

Colorado Technical University

Policy Against Discrimination, Harassment, and Retaliation

I. Anti-Discrimination and Anti-Harassment Policy

General Policy Statement

Colorado Technical University, (hereinafter “the School”) does not discriminate, or tolerate discrimination against any member of its community on the basis of race, color, national origin, ancestry, sex/gender, age, religion, disability, pregnancy, veteran status, marital status, sexual orientation, or any other status protected by applicable federal, state or local law in matters of admissions or in any aspect of the educational programs or activities it offers.

Harassment, whether verbal, physical or visual, that is based on any of these characteristics, is a form of discrimination. This includes harassing conduct affecting tangible educational benefits, interfering unreasonably with an individual's academic performance, or creating what a reasonable person would perceive is an intimidating, hostile or offensive environment.

Additional information regarding the School’s prohibitions against sex discrimination (including sexual harassment, sexual assault, and sexual violence) and disability discrimination are set forth below.

While the School is committed to the principles of free inquiry and free expression, discrimination and harassment identified in this policy are neither legally protected expression nor the proper exercise of academic freedom.

Examples of discrimination and harassment may include (but are not limited to):

- refusing to offer educational opportunities to someone because of the person's protected status;
- making a grading decision because of the person's protected status;
- jokes or epithets about another person's protected status;
- teasing or practical jokes directed at a person based on his or her protected status;
- the display or circulation of written materials or pictures that degrade a person or group based upon a protected characteristic; and
- verbal abuse or insults about, directed at, or made in the presence of an individual or group of individuals in a protected group.

Policy against Sex Discrimination (including Sexual Harassment, Sexual Assault, and Sexual Violence)

Applicable Federal Law

This policy supplements the general policy statement set forth above and addresses the requirements of Title IX of the Education Amendments of 1972 (“Title IX”). Title IX is a federal law that prohibits sex discrimination in federally funded education programs and activities. Title IX states as follows:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Discrimination on the basis of sex (i.e., sex discrimination) includes sexual harassment, sexual assault, and sexual violence.

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As noted above, it is the policy of the School to provide an educational environment free of all forms of sex discrimination, including but not limited to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting sexual harassment, as defined in this policy and as otherwise prohibited by state and federal statutes. Sexual harassment, including acts of sexual assault and sexual violence, is a form of sex discrimination and is prohibited at the School. This prohibition against discrimination on the basis of sex applies to all students, faculty, and staff, to other members of the School community, and to contractors, consultants, and vendors doing business or providing services to the school.

Title IX Coordinators

Any inquiries regarding Title IX or the School's Policy Against Sex Discrimination should be directed to one or more of the Title IX Coordinators identified below. These Coordinators will be available to meet with or talk to students regarding issues relating to Title IX and this policy.

Lead Title IX Coordinator

Diane Auer Jones
Vice President of External and Regulatory Affairs
231 N. Martingale Road
Schaumburg, IL 60173
Tel 847-851-7036
Fax (847) 551-7610
DAuerJones@careered.com

The Lead Title IX Coordinator is responsible for implementing and monitoring Title IX Compliance on behalf of Career Education Corporation and all of its individual schools. This includes coordination of training, education, communications, and administration of the complaint and grievance procedures for the handling of suspected or alleged violations of this policy.

Deputy Title IX Coordinators

Campus Support Center
231 N. Martingale Rd
Schaumburg, IL 60173
Tel: 847-585-2608
E-mail: CTUOnline_Title9Coordinator@coloradotech.edu

Colorado Springs & Pueblo
4435 North Chestnut St.
Colorado Springs, CO 80907
Tel: 719-590-6747
E-mail: CTUColoradoSprings_Title9Coordinator@coloradotech.edu

Denver
1865 W. 121st Ave.
Westminster, CO 80234
Tel: 303-632-2330
E-mail: CTUDenver_Title9Coordinator@coloradotech.edu

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North Kansas City
520 E. 19th Ave.
North Kansas City, MO 64116
Tel: 816-303-7846
E-mail: CTUKansasCity_Title9Coordinator@coloradotech.edu

Sioux Falls
3901 W. 59th St.
Sioux Falls, SD 57108
Tel: 605-323-6590
E-mail: CTUSiouxFalls_Title9Coordinator@coloradotech.edu

The Deputy Title IX Coordinator is responsible for implementing and monitoring Title IX compliance at the School and for notifying the Lead Title IX Coordinator of any alleged or suspected violations of this policy and the resolution of such alleged or suspected violations, regardless of whether a grievance is submitted.

Definition and Examples of Conduct Prohibited Under this Policy

Prohibited conduct includes all forms of sex discrimination and sexual harassment, as well as sexual assault and sexual violence. Sexual harassment, which includes sexual assault and sexual violence, may take many forms.

Sexual Harassment

Sexual harassment may consist of repeated actions or may even arise from a single incident if sufficiently extreme. The complainant and the alleged perpetrator may be of either gender and need not be of different genders. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature where:

- submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's education, status in an academic course or program, or participation in an activity;
- submission to, or rejection of such conduct by an individual is used as the basis for a decision affecting an individual's education, status in an academic course or program, or participation in an activity; or
- such conduct is intended to or would objectively be regarded by a reasonable person as (i) unreasonably interfering with an individual's academic performance in a course or program, or participation in an activity, or (ii) creating an intimidating, hostile, or offensive learning or educational environment.

Depending on the circumstances, sexual harassment may include, but is not limited to, the following:

- Physical assaults of a sexual nature, such as rape, sexual assault, sexual battery, molestation, or attempts to commit these acts;
- Intentional physical conduct that is sexual in nature such as touching, pinching, patting, grabbing, poking, or brushing against another individual's body;
- Offering or implying an education-related reward (such as a better grade, a letter of recommendation, favorable treatment in the classroom, assistance in obtaining employment, grants or fellowships, or admission to any educational program or activity) in exchange for sexual favors or submission to sexual conduct;
- Threatening or taking a negative educational action (such as giving an unfair grade, withholding a letter of recommendation, or withholding assistance with any educational activity) or intentionally making the individual's academic work more difficult because sexual conduct is rejected;
- The use or display in the classroom, including electronic, of pornographic or sexually harassing materials such as posters, photos, cartoons or graffiti without pedagogical justification; and

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- Unwelcome sexual advances, repeated propositions or requests for a sexual relationship to an individual who has previously indicated that such conduct is unwelcome, or sexual gestures, noises, remarks, jokes, questions, or comments about a person's sexuality or sexual experience.

Sexual Assault and Sexual Violence

Sexual assault/sexual violence is a particular type of sexual harassment that includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. This includes, but is not necessarily limited to inappropriate touching, sexual intercourse of any kind without consent, rape, and attempted rape.

ADA/Section 504 Reasonable Accommodations Policy

As noted in the general policy statement set forth above, the School does not discriminate against individuals on the basis of physical or mental disability. To ensure equal access to its programs and activities, the School is committed to providing reasonable accommodations, including appropriate auxiliary aids and services, academic adjustments (inside or outside the classroom), and/or modification to the School's policies and procedures, to qualified individuals with disabilities, unless providing such accommodations would result in an undue burden or fundamentally alter the nature of the relevant program or activity. The School's ADA/504 Coordinators are responsible for determining appropriate accommodations.

ADA/504 Coordinators

Colorado Springs & Pueblo
Kathy Kasley
Program Chair
4435 North Chestnut St.
Colorado Springs, CO 80907
(719)590-6852
kkasley@coloradotech.edu

Sioux Falls
Trista Brown
Senior Student Services Advisor
3901 W. 59th St.
Sioux Falls, SD 57108
(605)323-6544
TBrown@sf.coloradotech.edu

Denver
Rachel Stetz
Support Coordinator
3151 S. Vaughn Way
Aurora, CO 80014
(303)632-2350
RStetz@coloradotech.edu

Campus Support Center
Lakeisha Marvel
Disability Services Administrator
231 N. Martingale Rd
Schaumburg, IL 60173
(224)293-5847
LMarvel@ctuonline.edu

North Kansas City
Melinda Whitman
Criminal Justice Program Chair
520 E. 19th Ave.
North Kansas City, MO 64116
(816)303-7845
MWhitman@kc.coloradotech.edu

Applicants for admission to the School or current students requesting an accommodation must complete Student Request for Accommodation and Student Authorization for Disclosure of Medical Information forms and have his or her health-care provider complete a Provider Certification of Disability and Recommendations for Accommodation form. Copies of these forms may be obtained from the ADA/504 Coordinator. The School may

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request only medical information that is relevant and reasonably necessary to determine whether an individual is disabled, the nature and extent of the disability, and appropriate reasonable accommodations. Completed forms and supporting documentation must be submitted to the ADA/504 Coordinator at the campus, students enrolled through the Virtual Campus should submit their request to ctu_special_needs_accomodation@ctuonline.edu. To enable the School to evaluate an individual's needs, engage in an interactive process with him or her, and provide appropriate reasonable accommodations in a timely fashion, the School requests that individuals complete and submit the required forms and supporting documentation at least six (6) weeks before the first day of classes, or as soon as practicable under the circumstances.

The School will make its determination on an individualized, case-by-case basis with input from the individual requesting accommodation, the School's ADA/504 Coordinator, and faculty and administrators, as necessary. Except in unusual cases, the School will reach a determination regarding an individual's request for accommodation and notify the individual in writing of the determination within three (3) weeks of his or her properly submitted request. In the event requested accommodations have been denied, the School's determination letter will inform the individual of the reason(s) and of his or her right to appeal the School's determination as set forth below. The ADA/504 Coordinator will maintain a confidential file regarding all requests for accommodation containing the forms and supporting documentation submitted by the applicant or student, any relevant communications (including notes of oral communications) between the individual and the School, the determination letter from the School to the individual, and the reason(s) for any denials. Any disagreements between an individual requesting accommodation and the ADA/504 Coordinator regarding appropriate accommodations and/or any allegations of violations of this policy may be raised under the School's Investigation and Grievance Procedures set forth below.

II. Investigation and Grievance Procedures

Colorado Technical University is committed to the prompt and equitable resolution of all alleged or suspected violations of its Anti-Discrimination and Anti-Harassment Policy about which the school knows or reasonably should know, regardless of whether a complaint alleging a violation of this policy has been filed and regardless of where the conduct at issue occurred. The School's ability to investigate in a particular situation, or the extent of the investigation in any given situation, may be affected by any number of factors, including whether the complainant is willing to file a complaint or to consent to an investigation, the location where the alleged conduct occurred, and the School's access to information relevant to the alleged or suspected violation of this policy. The School is nonetheless committed to investigating all alleged and suspected violations of this policy to the fullest extent possible under the circumstances.

These Investigation & Grievance Procedures apply to all suspected or alleged violations of this policy and will be used in place of any "Student Grievance Policy" that may be contained in any School catalog, handbook, or other publication or appear on the School's web site. In addition, any sanctions or other corrective actions imposed against students shall be imposed pursuant to these Investigation & Grievance Procedures, rather than pursuant to any "Student Code of Conduct Policy" or other set of policies and procedures governing student conduct, unless the School determines in its discretion that a Student Code of Conduct or other similar policy governing student conduct should be used to resolve a particular matter. In addition, the School may, upon finding good cause, modify these Investigation & Grievance Procedures in the interests of promoting full and fair resolution of suspected or alleged violations of this policy in accordance with applicable law.

Reporting Alleged Violations of this Policy; Investigation

An individual who has a complaint against a student, faculty, staff member, or other individual involving an alleged violation of this policy should contact the appropriate official as designated below either by telephone or in writing. The School will promptly and equitably investigate and resolve all suspected or alleged violations of this policy. Although there is no specific time limit for reporting a suspected violation of this policy, an

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individual who believes that he or she has been subjected to conduct that violates this policy is encouraged to contact the appropriate official as soon as possible after the alleged act of discrimination, harassment, or retaliation to discuss the available options for proceeding.

Alleged violations of the ADA/Section 504 Reasonable Accommodations Policy shall be reported to Dr. Kitty Kautzer, Vice President of Academic Affairs, 231 N. Martingale Road, Schaumburg, IL 60173, (847) 585-2084, kkautzer@careered.com.

Alleged violations of the Policy Against Sex Discrimination should be reported to the Deputy Title IX Coordinator identified above. In addition to contacting the Deputy Title IX Coordinator for his or her school, a student who has experienced a sexual assault or other act of sexual violence may contact proper law enforcement authorities (e.g., by calling 911), including local police and any law enforcement officials at the school, about possibly filing a criminal complaint. The Deputy Title IX Coordinator is available to assist students in making contact with appropriate law enforcement authorities upon request. Any pending criminal investigation or criminal proceeding may have some impact on the timing of the School's investigation, but the School will commence its own investigation as soon as is practicable under the circumstances. The School reserves the right to commence and/or complete its own investigation prior to the completion of any criminal investigation or criminal proceeding.

All other alleged violations of this policy should be reported to Mary Breunig, Vice President of Regulatory Services, 231 N. Martingale Road, Schaumburg, IL 60173, (847) 585-2100, mbreunig@careered.com.

Depending upon the nature of the alleged or suspected policy violation, the relevant official (or his or her designee) will conduct an investigation either alone or with one or more other school officials as deemed appropriate by the school. The investigation of any suspected or alleged violation of this policy will be completed within 60 days of the filing of a complaint or the date on which the school becomes aware of a suspected violation of this policy unless the school determines in its discretion that more time is required to complete the investigation. The nature and extent of the investigation will vary depending upon the circumstances, including whether the parties are amendable to pursuing an informal resolution (and the matter is eligible for informal resolution, as discussed below). As part of the investigation, the relevant official (or his or her designee) will seek to interview the complainant and the accused. To help ensure a prompt and thorough investigation, complainants are asked to provide as much information as possible:

- The name, department, and position of the person or persons allegedly causing the prohibited discrimination, harassment, or retaliation.
- A description of any relevant incident(s), including the date(s), location(s), and the presence of any witnesses.
- The alleged effect of the incident(s) on the complainant's opportunity to benefit from the school's programs or activities.
- The names of other individuals who might have been subject to the same or similar acts of discrimination, harassment, or retaliation.
- Although it is not required, any steps the complainant has taken to try to stop the discrimination, harassment, or retaliation.
- Any other information the complainant believes to be relevant to the alleged discrimination, harassment, or retaliation.

Any accused parties are also expected to provide as much information as possible in connection with the investigation.

The school reserves the right to suspend any member of the school community suspected or accused of violating this policy or to take any other interim measures the school deems appropriate, pending the outcome of an

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investigation or grievance. Such interim measures can include, but are not limited to, removing a student from campus housing, modifying course schedules, and issuing a “no contact” order. In situations involving suspected or alleged violations of the Policy Against Sex Discrimination, the School also reserves the right to take steps to protect the complainant as deemed necessary during the pendency of the investigation and resolution process (e.g., allowing for a change in academic situation, issuing a “no contact” order to the accused, etc.). Any such interim steps will be taken in a manner that minimizes the burden on the complainant to the extent possible.

Informal Resolution Process

Allegations of sexual assault or sexual violence may not be resolved using an informal resolution process (i.e., mediation). However, other alleged violations of this policy, including some allegations of sexual harassment, may be resolved using an informal resolution process overseen by one or more school representatives if (i) the school determines, in its discretion, that such a process would be appropriate; and (ii) all parties agree to participate. The parties to any such informal process will not be required to deal directly with one another without the school’s involvement. Instead, one or more school representatives may arrange for or facilitate mediation between the involved parties and coordinate other informal resolution measures. Any party may request that the informal resolution process be terminated at any time, in which case the formal resolution process (described below) would commence. In addition, any party can pursue formal resolution if he or she is dissatisfied with a proposed informal resolution.

Formal Resolution Process

The formal resolution process applies (i) when any party so requests in connection with a matter that is eligible for informal resolution; and (ii) to all matters that are not eligible for informal resolution (i.e., matters involving alleged or suspected sexual assault or sexual violence). The School may also elect to use the formal resolution process in any matter when the School deems it appropriate. As part of the formal resolution process, the school may determine that further steps are required to complete the school’s investigation. The following procedural protections apply to matters that are not resolved using the Informal Resolution Process described above:

- **Standard for Determining Responsibility.** The standard used to determine whether this policy has been violated is whether it is more likely than not that the accused violated this policy. This is often referred to as a “preponderance of the evidence” standard.
- **Rights of Complainants and Accused Parties; Timing of Resolution.** The School shall provide any individual suspected or accused of violating this policy with a written explanation of the suspected or alleged violations of this policy. Complainants and accused parties shall both be provided with the following in connection with the resolution of suspected or alleged violations of this policy.
 - o The opportunity to speak on their own behalf.
 - o The opportunity to identify witnesses who can provide information about the alleged conduct at issue.
 - o The opportunity to submit other evidence on their behalf.
 - o The opportunity to review any information that will be offered by the other party in support of the other party’s position (to the greatest extent possible and consistent with FERPA or other applicable law).
 - o The right to be informed of the outcome of the investigation (to the greatest extent possible and consistent with FERPA or other applicable law).
 - o The opportunity to appeal the outcome of the investigation.
- **Sanctions; Corrective Actions.** The official conducting the investigation will determine whether a violation of this policy has occurred and what, if any, corrective action is appropriate. The school will

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take reasonable steps to prevent the recurrence of any violations of this policy and to correct the discriminatory effects on the complainant (and others, if appropriate). The range of potential sanctions/corrective actions that may be imposed against a student includes but is not limited to the following: written or verbal apology, discrimination or harassment education, verbal or written warning, probation, suspension, and dismissal from the school. Employees who are found to have violated this policy may be terminated or subjected to other disciplinary action in accordance with the Code of Business Conduct & Ethics. Guests and other third parties who are found to have violated this policy are subject to corrective action deemed appropriate by the School, which may include removal from the School and termination of any applicable contractual or other arrangements. In instances where the School is unable to take disciplinary or other corrective action in response to a violation of this policy because a complainant insists on confidentiality or for some other reason, the School will nonetheless pursue other steps to limit the effects of the conduct at issue and prevent its recurrence.

- **Notification of Outcome.** After the conclusion of the investigation, the school will provide written notification to the complainant and the accused of the outcome (i.e., whether a violation of this policy has occurred) within seven (7) calendar days after the conclusion of any hearing or proceeding unless the school determines that additional time is required. This notice shall be issued contemporaneously to both parties to the extent practicable. The school may also disclose to the complainant information about any sanctions or corrective actions taken that relate directly to the complainant (e.g., a “no contact” order). The school will maintain documentation of all hearings or other proceedings, which can take various forms (e.g., notes, written findings of fact, transcripts, or audio recordings, etc.). In no event will the complainant in matters involving an alleged violation of the Policy Against Sex Discrimination be required to abide by a nondisclosure agreement that would prevent disclosure of the outcome.
- **Right to Appeal.** Once written notification of the resolution has been provided, either the complainant or the accused will have the opportunity to appeal the outcome (including the issue of whether there is a policy violation and any sanction(s) imposed). Any appeal must be submitted in writing to the Vice President of External and Regulatory Affairs within seven (7) calendar days of being notified of the outcome and must set forth the grounds upon which the appeal is based. If the Vice President of External and Regulatory Affairs is unable to resolve the appeal for any reason, the School will designate another representative to decide the appeal. Neither party shall be entitled to a hearing in connection with any appeal, but the Vice President of External and Regulatory Affairs may request written submissions from the parties or consider any other information as deemed appropriate by the Vice President of External and Regulatory Affairs. Both parties will be informed in writing of the outcome of any appeal within fourteen (14) days of the date by which all requested information is received unless the Senior Vice President of Regulatory Compliance & Academic Integrity (or designee) determines that additional time is required.

Prohibition Against Retaliation

No individual who makes a complaint alleging a violation of this policy or who participates in the investigation or resolution of such a complaint shall be subject to retaliation as a result of such activity or participation. Retaliation exists when action is taken against a complainant or participant in the complaint process that (i) adversely affects the individual’s opportunity to benefit from the school’s programs or activities; and (ii) is motivated in whole or in part by the individual’s participation in the complaint process. Any acts of retaliation, as defined in this policy, shall be grounds for disciplinary action, up to and including dismissal for students and termination of employment for faculty and staff.

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Confidentiality

To the extent permitted by law, the confidentiality of all parties involved in the resolution of alleged or suspected violations of this policy will be observed, provided that it does not interfere with the School's ability to conduct an investigation and take any corrective action deemed appropriate by the School and/or its schools.

Fabricated Allegations

Any allegations suspected to be fabricated for the purpose of harassing the accused party or disrupting the school's operations are subject to these investigation and grievance procedures and could result in disciplinary action, up to and including dismissal for students and termination of employment for faculty and staff.