I. POLICY

The University of Colorado Colorado Springs ("University") is committed to providing an environment where all individuals can achieve their academic and professional aspirations free from unlawful discrimination or harassment based on protected class status.

Further, it is critical to this commitment that anyone who believes they may have been the target of protected class discrimination or harassment in the context of University educational programs, activities, or employment, to feel free to report their concerns for appropriate investigation and response, without fear of retaliation.

To foster a climate that encourages prevention and reporting of protected class discrimination and harassment, the University will provide prevention efforts and respond to all reports promptly, provide interim protection measures to address safety, and recognize the inherent dignity of all individuals involved.

II. AUTHORITY FOR CAMPUS POLICIES

Authority for the creation of campus administrative policies is found in The Laws of the Regents, 2007, Article 3 Section B.5(A) which states:

The chancellor of the each campus shall be the chief academic and administrative officer responsible to the president for the conduct of affairs of their respective campus in accordance with the policies of the Board of Regents. The chancellor shall have such other responsibilities as may be required by these Laws, or regent policy, or as may be delegated by the president.

III. DEFINITIONS

a. Complainant: A person who is subjected to alleged prohibited conduct.

b. Day: For purposes of these policies and procedures, a day is a calendar day.
c. **Discrimination (Protected Class):** Occurs when an individual suffers a material adverse consequence on the basis of a protected class. Examples include, but are not limited to, failure to be hired or promoted or denial of admission to an academic program based on protected class status.

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

e. **Harassment:** Verbal or physical conduct related to one’s protected class that unreasonably interferes with an individual’s work or academic performance or creates an intimidating or hostile work or educational environment.

f. **Hostile Environment (Protected Class):** Hostile environment is a form of protected class harassment. Whether a hostile environment exists is determined from both a subjective and an objective perspective. The subjective perspective evaluates whether or not the complainant experienced unwelcome conduct on the basis of his or her protected class status. The objective perspective evaluates whether or not the unwelcome conduct was, from the perspective of a reasonable person in the alleged complainant’s position, sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the University’s education or employment programs and/or activities. Simple teasing, offhand comments, isolated incidents (unless extremely severe) or mere offensive conduct, unrelated to protected class, are not enough to create a “hostile environment” as defined in this policy.

g. **Preponderance of the evidence:** The evidentiary standard of proof used in all OIE procedures, meaning it is “more likely than not” that the alleged behavior occurred.

h. **Protected Classes:** “Protected Classes” refers to race, color, national origin, sex, pregnancy, age, disability, creed, religion, sexual orientation, gender identity, gender expression, veteran status, political affiliation, or political philosophy.

i. **Respondent:** A person who is accused of alleged prohibited conduct.

j. **Responsible Employee:** Any employee who: (1) has the authority to hire, promote, discipline, evaluate, grade, formally advise or direct faculty, staff, or students; (2) has the authority to take action to redress sexual misconduct as defined herein; and/or (3) has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX Coordinator. This definition does not include any medical, mental health,
counseling, or ombuds office personnel, in addition to any other offices covered by a statutory privilege or designated in campus procedures as not subject to mandatory reporting to the University.

k. **Retaliation**: Any adverse action threatened or taken against a person because an individual has filed, supported or provided information in connection with a complaint of sexual misconduct or protected class discrimination/harassment, including but not limited to direct and indirect intimidation, threats and harassment. An “adverse action” is any conduct or action that would dissuade a reasonable person from reporting an allegation of sexual misconduct or participating in an investigation of sexual misconduct or protected class discrimination/harassment.

l. **Student**: All persons taking courses at the University, either full time or part time, pursuing undergraduate, graduate, or professional studies, as well as non-degree seeking students. This also includes individuals who confirm their intent to enroll in programs, those attending orientation sessions, students between academic terms, those that were enrolled at the date of an alleged incident, and persons who are active but not enrolled at the University. Persons who withdraw after allegedly violating University policies or who are not officially enrolled for a particular term but who have a continuing relationship with the University are also considered “students.”

m. **University**: The University of Colorado Colorado Springs.

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

IV. **PROCEDURES**

a. **Protected Class Discrimination and Harassment Prohibited**

The University prohibits unlawful discrimination and harassment based on protected class and related retaliation. The University defines “protected classes” to include the following: race, color, national origin, sex, pregnancy, age, disability, creed, religion, sexual orientation, gender identity, gender expression, veteran status, political affiliation or political philosophy.

This prohibition applies to all students, faculty, staff, contractors, patients, volunteers, affiliated entities, and other third parties. Any violations may be subject to disciplinary action, up to and including, expulsion or termination of employment, as applicable. The University will consider what appropriate potential actions should be taken, including contract termination and/or property exclusion, regarding third party conduct that is alleged to have violated this policy; however those options may be limited depending on the circumstances of the arrangement.
This prohibition applies to conduct that occurs in the context of University educational programs, activities, or employment.

The University takes prompt and effective steps reasonably calculated to stop protected class discrimination and harassment and/or hostile environment, prevent its recurrence, and as appropriate, remedy its effects.

b. **Reporting a Complaint of Protected Class Discrimination or Harassment**

An individual may make a complaint of or report alleged protected class discrimination or harassment to the Office of Institutional Equity (“OIE”), including the Title IX Coordinator or designee. More information can be found at http://www.uccs.edu/~equity/.

c. **Responsible Employees Must Report Protected Class Discrimination and Harassment**

Any faculty or staff member who is considered a responsible employee, as defined in Section III, who witnesses or receives information regarding possible prohibited protected class discrimination or harassment is required to promptly report the information to the OIE, including the Title IX Coordinator or designee. Such information about the alleged conduct, includes:

- name of the alleged complainant(s);
- name of alleged respondent(s);
- name of any alleged witnesses; and
- any other relevant facts, including the date, time and specific location of the alleged incident.

All individuals, even if not considered a responsible employee, are highly encouraged to promptly report such information to a responsible employee or directly to the OIE, including the Title IX Coordinator or designee.

**Good Faith Reports:** Reports, complaints and other information must be provided in good faith. It is a violation of this policy when a person knowingly or recklessly alleges a false complaint of protected class discrimination or harassment or provides false information during the course of an investigation, and violations may be subject to disciplinary action, up to and including, expulsion or termination of employment, as applicable. This provision does not apply to reports made or information provided in good faith, even if the facts alleged are not later substantiated.

d. **Confidential Resources and Privacy**

The University supports the use of confidential resources so that individuals who feel that they may have experienced protected class discrimination or harassment can report such misconduct confidentially and receive support and
accommodations as necessary through the OIE, including the Title IX Coordinator or designee. Communications with these confidential resources are confidential to the extent permitted by statutory law and not considered “responsible employees” pursuant to Section III.

Confidential Resources:

UCCS Counseling Center  
719-255-3265  
http://www.uccs.edu/~counsel/

UCCS Student Health Center  
719-255-4444  
http://www.uccs.edu/~shc/

If an individual discloses information to a responsible employee but wishes to maintain privacy or requests that no investigation be conducted or disciplinary action taken, the responsible employee remains required to report all relevant information to the OIE. The Title IX Coordinator will explain that the University prohibits retaliation and that the University will not only take steps to prevent retaliation but also to take strong responsive action if it occurs. If the individual would still like to maintain privacy, the Title IX Coordinator will weigh and determine that request against the University’s obligation to provide a safe, non-discriminatory environment for all students, faculty, and staff. In making that determination, the Title IX Coordinator will consider a range of factors, including the following:

- The increased risk that the alleged respondent will commit additional acts of protected class discrimination or harassment;
- The seriousness of the alleged conduct;
- Whether the alleged conduct was perpetrated with a weapon;
- Whether the alleged complainant is a minor;
- Whether the University possesses other means to obtain relevant evidence of the alleged conduct (e.g., security cameras or personnel, physical evidence);
- Whether the alleged conduct reveals a pattern of perpetration.

The Title IX Coordinator’s decision will be conducted on a case by case basis after an individualized review. If the University honors the individual’s request for privacy, the University’s ability to meaningfully investigate the incident and pursue disciplinary action, if appropriate, may be limited, but nonetheless may proceed.

e. Investigation/Adjudication Process and Procedures
The University shall provide for the prompt, fair and equitable investigation and resolution within 90 days, to the extent feasible, of any protected class discrimination or harassment complaint that the campus knows of or, in the exercise of reasonable care, should have known about. All investigations shall be conducted by officials who are appropriately trained and shall afford the opportunity for both the complainant and the respondent to identify witnesses and submit evidence. All investigations shall use the preponderance of the evidence evidentiary standard (i.e., whether it is more likely than not that the conduct occurred) in findings regarding the complaint.

Detailed University process and procedures may be found at the link below.

**Complaints Involving Two or More Campuses**

When an alleged violation of this policy involves more than one University campus, the campus with primary disciplinary authority over the respondent shall investigate the complaint pursuant to its applicable complaint process and procedure. The campus responsible for the investigation may request the involvement or cooperation of any other affected campus and should advise appropriate officials of the affected campus of the progress and results of the investigation.

V. **RESPONSIBILITY**

The Chancellor is responsible for the implementation of this Policy.

VI. **RELATED POLICIES**

University of Colorado Administrative Policy Statement 5014, [http://www.cu.edu/sites/default/files/5014.pdf](http://www.cu.edu/sites/default/files/5014.pdf)


VII. **HISTORY**

Original Complaint Procedures: March 2009; Revised October 2012; Revised September 2014

VIII. **ATTACHMENTS:**

None.