintained. When a Complainant requests that their privacy be maintained, the OE will consider those factors identified in Section G "Determination Regarding Obligation to Provide a Safe and Nondiscriminatory Environment." If the OE elects to move forward with an investigation without the participation of a Complainant, in order to meet the University's obligations under Section G, the individual alleged to have been subjected to misconduct will be notified prior to the commencement of any investigatory effort that the OE has elected to initiate an investigation. Additionally, the Respondent will be notified that the investigatory effort is being initiated by the OE and not due to any action initiated by the individual who may have been subjected to misconduct.

- Review and respond to a Written Evidence Summary of the relevant and material facts gathered during the investigation prior to a final report;
 - Receive an Outcome Letter at the conclusion of the investigation and following the review by the Standing Review Committee; and
 - Receive notice of any sanction, if applicable, in writing.
- c. *Disclosure of Written Evidence Summary:* Following the fact gathering, the investigator(s) shall send a Written Evidence Summary of the relevant and material facts to Complainant and Respondent who each have five business days to review and respond. Where the investigator(s) receive information that warrants further investigation or review, the investigator(s) may extend the investigation in order to collect additional information. If an investigation is extended for this purpose, the parties will be notified in writing. Following such an extension, the investigator(s) will issue an amended Written Evidence Summary, which shall again be made available to the Complainant and Respondent for review and comment for five business days. The decision to extend the investigation shall be at the discretion of the investigator(s), in consultation with the Director.
- d. *Investigative Report:* At the conclusion of an investigation and following the submission of any information by either the Complainant or Respondent, the investigator(s) shall prepare a written investigative report that will include a statement of factual findings and a determination as to whether or not there was a policy violation. The OE may also submit the investigative report to the Office of University Counsel for review for legal sufficiency.
- e. *Report to Standing Review Committee:* The final investigative report shall be presented for review to the Standing Review Committee (SRC). The SRC shall consist of employees and/or students who have received appropriate training regarding implementation and application of the Procedures. The SRC reviews the investigative report to review for investigator(s) bias and impartiality, thoroughness of the investigation, and sufficiency to support the finding. The SRC may review any information contained in the investigative file, may consult with the investigator(s), or may recommend that further investigation or a new investigation be done by the same or another investigator(s). The SRC may not conduct its own investigation or hearing.
- f. *Notice of Finding:* The OE shall advise the Complainant and Respondent simultaneously in writing of the result or outcome of any investigation conducted under these Procedures. A copy of the final, redacted investigative report, as approved by the SRC, shall be made available for in-person review by the Complainant and Respondent. In limited circumstances, the OE may make available redacted copies of the investigative report and may be shared with those individuals with a need to know, including but not limited to, the Complainant, Respondent, Respondent's supervisor, and Respondent's appointing/disciplinary authority as applicable for employee Respondents, or Director of Student Conduct⁴. Such requests must be made to the Director or designee.

⁴ *Ibid*

- g. Completion of Investigation/Sanction:* The University will use its best efforts to complete its investigation and impose sanctions within sixty days of the issuance of a Notice of Investigation, although this time frame may be extended for good cause. Good cause may exist based on a variety of factors, including the complexity of the circumstances of each allegation (for example, employment discrimination and some protected class harassment investigations will typically take longer), the integrity and completeness of the investigation, to comply with a request by law enforcement, to accommodate the availability of witnesses, to provide translation services, to account for University breaks or vacations, to access relevant and probative documentation that is not immediately available, or to address other legitimate reasons. In the event the 60-day time frame is extended, both the Complainant and the Respondent will be notified in writing.
- 2. *Deadlines/Extensions of Time:*** The Complainant and the Respondent each have an obligation to meet deadlines as requested by the OE during the investigation and as specified above. Extensions of time shall only be granted for good cause shown and the parties shall be provided written notice of extensions as applicable.
- 3. *Standard of Review/Burden of Proof:*** The standard of proof required for a finding of responsibility is a preponderance of evidence, i.e., the information gathered demonstrates that it is more likely than not that the conduct occurred.
- 4. *Other Evidentiary Standards:***
- a. Sexual history in sexual misconduct cases:* The OE will not seek to consider irrelevant information regarding the Complainant's or Respondent's sexual history. Relevant information may include the shared sexual history between the Complainant and the Respondent, particularly if there are questions about physical injury or trauma. However, a prior consensual dating or sexual relationship between the Complainant and Respondent by itself does not support an inference of affirmative consent or preclude a finding of sexual misconduct.
- b. Respondent's prior acts/pattern evidence:* The OE will review if available any prior complaints of misconduct committed by the Respondent if they are relevant and probative to the alleged conduct at issue, or if they demonstrate a pattern of behavior. Such prior complaints, if relevant and probative, may be used in the imposition of interim protective measures, the investigative finding, and/or sanctioning.
- 5. *Sanctioning Overview for All Cases (Students or Employees):*** In cases where the investigation results in a determination that the OE policies have been violated, within five business days of the date of the Notice of Finding, the Respondent and Complainant will each have an opportunity to separately meet with the Director or designee to discuss any mitigating or aggravating circumstances related to the incident that may impact sanctioning. It is the responsibility of the parties to set the appointment and meet within the time prescribed. This meeting does not replace any additional meetings that may be required under other applicable personnel process (e.g., State Personnel Board Rules for Classified Employees, and Privilege and Tenure procedures for faculty).

Alternatively, the Complainant or Respondent may submit a written statement in lieu of

a meeting within five business days of the Notice of Finding. A written statement may be up to three pages in length, single spaced, 12-point font, and must be limited to describing mitigating or aggravating circumstances that may affect sanctioning. Any statement outside of these guidelines will not be considered. Repeated violations are likely to result in progressively severe sanctions. In the event that no violation of the OE policies is found, there is no preclusion of discipline for other prohibited misconduct under the Student Code of Conduct⁵ (for students) or for inappropriate or unprofessional conduct, or other misconduct (for employees). A sanction may be recommended when an employee is found, through the course of the investigation, to have engaged in inappropriate unprofessional conduct related to allegations of discrimination, harassment, sexual misconduct, and/or retaliation. The Director or designee may consult as necessary with OE staff, Human Resources, the Office of Student Conduct and Community Standards⁶, or any other University staff as needed in making a sanctioning determination. Factors pertinent to a sanctioning decision may include as applicable:

- a. Severity of conduct and whether it escalated during the incident;
 - b. Whether the Complainant was incapacitated at the time;
 - c. Whether there was force/violence, weapons, or threats of force/violence;
 - d. Any prior history of related criminal or policy violations;
 - e. Impact on Complainant;
 - f. Acceptance of responsibility by Respondent; and/or
 - g. On-going safety risk to Complainant and/or community.
- 6. *Notice and Sanction for Student Respondents:*** The Director or designee is authorized to impose sanctions on student Respondents and shall simultaneously notify the Complainant and Respondent of any sanctions and any other steps taken by the campus to remedy the discrimination or harassment. One or more of the following sanctions may be imposed:
- a. *Warning/Written Reprimand:* A warning/written reprimand is a statement from the Director or designee that the behavior was inappropriate and that more serious action will be taken should subsequent infractions occur.
 - b. *Educational Sanctions:* The student may be required to attend a class, program, or training (e.g., alcohol or anger management classes). This is not an exhaustive list but should serve as a reference for the types of educational sanctions that may be imposed.

⁵ *Ibid*

⁶ *Ibid*

- c. *Residence Hall Reassignment:* A student who resides in a residence hall may be assigned to a different floor or location within a residence hall.
 - d. *Residence Hall Termination:* A student's residence hall agreement is terminated through the OE process and the student is prohibited from residing in any University residence hall on either a permanent or temporary basis. Specific exclusion from the residence halls may be imposed. Termination may occur in cases where a student appears to be involved in a violation of University policies and the behavior or pattern of behavior has significant negative impact on a person's living community.
 - e. *Probation:* A student is placed on probation. Probation lasts for a specific period of time, and is implemented by semesters. Any violation of the OE policies or the conditions of probation committed during the probationary period will result in further disciplinary action.
 - f. *Restriction or Denial of University Services:* The student is restricted from using or is denied specific University services, including participation in University activities.
 - g. *Suspension:* The student is required to leave the University for a specific period of time. A suspension notation appears on the student's transcript. After the period of suspension has expired, the transcript notation will be removed. Suspension from the University includes exclusion from University property during the period of suspension. A suspension decision results in the student being suspended from all campuses of the University of Colorado system. Upon completion of the suspension, if the student wishes to return to the University, they must complete the re-admission process through the Office of Admissions.
 - h. *Exclusion:* The student is denied access to all or a portion of University property. When a student is excluded from University property, that student may be permitted onto University property for limited periods and specific activities with the permission of the Director or designee. Should the student enter University property without permission, action may be taken by the police for trespass.
 - i. *Expulsion:* The student is required to permanently leave the University. A notation of expulsion remains permanently on the student's transcript. An expulsion keeps the incident on file in the OE permanently. Expulsion from the University includes automatic exclusion from University property. An expulsion decision results in the student being expelled from all campuses of the University of Colorado system.
 - j. *Recommendation for Revocation of Degree:* The Director or designee recommends to the Regents of the University of Colorado revocation of an earned degree.
 - k. *Additional Sanctions:* The Director or designee has the discretion to impose any additional sanctions that may be warranted and appropriate given the circumstances of the case.
7. ***Notice and Sanction for Employee Respondents:*** The Director or designee will notify the disciplinary authority if a Respondent was found to have violated a policy or acted

inappropriately or unprofessionally. The disciplinary authority will impose sanctions as warranted in consultation with the Director of OE or designee, Chief Human Resource Officer or designee, and any other administrative staff with a need to know. The Director or designee will provide a formal recommendation as to the applicable sanctions. The Director or designee will ensure to the extent possible that both parties simultaneously receive notice of any sanctions imposed and any other steps taken by the University to remedy the discrimination or harassment to the extent permitted by law. The Director or designee must ensure that any disciplinary action imposed by the appointing/disciplinary authority against an employee Respondent is appropriate and timely pursuant to these Procedures. Any disputes in cases between the Director or designee and the appointing/disciplinary authority regarding discipline shall be resolved by submitting the case information to the Chancellor for review and final decision. The Chancellor shall also have access to the investigative records and may consult with the investigator in order to take appropriate action. One or more sanctions may be imposed:

- a. *Letter of Direction/Reprimand*: A warning/written letter of direction or reprimand is a statement from the disciplinary authority that the behavior was inappropriate and that more serious disciplinary action will be taken should subsequent infractions occur.
- b. *Mandatory Training*: The employee may be required to attend a training, class, or program as relevant to the misconduct.
- c. *Demotion*: The employee may be demoted from their current position, resulting in a reduction of grade, rank, or status.
- d. *Job Duty Modifications*: The disciplinary authority may modify the employment responsibilities of the employee.
- e. *Reduction in Salary/Ineligibility for Merit Increases*: The employee's salary is reduced either permanently or temporarily or the employee is not eligible for merit increases either permanently or temporarily.
- f. *Ineligibility for Rehire*: The employee is no longer eligible for employment at the University.
- g. *Exclusion*: In consultation with the disciplinary authority, the Director of OE or designee denies access for the employee to all or a portion of University property. When an employee is excluded from University property for limited periods and specific activities with the permission of the Director or designee. Should the employee enter University property without permission, action may be taken by the police for trespass.
- h. *Termination of Employment Contract and/or Termination of Employment*: Pursuant to applicable laws and policies specific to the employee's status, the disciplinary authority recommends or terminates employment.

- i. Additional Sanctions:* The disciplinary authority has the discretion to impose any additional sanctions that may be warranted and appropriate given the circumstances of the case.
- 8. Conclusion of Formal Investigation:** The OE investigation report as reviewed and approved by the SRC, and sanction if applicable, are final and there are no separate appeal procedures.⁷ Pursuant to Section D(5) the Director or designee has the discretion to re-open an investigation in limited circumstances. The Complainant may seek

B. ALTERNATIVE RESOLUTION

Alternative Resolution in place of an investigation and Formal Resolution. The University, however, has the discretion to determine whether the nature of the reported conduct is appropriate for Alternative Resolution, to determine the type of Alternative Resolution that may be appropriate in a specific case, and to refer a report for Formal Resolution at any time. In addition, Alternative Resolution may not be available where the Title IX Coordinator has determined that one or more of the Risk Factors is present. Forms of Alternative Resolution that involve face-to-face meetings between the Complainant and the Respondent, such as mediation, are not available in cases involving Sexual Assault.

Participation in Alternative Resolution (including any specific form of Alternative Resolution) is voluntary. The University will not compel a Complainant or Respondent to engage in Alternative Resolution, will not compel a Complainant to directly confront the Respondent, and will allow a Complainant or Respondent to withdraw from Alternative Resolution at any time. The University may decline the request for Alternative Resolution in any particular case and may terminate an ongoing Alternative Resolution process at any time. Pursuing Alternative Resolution does not preclude later use of Formal Resolution if the Alternative Resolution fails to achieve a resolution acceptable to the parties and the University. Where the Complainant or the Respondent withdraws from Alternative Resolution or Alternative Resolution is otherwise terminated for any reason, any statements or disclosures made by the parties during the course of the Alternative Resolution may be considered in a subsequent investigation and Formal Resolution.

With any form of Alternative Resolution, each party has the right to consult with an advisor of their choosing. The advisor may be any person, including an attorney, who is not otherwise a party or witness to the reported incident(s). The parties may be accompanied by their respective advisors at any meeting or proceeding held as part of Alternative Resolution. While the advisors may provide support and advice to the parties at any meeting and/or proceeding, they may not speak on behalf of the parties or otherwise participate in, or in any manner disrupt, such meetings and/or proceedings.

Alternative Resolution may include:

⁷ For cases resulting in an exclusion from campus, the Respondent has the right to appeal the Campus Exclusion portion of their sanction. The appeal process follows the procedures outlined in the Administrative Policy: Exclusion of Persons from University Property http://www.ucdenver.edu/faculty_staff/employees/policies/Policies%20Library/Admin/ExclusionPersonsCampus.pdf

- Resolution with the Assistance of a Third Party: A Complainant may seek assistance in informally resolving a report of Prohibited Conduct from the Title IX Coordinator, who can arrange to have a trained representative facilitate a meeting or meetings between the parties. The availability of this form of Alternative Resolution, and any resolution reached through such form of Alternative Resolution, is subject to the agreement of the Title IX Coordinator, the Complainant and the Respondent. This form of Alternative Resolution may not be used where the allegation involves Sexual Assault.
- Interventions and Remedies: Alternative Resolution agreements may involve a host of interventions and remedies, such as actions designed to maximize the Complainant's access to educational, extracurricular, and/or University employment activities; increased monitoring, supervision, and/or security at locations or activities where the Prohibited Conduct occurred or is likely to reoccur; targeted or broad-based educational programming or training for relevant individuals or groups; academic and/or University housing modifications for Student Complainants; workplace modifications for Employee Complainants; one or more of the restorative remedies or other sanctions described in these Procedures; and/or any other remedial or protective measures that can be tailored to the involved individuals to achieve the goals of the Policy.

Any form of Alternative Resolution and any combination of interventions and remedies may be utilized. If an agreement acceptable to the University, Complainant, and the Respondent is reached through Alternative Resolution, and the terms of the agreement are implemented, the matter will be considered resolved and closed. If an agreement is not reached, and the Title IX Coordinator determines that further action is necessary, or if a Respondent fails to comply with the terms of the Alternative Resolution, the matter may be referred for an investigation and Formal Resolution under these Procedures.

The Alternative Resolution process will typically be completed within thirty (30) calendar days from the date the Alternative Resolution process is commenced.

The University will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceedings conducted by the institution against a student/faculty and/or employee who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

NOTES

¹ The University of Colorado Schools of Medicine and Dentistry will continue to serve as the body for sanctions and disciplinary actions for all Title IX-related matters. The Title IX Coordinator for the University reserves the right to make appropriate recommendations to this body regarding the sanctioning process.

² *ibid*

³ *ibid*

⁴ ibid

⁵ ibid

⁶ ibid

⁷ ibid