

# UCCS Employee Sexual Misconduct Resource Guide

As a UCCS employee, you may be required to report to the Title IX Coordinator any information regarding potential sexual misconduct or protected class discrimination or harassment that may involve or affect members of the UCCS community. Information potentially regarding any of the following must be reported:

- Sexual Misconduct
  - Sexual assault – nonconsensual sexual intercourse
  - Sexual assault – nonconsensual sexual contact
  - Sexual Exploitation
  - Sexual Harassment
  - Intimate Partner Abuse
  - Gender/Sex-based Stalking
  - Related retaliation
- Protected Class Discrimination or Harassment - “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.
- Retaliation related to any of the above. Retaliation is defined as “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 protected class harassment or participating in an investigation of sexual misconduct or protected class discrimination/harassment.”

## Office of Institutional Equity (OIE)

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# How to effectively handle a student disclosure:

- If you think a student might be about to make a disclosure, compassionately remind the student that you are required to report certain types of information. Tell the student that you want to hear what he or she has to say, but that to report confidentially, the counseling center is the best place.
- Encourage the student to report the matter, and offer to accompany or support that student in doing so.
- Listen fully and attentively.
- Receiving a disclosure can feel alarming, but avoid imparting your own anxiety onto the student.
- Stay calm and be kind.
- Be mindful of personal biases and prejudices--avoid making assumptions and judgments about students.
- Report any matter that contains even a hint of potential sexual misconduct or protected class discrimination or harassment. You are not responsible for assessing the merit of a disclosure before reporting it. Do not do your own investigation, even casually or informally.
- You may want to “check in” with a student after a disclosure to ensure that the student is getting what he or she needs. Remember, though, that some students may not want to discuss the matter further and that confidentiality does not apply to subsequent conversations.

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## Campus Resources

### *Office of Institutional Equity (OIE)*

*719-255-4324*

*ACAD 106*

### *Office of the Dean of Students (DOS)*

*719-255-3091*

*Main Hall 202*

### *UCCS Police*

*Department of Public Safety/Gateway Hall*

*719-255-3111*

## Confidential Reporting Options for Students

### *Gallogly Wellness Center*

*719-255-4444*

*Health Services/Mental Health*

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# General Information about UCCS Policies, Procedures, and Resources

You do not have to pursue a criminal investigation to receive protective measures or have a SANE (Sexual Assault Nurse Exam).

## If you experience any kind of sexual misconduct, you can:

- Notify the police, either on-campus or off-campus
- Decline to notify the police
- Be assisted by UCCS Police in notifying off-campus police
- Students can talk confidentially to the Wellness Center (255-4444)
- Report to the Title IX Coordinator (255-4324)

UCCS Police can provide you with information on obtaining a restraining order through the El Paso County Court system.

UCCS will enforce existing restraining orders.

OIE and DOS can also put “no-contact” orders in place, although they may not be enforceable by outside agencies.

## It is important to preserve evidence from a sexual assault, even if you do not intend to proceed with criminal charges!

- Do not shower, brush your teeth, or change clothes. If you have already changed your clothes, place them in a paper bag. If you haven't changed, keep the original clothes on and bring an extra set to wear home from the hospital.
- Go to a hospital with the capability of providing a SANE (Memorial Main in Colorado Springs) exam and request the exam. You do not need to file criminal charges or give your name to the police to have a SANE exam.
- Screenshot any text messages and/or social media posts.
- Keep a journal and document your experiences and feelings.

# During an Investigation/Resolution:

\*See <http://www.uccs.edu/~equity/> for more information

UCCS will provide a prompt, fair, and impartial resolution or investigation conducted by individuals who receive at least annual training on the issues related to dating violence, domestic violence, sexual assault and stalking, as well as on how to conduct an investigation that protects the safety of victims and promotes accountability.

Both complainants and respondents will be allowed to have an advisor of his or her choice throughout the process (provided that person is not a witness).

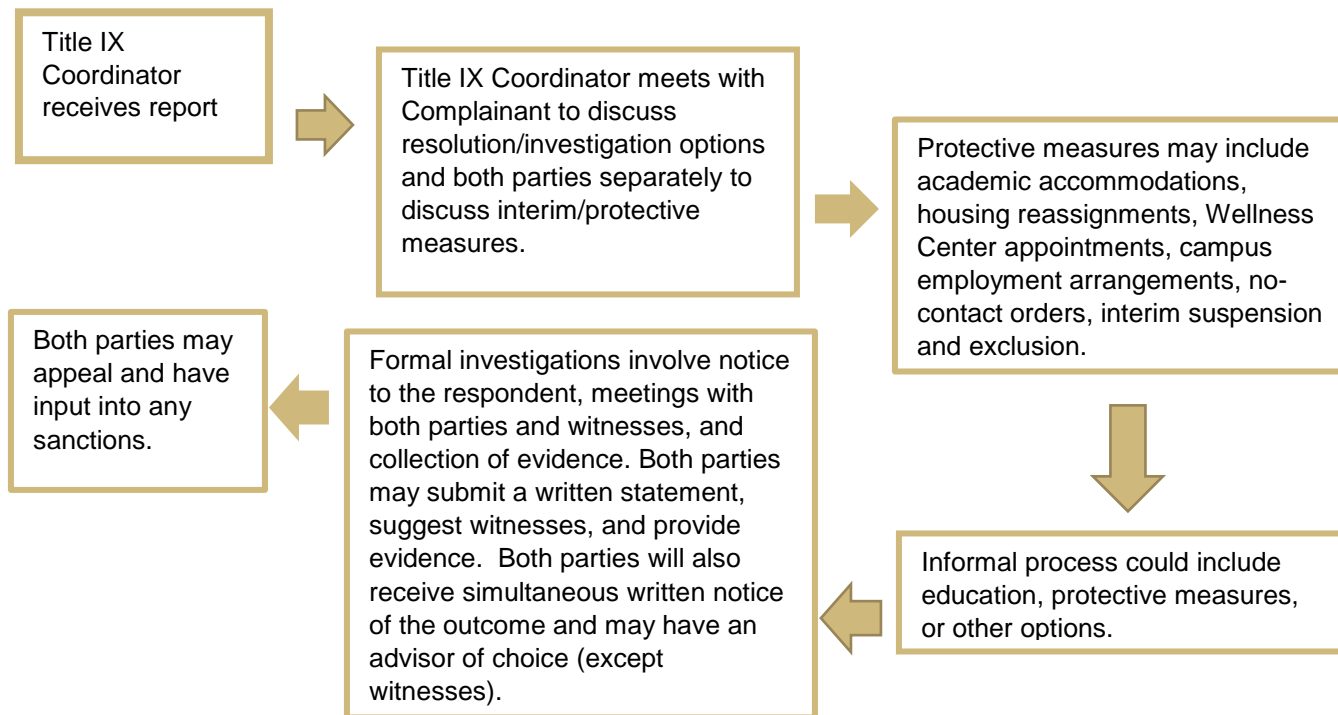
The complainant and respondent in a matter will be given simultaneous written notice of the outcome, including the rationale, the appeals process, and any sanctions.

UCCS will protect the confidentiality of victims, and will not disclose identifying information in Clery reports. UCCS will not disclose any protective measures except on a "need to know" basis.

## Complainants will be given written notice of:

- Rights and options under law and UCCS policy
- How to request protective/interim measures. You can request these measures even if you do not pursue a criminal investigation
- Information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both at UCCS and in the community

## Process



# Staying Safe

## Awareness

- Know where you are and who is around you
- Stay in well-populated areas

## Preparation

- Keep your phone charged
- Always have cab fare
- Arrange to check in with friends

## Vigilance

- Only accept drinks you see being poured
- Keep your drink with you at all times
- Watch out for your friends

## If you get into a difficult situation...

Have a code word with your friends or family so that you can call them to come get you without the person you are with knowing

Remember that being in this situation is not your fault. You did not do anything wrong.

Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than stay and be uncomfortable, scared, or worse

Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason

Domestic and Dating Violence are serious problems. Here are some signs of abusive behavior and signs that someone may be in an abusive relationship:

## Abusive Behavior

- Controlling behavior:
  - Controls partner's money or property
  - Keeps track of partner's whereabouts
  - Tells partner what to wear, eat, when and how to do various activities
- Makes frequent and unfair accusations about partner's infidelity
- Isolates partner from friends and family
- Humiliates partner in front of others
- Destroys partner's property
- Threatens to hurt partner, him/herself or others

## Signs of Possible Abuse

- Seems withdrawn, scared or sad
- Isolates him/herself from friends and family
- Stops engaging in regular activities
- Has low self-esteem
- Has unexplained injuries
- Becomes secretive
- Develops substance abuse issues

**Remember, you can be more than a bystander. Whether you are witnessing harassment or noticing a friend who's had too much to drink, you may have the power to stop a bad situation from happening.**

## Bystander Intervention Options

### Direct

- Tell the Person to Stop

### Distract

- Interrupt
- Redirect
- Remove Someone

### Delegate

- Ask Someone to Intervene

### Delay

- Approach Afterward

Safety is always the biggest concern when deciding how to intervene as a bystander. If you fear for your safety, or the safety of others, please do not hesitate to contact the police and call 911 if you believe there is immediate danger.

# Reporting Requirements

At UCCS, “Responsible Employees” are required to report any information regarding potential sexual misconduct, protected class discrimination or harassment, or related retaliation to the Title IX Coordinator at 255-4324 or [equity@uccs.edu](mailto:equity@uccs.edu).

A “Responsible Employee” is any employee who “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, or (3) has been given the duty of reporting incidents of sexual violence or other misconduct to the Title IX Coordinator.” This includes all faculty, RA’s, coaches, TA’s, supervisors, and may include other employees as well. If you’re not sure if you’re required to report, please contact the Title IX Coordinator.

\*\*\*If you disclose a matter involving sexual misconduct, protected class discrimination or harassment, or related retaliation to a Responsible Employee (include a faculty member or RA), that person is required to report the information to the Title IX Coordinator.

## Events and Training

At UCCS, we have numerous events focusing on raising awareness around sexual misconduct, including “Take Back the Night,” “Walk a Mile in Her Shoes,” and a variety of speakers. Please look for announcements via email, Communique and other advertisements around campus for information. The Office of Institutional Equity also provides trainings to campus groups on a regular basis and customized trainings by request. Please contact 255-4324 for more information.

**UCCS employees are mandatory child abuse reporters  
in the state of Colorado.**

**If you have a reasonable cause to suspect child abuse  
or neglect, you must report it to law enforcement or the  
Colorado Child Abuse and Neglect Hotline, at**

**1-844-264-5437**

# Colorado State Law Definitions

## Sexual Assault:

- (1) Any actor who knowingly inflicts sexual intrusion or sexual penetration on a victim commits sexual assault if:
- (a) The actor causes submission of the victim by means of sufficient consequence reasonably calculated to cause submission against the victim's will; or
  - (b) The actor knows that the victim is incapable of appraising the nature of the victim's conduct; or
  - (c) The actor knows that the victim submits erroneously, believing the actor to be the victim's spouse; or
  - (d) At the time of the commission of the act, the victim is less than fifteen years of age and the actor is at least four years older than the victim and is not the spouse of the victim;
  - (e) At the time of the commission of the act, the victim is at least fifteen years of age but less than seventeen years of age and the actor is at least ten years older than the victim and is not the spouse of the victim; or
  - (f) the victim is in custody of law or detained in a hospital or other institution and the actor has supervisor or disciplinary authority over the victim and uses this position of authority to coerce the victim to submit, unless the act is incident to a lawful search; or
  - (g) The actor, while purporting to offer a medical service, engages in treatment or examination of a victim for less than a bona fide medical purpose or in a manner substantially inconsistent with reasonable medical practices; or
  - (h) The victim is physically helpless and the actor knows the victim is physically helpless and the victim has not consented.
- COLO. REV. STAT. ANN. § 18-3-402 (WEST 2013).

## Domestic Violence:

- (1) Means an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. "Domestic violence" also includes any other crime against a person, or against property, including an animal, or any municipal ordinance violation against a person, or against property, including an animal, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship.
- (2) "Intimate relationship" means a relationship between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time. COLO. REV. STAT. ANN. § 18-6-800.3 (WEST 2007).

## Dating violence:

- Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
- (i) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - (ii) For the purposes of this definition—
    - (A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Violence Against Women Act, 79 Fed. Reg. at 62,784.

## Stalking:

- (1) A person commits stalking if directly, or indirectly through another person, the person knowingly:
- (a) Makes a credible threat to another person and, in connection with the threat, repeatedly follows, approaches, contacts, or places under surveillance that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship; or
  - (b) Makes a credible threat to another person and, in connection with the threat, repeatedly makes any form of communication with that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship, regardless of whether a conversation ensues; or
  - (c) Repeatedly follows, approaches, contacts, places under surveillance, or makes any form of communication with another person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship in a manner that would cause a reasonable person to suffer serious emotional distress and does cause that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship to suffer serious emotional distress. For purposes of this paragraph (c), a victim need not show that he or she received professional treatment or counseling to show that he or she suffered serious emotional distress.
- (2) For the purposes related to stalking above:
- (a) Conduct "in connection with" a credible threat means acts that further, advance, promote, or have a continuity of purpose, and may occur before, during, or after the credible threat.
  - (b) "Credible threat" means a threat, physical action, or repeated conduct that would cause a reasonable person to be in fear for the person's safety or the safety of his or her immediate family or of someone with whom the person has or has had a continuing relationship. The threat need not be directly expressed if the totality of the conduct would cause a reasonable person such fear.
  - (c) "Immediate family" includes the person's spouse and the person's parent, grandparent, sibling, or child.
  - (d) "Repeated" or "repeatedly" means on more than one occasion. COLO. REV. STAT. ANN. § 18-3-602 (WEST 2014).

## Consent:

"[Per Colorado Revised Statute, consent means] cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A current or previous relationship shall not be sufficient to constitute consent under the provisions of the statute. Submission under the influence of fear shall not constitute consent."

COLO. REV. STAT. ANN. § 18-3-401 (WEST 2013).