



ANNUAL SECURITY REPORT

COLORADO TECHNICAL UNIVERSITY - COLORADO SPRINGS
4435 N CHESTNUT STREET
COLORADO SPRINGS, CO 80907

October 2021

Contents

Campus Security and Crime Prevention Information	3
Campus Facilities	3
Reporting a Crime	3
Timely Warnings	5
Emergency Response and Evacuation Procedures	6
Registered Sex Offenders	8
Crime Statistics for the Past Three Years	9
Drug and Alcohol Abuse Prevention Information	11
Sexual Misconduct and Sexual Harassment Policy	16
Investigation Procedures	20
Prevention and Awareness Programs.....	30
Contact Information	33
Definitions.....	35

Campus Security and Crime Prevention Information

The University prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and the Violence Against Women Act (VAWA). This report is prepared by University staff from the Operations Department, Human Resources, and Regulatory departments. Local police are contacted annually to provide crime reports for the campus geography; this information is evaluated and included within this report as applicable. The University combines information from internal records with information from the local Police Department, when available, and determines which incidents must be included in the annual campus crime statistics. The individual statistics reported for this campus for the past three years can be found [here](#).

Nothing in the law shall be construed to permit a school to retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual with respect to the implementation of the Clery Act.

Campus Facilities

Our University attempts to provide students and employees with a safe and secure environment in which to study and work. The University is open during posted hours, which may be adjusted as necessary to accommodate public health requirements or emergency situations. University facilities are locked during times the University is not open. Students must use their student ID badges to access secure locations during times the campus is open and are also expected to wear the badges while on campus. Cameras are located throughout the campus to monitor the facility. Security staff will periodically patrol the campus.

For student attending courses through the online platform, access is available to students 24/7.

The University considers the safety of students when maintaining campus facilities and utilizes a regular maintenance schedule to minimize the potential for hazardous conditions. This includes ensuring that door lock and key card readers are operational, and the building is secure from unauthorized entry. Students and staff who identify maintenance needs that may pose a risk to safety should contact the Vice Chancellor's Office.

Reporting a Crime

[\(click here for contact information\)](#)

If a student or employee is aware that a crime has been, or is being, committed on University property or at a University sponsored or recognized event off-campus during the hours that the University is open, a prompt and accurate report of the crime should be made as follows:

1. As soon as possible to the Vice Chancellor's Office when the victim of a crime elects to, or is unable (physically/mentally) to, make such a report. The Vice Chancellor's Office is located at 4435 N. Chestnut Street, Colorado Springs, CO 80907.
2. If the crime has been committed after regular business hours, it should be reported to the front desk, CSA, or security guard.
3. If the crime has been committed when the University is closed, it should be reported to the Vice Chancellor's Office or primary CSA as soon as possible after school is open.
4. In addition to reporting the crime to the Vice Chancellor's Office, a prompt and accurate report of the crime should be made to the appropriate law enforcement authorities. The local police department for the University is the Colorado Springs Police Department (CSPD) located at 705 S. Nevada Avenue in Colorado Springs. CSPD may be reached at 719-444-7000 or by dialing 911 in the event of an emergency.

Other emergencies should also be reported to the Vice Chancellor's Office.

Regular business hours for the University are 7am to 11pm, Monday – Friday and 8am to 5pm Saturday (closed Sunday).

The security personnel have authority to determine whether individuals have lawful business at the University and may request identification to make that determination. In addition, they have the authority to ensure that University policies, such as parking and building access, are followed. They do not, however, have arrest authority. Security services are provided by G4S, a third-party contract security company, who have jurisdiction over incidents that occur within property leased by the University. The University works with state and local law enforcement agencies and refers criminal incidents to the local police department having jurisdiction over such matters. The CTU does not have a written memorandum of understanding (MOU) with state or local law enforcement agencies to investigate alleged criminal offenses.

Certain institutional employees are designated as a CSA. The CSA may include any official of the institution who has significant responsibility for student and campus activities and who has the authority and duty to take action and respond to particular issues on behalf of the institution.

The primary CSA will work with local law enforcement, as appropriate, when a crime is reported. Crimes reported to the CSAs are included in the annual campus crime statistics.

If you are the victim of or witness to a crime and do not want to pursue action through the University or the criminal justice system, you may still consider voluntarily making a confidential report. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. Reports filed in this manner are included in the annual crime statistics for the University. Students who wish to make a confidential report of a crime can do so by sending an email to ConfidentialReporting@coloradotech.edu and informing them that they wish to make a confidential report. The campus does not have any pastoral or professional counselors on staff and thus does not have any procedures to encourage such counselors to inform the persons they are counseling of the ability to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

The University does not tolerate violence or other threatening conduct against any members of the University community. This includes criminal acts against persons or property, as well as harassment based on age, color, disability, genetic information, marital status, national origin, race, religion, sexual orientation, veteran status, or any other status protected by applicable federal, state, or local law. The University will impose strict disciplinary actions and appropriately involve law enforcement officials should any acts of violence or threatening conduct occur on University facilities or at University-sponsored events. This includes acts of violence against women.

In addition to any criminal sanctions, the University will impose appropriate disciplinary sanctions if the offender is a student or employee of the University. The Vice Chancellor's Office, Title IX Coordinator, and Responsible Employees should be contacted should one wish to file a complaint. 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 proceeding conducted by the University against a student 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 the purposes of this paragraph. However, note that, in cases of dating violence, domestic violence, sexual assault, and stalking, both the accuser and the accused are given the results without the need to make a written request.

Timely Warnings

In an effort to provide timely notice to the campus community in the event of a Clery Act Crime that may pose a serious or ongoing threat to members of the community, the University issues "Timely Warnings." The University may issue a Timely Warning for the following: arson; aggravated assault; criminal homicide; domestic violence; dating violence; robbery; burglary; motor vehicle theft; sexual assault; hate crimes; and stalking. The University may also issue a Timely Warning for alcohol, drug, and weapon arrests or referrals that may cause a continuing threat to the community. The University will distribute these warnings through a variety of ways, including but not limited to emails,

posters, web postings, and media. The University also has the ability to send text message alerts to the cell phone number listed in the student and employee University records.

The purpose of a Timely Warning is to notify the campus community of the incident and to provide information that may enable the community to take steps to protect themselves from similar incidents. The Vice Chancellor or designee will issue Timely Warnings considering on a case-by-case basis the following criteria: (1) one of the above listed crimes are reported; (2) the perpetrator has not been apprehended; and (3) there is a substantial risk to the safety of other members of the campus community because of this crime. The Vice Chancellor or designee may also issue an alert in other circumstances, which may pose a significant threat to the campus community.

Additionally, the Vice Chancellor or designee may, in some circumstances, issue Timely Warnings when there is a pattern of crimes against persons or property. The Vice Chancellor or designee will make the determination, in consultation with other campus offices, if a Timely Warning is required. For incidents involving off-campus crimes, the University may issue a Timely Warning if the crime occurred in a location used and frequented by students, staff, and/or faculty.

Emergency Response and Evacuation Procedures

The University maintains an Emergency Response Operations Plan designed to ensure there is a timely and effective response in the event of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health and safety of members of the campus community. Such situations include, but are not limited to: tornadoes, bomb threats, chemical spills, disease outbreaks, fires, active shooters. Emergency Response Guides are posted at the University in every classroom. The Emergency Response Guide provides guidelines and procedures for various emergency situations, including but not limited to medical emergencies, violent crime in progress, evacuations, fire, and weather emergencies. The University has also communicated with local police requesting their cooperation in informing the University about situations reported to them that may warrant an emergency response.

To report concerns that may require an emergency response, refer to the steps listed in "[Reporting a Crime](#)" section of this document.

If a potential emergency has been reported, the Vice Chancellor or designee will access available sources of information from campus administrative staff and local authorities to confirm the existence of the danger and will be responsible for initiating the institution's response and for marshaling the appropriate local emergency response authorities for assistance. Depending on the nature of the emergency, other University departments may be involved in the confirmation process.

Once the emergency is confirmed, the Vice Chancellor or designee will consult with other appropriate University officials to determine the type and scope of the emergency (e.g.,

University-wide or limited to a particular program or time of day) in order to determine the appropriate segment or segments of the University community to be notified.

If it is determined that an impending or continuing threat to the health or safety of campus community members exists, the Vice Chancellor or designee and others involved in reviewing the threat will, without delay, and taking into account the safety of the community, determine the content of an emergency notification using an existing template or developing new language to ensure that the message accurately describes the situation. They will then initiate a campus safety alert by submitting the notification using the University's emergency notification system. The University may delay a notification if issuing the notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Depending on the segments of the campus the notification will target, the content of the notification may differ. When appropriate, the content of the notification will be determined in consultation with local authorities. Also as appropriate, the notification will give guidance as to whether its recipients should shelter in place or evacuate their location.

The Vice Chancellor or designee is responsible for the issuance of an emergency notification/campus safety alert according to the notification system instructions. These alerts can be distributed in various ways, as deemed appropriate for the situation. Most commonly, upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff, an announcement will be sent to the University community in multi-modal format (e-mail, voice mail, or text using information listed in the student and employee University records) with information and instructions. The University will coordinate with local law enforcement to communicate the threat to the larger community as necessary.

The University tests its emergency response and evacuation procedures annually through drills or exercises. The tests may be announced or unannounced and are scheduled by the Vice Chancellor or the building management company. After the test is completed, these individuals will assess the effectiveness and identify opportunities for improvement, sometimes in consultation with the local agencies who performed the test. On April 12, 2020 at 9am, the Colorado Springs Fire Department conducted an inspection of the sprinkler system, fire alarms, backflow systems, and hydrants at the campus. Contact the Vice Chancellor's Office for more information.

The Campus Operations Manager maintains a record of these tests and training exercises, including a description of them, the dates and times they were held and an indication of whether they were announced or unannounced. In connection with at least one such test each year, the University will distribute to its students and employees information to remind them of the University's emergency response and evacuation procedures.

Registered Sex Offenders

The Jacob Wetterling Act requires states to obtain information concerning registered sex offenders' enrollment or employment at institutions of higher education. Those seeking to obtain information about registered sex offenders should visit the following websites:

State: <https://apps.colorado.gov/apps/dps/sor/index.jsf>

National: www.nsopw.gov

Further, to the extent the State notifies an educational institution of information concerning registered sex offenders, the Family Educational Rights and Privacy Act (FERPA) does not prevent educational institutions from disclosing such information. The University currently does not receive information from local law enforcement about registered sex offenders who may be enrolled at or employed at the University.

Crime Statistics for the Past Three Years

The following criminal offenses occurred during the calendar years listed.

CRIMINAL OFFENSES	ON CAMPUS			NON-CAMPUS			PUBLIC PROPERTY		
	2020	2019	2018	2020	2019	2018	2020	2019	2018
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Sex Offenses:									
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	1	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	1*	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	1	0	0	0	0	0	0	0

VIOLATIONS - Arrests	ON CAMPUS			NON-CAMPUS			PUBLIC PROPERTY		
	2020	2019	2018	2020	2019	2018	2020	2019	2018
Liquor law violations	0	0	0	0	0	0	0	0	0
Drug law violations	0	0	0	0	0	0	0	0	0
Weapons violations (e.g. Carrying, Possessing, etc.)	0	0	0	0	0	0	0	0	0

VIOLATIONS - Referred for Disciplinary Action	ON CAMPUS			NON-CAMPUS			PUBLIC PROPERTY		
	2020	2019	2018	2020	2019	2018	2020	2019	2018
Liquor law violations	0	0	0	0	0	0	0	0	0
Drug law violations	0	0	0	0	0	0	0	0	0
Weapons violations (Carrying, Possessing, etc.)	0	0	0	0	0	0	0	0	0

*Incident occurred in the hotel parking lot during the CTU Symposium Event on October 11, 2018

The University does not maintain any residential facilities.

Hate Crimes

Hate crimes are those crimes that manifest evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. The categories of bias include the victim's actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin and disability.

The University reports all hate crime statistics separately for the applicable categories of criminal offenses listed in the chart above that occur within the institution's Clery geography. Additionally, hate crimes statistics are also reported separately for the

following offenses: larceny-theft, simple assault, intimidation and destruction/damage/vandalism of property.

There were no reported hate crimes for the years 2018, 2019, or 2020.

Unfounded Crimes

Unfounded crimes are those crimes that are removed or withheld from the annual security report after it has been determined that the reported crime was false or baseless. Only sworn commissioned law enforcement personnel can make a formal determination that the report was false or baseless when made and that the crime report was therefore “unfounded.” This does not include a district attorney who is sworn or commissioned, nor does it include a Campus Security Authority.

There were no reported crimes for the years 2018, 2019, or 2020 that were determined to be unfounded.

Residential Facilities

The University does not maintain University-operated student housing facilities.

Fire Safety Reporting

Because the University does not maintain University-operated student housing facilities, it is not required to maintain a log of all fire related incidents, disclose fire statistics, or publish an annual fire safety report.

Missing Persons

Because the University does not maintain University-operated student housing facilities, it is not required to publish a missing student notification policy. However, students are encouraged to contact the local police if they have information about a missing person.

Monitoring Off Campus Locations of Recognized Student Organizations

The University does not have any officially recognized student organizations with off campus locations and therefore does not monitor or record criminal conduct occurring at such locations.

Drug and Alcohol Abuse Prevention Information

In accordance with the requirements of the Drug-Free Schools and Communities Act of 1989 (Public Law 101-226), and the Drug-Free Workplace Act of 1988 (Public Law 101-690), our University provides all students and employees with the following information concerning University policies and the consequences of the manufacture, distribution, possession, or use of any drug made illegal as a matter of federal, state or local law or the illegal possession and/or use of alcohol. In addition, the University conducts a biennial review of its drug and alcohol abuse prevention program to determine its effectiveness and ensure that sanctions are being consistently enforced. For more information about the biennial review, contact the University President. The University also enforces all federal, state and local drug laws, and also enforces the state's underage drinking laws.

Colorado constitutional amendment 64 legalizes certain activities related to marijuana under Colorado law, yet Amendment 64 specifically authorizes the university - as a school and an employer - to prohibit the possession and use of marijuana. In addition, although Amendment 64 passed in Colorado, marijuana remains illegal under the federal Controlled Substances Act, which prohibits marijuana possession and use. This federal law applies to recreational and medical use of marijuana. It is not a defense that the person holds a medical marijuana card.

Student must notify the Vice Chancellor within 10 days of being convicted of a criminal drug statute. Disciplinary action will occur within 30 days of receipt of the written notification and may range from a letter of admonishment to dismissal from the University.

Policy Regarding the Possession, Use and Sale of Drugs and Alcohol

Students and employees are prohibited from unlawfully manufacturing, distributing, possessing, or using any drug made illegal as a matter of federal, state, or local laws or illegally possessing or using alcohol while on University property or misusing alcohol while participating in any University or work-related activity outside the University or workplace. Violation of this policy will subject students or employees to corrective action up to and including dismissal or termination of employment. In addition, a violation may result in local, state, and/or federal criminal charges.

Enforcement of State and Federal Laws Related to Alcohol, Tobacco, and Other Drugs

The University enforces all federal, state, and local laws related to alcohol, tobacco, and other drugs by referring individuals suspected of violating these laws to local law enforcement. This policy applies to all students, employees, and visitors. Many of the acts which violate this policy also violate criminal law and must be referred for prosecution. Below is a partial list of state laws, regulations, and penalties regarding sale and use of alcohol, tobacco, and other drugs. Due to the volume of statutes, we are unable to list them all. For a complete listing, please visit the [Colorado Revised Statutes \(CRS\)](#) publication website.

Sale and distribution:

Colorado Revised Statute, Title 12: Professions and Occupations

- Fermented malt beverages: CRS 12-46
- Alcohol beverages: CRS 12-47
- Liquors – special event permits: CRS 12-48
- Medical marijuana: CRS 12-43.3

Possession, consumption, and furnishing:

Colorado Revised Statute, Title 18: Criminal Code

- Illegal possession or consumption of ethyl alcohol by an underage person: CRS 18-13-122
- Furnishing cigarettes or tobacco products to minors: CRS 18-13-121
- Unlawful administration of gamma hydroxybutyrate (GHB) or ketamine: CRS 18-13-123
- Uniformed controlled substances act of 1992, offenses and penalties: CRS 18-18-4
- Sentencing in criminal cases: CRS 18-1.3

Driving Under the Influence (DUI and DWAI)

Colorado Revised Statute, Title 42: Vehicles & Traffic

- Alcohol and other drug offenses: CRS 42-4
- Penalties and Procedures: CRS 42-17

Legal sanctions under local, state, and federal laws may include:

- suspension, revocation, or denial of a driver's license
- loss of eligibility for federal financial aid or other federal benefits
- property seizure
- mandated community service
- felony conviction that may result in 20-50 years imprisonment at hard labor without benefit of parole
- monetary fines

Enforcement of State Laws Related to Underage Drinking

The University enforces all state laws related to underage drinking by referring individuals suspected of violating these laws to local law enforcement. This policy applies to all students, employees, and visitors. State laws related to underage drinking prohibit persons under 21 years of age from possessing or consuming alcoholic beverages. Furnishing alcoholic beverages to underage persons is also prohibited. No person under legal drinking age or any obviously intoxicated person shall be furnished, served, or given an alcoholic beverage.

Drug and Alcohol Abuse Prevention

In addition to local and state authorities, the federal government has four agencies (the Drug Enforcement Agency, U.S. Customs Service, Federal Bureau of Investigation, and the U.S. Coast Guard) engaged in combating illicit drugs. One should be aware that:

- it is a crime to hold someone else's illicit drugs
- it is a crime to sell fake "dope"
- it is a crime for being in a house where people are using illicit drugs, even if you are not using them
- it is a crime if drugs are in your locker, car, purse, or house which is considered "constructive possession"

Drug abuse, which can affect one's physical and emotional health and social life, is the utilization of natural and/or synthetic chemical substances for non-medical reasons to affect the body and its processes, the mind and nervous system, and behavior. Drugs can be highly addictive and injurious to the body.

Information regarding the effects of commonly abused drugs may be found on the internet at www.nida.nih.gov/DrugsofAbuse.html. Some common health risks include:

- Alcohol
 - Damage to the heart leading to cardiomyopathy, high blood pressure, and stroke.
 - Liver inflammation resulting in fibrosis, cirrhosis, or alcoholic hepatitis.
 - Pancreatitis
 - Weakened immune system.
- Hallucinogens (LSD, mescaline, salvia, etc.) taken in high doses
 - Hallucinations.
 - Memory loss.
 - Physical distress, including dangerous changes in blood pressure, heart rate, respiration, and body temperature.
 - Psychological distress, including feelings of extreme panic, fear, anxiety, paranoia, invulnerability, exaggerated strength, and aggression.
 - Respiratory distress or arrest, resulting in death.
- Marijuana
 - Short term: Slowed reaction time, problems with balance and coordination, problems with learning and memory, anxiety.
 - Long term: Mental health problems, chronic cough, frequent respiratory infections.

- With alcohol: Increased heart rate/blood pressure, further slowing of mental processing and reaction time.
- Methamphetamine
 - Short term: Increased wakefulness and physical activity; decreased appetite; increased breathing, heart rate, blood pressure, temperature; irregular heartbeat.
 - Long term: Anxiety, confusion, insomnia, mood problems, violent behavior, paranoia, hallucinations, delusions, weight loss, severe dental problems, intense itching leading to skin sores from scratching.
 - With alcohol: Masks the depressant effect of alcohol, increasing risk of alcohol overdose; may increase blood pressure.
- Prescription Opioids
 - Short term: Pain relief, drowsiness, nausea, constipation, euphoria, slowed breathing, death.
 - Long-term: Increased risk of overdose or addiction if misused.
 - With Alcohol: Dangerous slowing of heart rate and breathing leading to coma or death.
- Tobacco and Nicotine
 - Short-term: Increased blood pressure, breathing, and heart rate. Exposes lungs to a variety of chemicals. Vaping also exposes lungs to metallic vapors created by heating the coils in the device.
 - Long-term: Greatly increased risk of cancer, especially lung cancer when smoked and oral cancers when chewed; chronic bronchitis; emphysema; heart disease; leukemia; cataracts; pneumonia.
 - With alcohol: Unknown.

Drug and alcohol abuse education programs are offered by local community agencies. The University will post information about such education programs at the office of the Campus Manager of Operations.

In certain instances, students may be referred to counseling and/or a substance abuse help center. If such a referral is made, continued enrollment is contingent upon attendance and successful completion of any prescribed counseling or treatment. The cost of such assistance or treatment will be the responsibility of the student. Students who are seeking treatment for a substance abuse problem may contact the Vice Chancellor. Confidentiality will be maintained. In addition, students who believe they have a substance abuse problem may find sources of treatment or advice by referring to the section of the local telephone book headed "Drug Abuse & Addiction Information and Treatment."

Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their manager or Human Resources to receive assistance or referrals to appropriate resources in the community. Employees may also contact the Employee Assistance Program (EAP) by calling 1-800-272-2727.

There are also national organizations that may be contacted for help, such as:

- American Addiction Centers 1-855-286-0802 or <https://www.alcohol.org/treatment/hotline/>
- National Drug Abuse Helpline 1-844-289-0879
- The National Institute on Drug Abuse Treatment Referral Hotline 1-800-662-HELP (4357) or <http://findtreatment.samhsa.gov/>
- Al-Anon for Families of Alcoholics 1-888-425-2666

IMPORTANT

As stated in the institution's catalog students convicted of any criminal offense while enrolled must report that conviction to the University within ten (10) days of receiving the conviction.

Sexual Misconduct and Sexual Harassment Policy

Consistent with the University's Non-Discrimination Notice and the U.S. Department of Education's implementing regulations for Title IX of the Education Amendments of 1972 ("Title IX") (*see* 34 C.F.R. § 106 *et seq.*), the University prohibits Sexual Harassment that occurs within its education programs or activities. The University is committed to creating and maintaining a community in which students, faculty and employees work in an environment free from all forms of discrimination, harassment, or violence. The Sexual Misconduct - Sexual Harassment Policy prohibits sexual harassment including: Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

Administrators, faculty member, staff, students, contractors, guests, and other members of the University community who commit Sexual Harassment are subject to the full range of University discipline including verbal reprimand; written reprimand; mandatory training, coaching, or counseling; mandatory monitoring; partial or full probation; partial or full suspension; fines; permanent separation from the institution (that is, termination or dismissal); physical restriction from University property; cancellation of contracts; and any combination of the same.

The University will provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to the University's Education Programs or Activities.

Information about the scope of this policy as well as support services are available to complainants and respondents is provided in writing to students and employees within the Annual Security Report (this document). This information can also be accessed on the [University Safety](#) page.

Reporting Sexual Harassment to the University

Any person may report Sexual Harassment to the Title IX Coordinator. Reports may be made in person, by regular mail, telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. In-person reports must be made during normal business hours, but reports can be made by regular mail, telephone, or electronic mail at any time, including outside normal business hours. Contact information for the Title IX Coordinator can be found in the Contact Information section of this document, or by clicking [here](#).

In addition to reporting to the Title IX Coordinator, any person may report Sexual Harassment to any University employee with managerial authority over other employees, including deans, program directors, program chairs, department heads, supervisors, and other managers (collectively referred to as "Reporting or Institutional Officials") who must promptly forward such report of Sexual Harassment to the Title IX Coordinator.

If you believe you are the victim of Sexual Assault, Domestic Violence, or Dating Violence, get to safety and do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. For those who believe that they are victims of Sexual Assault, Domestic Violence, or Dating Violence, the University recommends the following:

- Get to a safe place as soon as possible.
- Try to preserve all physical evidence of the crime – avoid bathing, using the toilet, rinsing one’s mouth or changing clothes. If it is necessary, put all clothing that was worn at the time of the incident in a paper bag, not a plastic one.
- Do not launder or discard bedding or otherwise clean the area where the assault occurred – preserve for law enforcement.
- Preserve all forms of electronic communication that occurred before, during, or after the assault.
- Contact law enforcement by calling 911.
- Get medical attention – all medical injuries are not immediately apparent. This will also help collect evidence that may be needed in case you decide to press charges. Local hospitals have evidence collection kits necessary for criminal prosecution should you wish to pursue charges. Take a full change of clothing, including shoes, for use after a medical examination.
- Contact a trusted person, such as a friend or family member for support.
- Talk with a professional licensed counselor, University chaplain, or health care provider who can help explain options, give information, and provide emotional support.
- Make a report to the Title IX Coordinator.
- Explore this policy and avenues for resolution under the Title IX Grievance Process.

It is also important to take steps to preserve evidence in cases of Stalking, to the extent such evidence exists. Such evidence is more likely to be in the form of letters, emails, text messages, electronic images, etc. rather than evidence of physical contact and violence. This type of non-physical evidence will also be useful in all types of Sexual Harassment investigations. Students and employees who report to the University that they have been a victim of dating violence, domestic violence, sexual assault, or stalking will receive a written explanation of their rights and options, whether the offense occurred on or off campus. The institution’s procedures for disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking are also provided in writing to students and employees.

Rights for Involved Parties

Complainants are encouraged to exercise their rights, if desired, including the following actions, which are provided to the complainant in writing:

- Reporting offenses to local law enforcement, campus security authority, and/or health officials. Complainants also have the option to decline to notify authorities.
 - If requested by the complainant, the University will assist in notifying law enforcement
- Obtaining immediate medical attention, including a forensic examination (completing a forensic examination does not require the complainant to file a police report)
- The importance of preserving evidence of the crime or offense
- Receiving counseling referral information
- Receiving information on services for health, advocacy, legal assistance, visa and immigration assistance, and student financial aid
- Seeking supportive measures such as changing academic and work situations (e.g., student's course schedule; employee's work environment)
- Seeking a no-contact order from the University and information relating to judicial restraining and protective orders

The University strongly encourages the reporting of sexual harassment, sexual assault, dating violence, domestic violence or stalking in a timely manner. Complainants may report an allegation of the above to the Title IX Coordinator or designee by contacting them either in writing or in person. Complainants also have the option of notifying local law enforcement. .

The University will:

- (a) provide students, employees, complainants, and respondents with written information about existing counseling, health, mental health, advocacy, legal assistance, visa and immigration assistance, student financial aid, and other supportive measures available for both parties, within the University and in the community; and
- (b) provide complainants and respondents with written information about their options for, and available assistance in seeking supportive measures, such as changing academic, living, transportation and working situations if requested and reasonably available. Supportive measures will be available irrespective of whether the complainant chooses to report the offense to campus security or to local law enforcement or participate in informal or formal hearing proceedings.

In addition, the Title IX Coordinator or designee will provide the complainant with written information on off-campus organizations and agencies that provide services to victims of a sex offense. Specific contact information for the services identified in this section is listed on the last page of this document or by clicking [here](#).

Requests for supportive measures should be made to the individuals listed in the [Contact Information](#) section of this document; these individuals are responsible for deciding what, if any, supportive measures will be implemented. When determining the reasonableness of such a request, the University may consider, among other factors, the following:

- The specific need expressed by the requester

- The burden, if any, of the supportive measure on both parties and the ability to reduce or mitigate those concerns for each party
- Alternative supportive measures available to accomplish the goal specified by the requester
- The severity or pervasiveness of the allegations
- Whether the parties share the same class or job location
- The age of the parties involved

The University will maintain as confidential any supportive measures provided to the extent that maintaining confidentiality would not impair the University's ability to provide them. However, there may be times when certain information must be disclosed to a third party in order to implement the supportive measure. Such decisions will be made by the Title IX Coordinator in light of the surrounding circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the supportive measure is provided. In the event it is necessary to disclose information about a party in order to provide a supportive measure, the University will inform the impacted party of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared and why.

If either party informs the institution that they have an order of protection, no-contact order, restraining order or similar lawful order issued by a criminal, civil or tribal court in effect, the institution will uphold the conditions of the order to the best of its ability. The institution does not issue orders of protection, but will assist parties in identifying available resources to assist them in filing for an order. In El Paso County, Temporary Restraining Orders (based on domestic violence) may begin at the TESSA office at 435 Gold Pass Heights, CSC 80906, Phone: (719) 633-1462 or the County court house at 270 S. Tejon, Room #105. Individuals must have completed an application for a temporary restraining order prior to 9:00 a.m. and be prepared to spend 305 hours to complete the process. Once the proper paperwork has been completed, the "plaintiff" appears before a County court magistrate. If the magistrate approves the application the signed order must be served directly to the "defendant." The Sheriff's Office does not charge a fee for service if the restraining order is domestic violence related. Temporary Restraining Orders that have been issued by the court but have not been legally served are not enforceable. Once served, the defendant will be required to appear in court before the magistrate approximately two weeks later. The sole purpose of this appearance is to explain their side of the complaint to the magistrate. Once both sides are heard, the magistrate will decide on a permanent order.

Confidentiality

The institution will protect the privacy interests of the parties to the greatest extent practicable. Publicly available recordkeeping, such as mandatory Clery reporting, will be accomplished without the inclusion of identifying information, to the extent permitted by law.

Informing a University employee of alleged misconduct allows the University an opportunity to promptly take remedial action and to investigate so that the complainant may have an academic experience free from discrimination. The University can only address a specific situation if it is aware of it. However, the University understands that some individuals may feel more comfortable speaking with an off-campus resource in lieu of or in addition to a University employee.

Filing a Police Report

Although the procedure for filing a police report varies from city to city, there are basic steps to follow when you file a report.

- Contact the police department in the city where the crime occurred. Talk to a police officer as soon as possible after the crime took place so your memory of the incident and individuals involved is fresh.
- Know that you can file a police report at the police station or ask for an officer to come to your home. Some police jurisdictions allow you to file a police report online. Be prepared to answer questions such as the type of crime that transpired, items missing or damaged, name of the person who committed the crime (if known) and a description of the suspect along with the address and vehicle type (if known). Give your contact information so the officer can follow up with you on the case.
- Receive a case number for your police report. Refer to the number when you want an update on your case and if you would like a copy of the police report.
- Understand that there is no fee to file a police report. However, there is often a fee to get a copy of the police report.

The local police department for the University is: Colorado Springs Police Department, 7850 Goddard Street, Colorado Springs, CO 80920, 719-444-7000.

Investigation Procedures

The University is committed to undertaking prompt, thorough, impartial and fair investigations upon receiving formal notice or allegation of a complaint of sexual misconduct and/or sexual harassment. The University will make no determination regarding responsibility for the alleged conduct until the conclusion of the investigative and adjudicative process. From the initial investigation to the final result, the University will treat all involved individuals with respect and sensitivity. Depending upon the nature of the alleged or suspected policy violation, the relevant University official (or his or her designee) will conduct an investigation either alone or with one or more other University officials as deemed appropriate by the University.

Commencement and Timing

After the written notice of Formal Complaint is transmitted to the parties, an investigator selected by the Title IX Coordinator will undertake an investigation to gather evidence relevant to the alleged misconduct, including inculpatory and exculpatory evidence. The burden of gathering evidence sufficient to reach a determination in the adjudication lies

with the University and not with the parties. The investigation will culminate in a written investigation report, specified in the “Investigation Report” section of the policy, that will be submitted to the adjudicator during the selected adjudication process. Although the length of each investigation may vary depending on the totality of the circumstances, the University strives to complete each investigation within sixty (60) to ninety (90) days of the transmittal of the written notice of Formal Complaint.

Equal Opportunity

During the investigation, the investigator will provide an equal opportunity for the parties to be interviewed, to present witnesses (including fact and expert witnesses), and to present other inculpatory and exculpatory evidence. Notwithstanding the foregoing, the investigator retains discretion to limit the number of witness interviews the investigator conducts if the investigator finds that testimony would be unreasonably cumulative, if the witnesses are offered solely as character references and do not have information relevant to the allegations at issue, or if the witnesses are offered to render testimony that is categorically inadmissible, such as testimony concerning sexual history of the Complainant, as specified in the Sexual History section of the policy. The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.

The investigation is a party’s opportunity to present testimonial and other evidence that the party believes is relevant to resolution of the allegations in the Formal Complaint. A party that is aware of and has a reasonable opportunity to present particular evidence and/or identify particular witnesses during the investigation, and elects not to, will be prohibited from introducing any such evidence during the adjudication absent a showing of mistake, inadvertence, surprise, or excusable neglect.

Documentation of Investigation

The investigator will take reasonable steps to ensure the investigation is documented. Interviews of the parties and witnesses may be documented by the investigator’s notes, audio recorded, video recorded, or transcribed. The particular method utilized to record the interviews of parties and witnesses will be determined by the investigator in the investigator’s sole discretion, although whatever method is chosen shall be used consistently throughout a particular investigation.

Access to the Evidence

At the conclusion of the evidence-gathering phase of the investigation, but prior to the completion of the investigation report, the Investigating Officer will transmit to each party and their advisor, in either electronic or hard copy form, all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence the University may choose not to rely on at any hearing and inculpatory or exculpatory evidence whether obtained from a party or some other source. Thereafter, the parties will have ten (10) days in which to submit to the investigator a written response, which the investigator will consider prior to completing the investigation report.

The parties and their advisors are permitted to review the evidence solely for the purposes of this grievance process and may not duplicate or disseminate the evidence to the public.

Investigation Report

After the period for the parties to provide any written response as specified in the Access to Evidence section of the policy has expired, the investigator will complete a written investigation report that fairly summarizes the various steps taken during the investigation, summarizes the relevant evidence collected, lists material facts on which the parties agree, and lists material facts on which the parties do not agree. When the investigation report is complete, the investigator will transmit a copy to the Title IX Coordinator. The investigator will also transmit the investigation report to each party and their advisor, in either electronic or hard copy form.

Training of Investigators

The official(s) designated to investigate and adjudicate the case shall be trained in the investigation of, and other issues related to Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking, shall not have a conflict of interest or bias for or against any parties involved in the potential Policy violation, and shall have received at least annual training on issues related to these issues delivered by third-party providers with specialized expertise in this area. Topics include, but are not limited to: relevant evidence and how it should be used during a proceeding, proper techniques for questioning witnesses, basic procedural rules for conducting a proceeding, and avoiding actual and perceived conflicts of interest. Training materials are available on the University website; and additional documentation can be requested from the Title IX Coordinator.

Informal Resolution Process

At any time after the parties are provided written notice of the Formal Complaint as specified in the Notice of Formal Complaint section of the policy, and before completion of any appeal specified in the Appeal section of the policy, the parties may voluntarily consent, with the Title IX Coordinator's approval, to engage in mediation, facilitated resolution, or other form of dispute resolution, the goal of which is to enter into a final resolution resolving the allegations raised in the Formal Complaint by agreement of the parties. Administration Adjudication is a form of informal resolution.

The specific manner of any informal resolution process will be determined by the parties and the Title IX Coordinator, in consultation together. Prior to commencing the informal process agreed upon, the Title IX Coordinator will transmit a written notice to the parties that:

- Describes the parameters and requirements of the informal resolution process to be utilized;
- Identifies the individual responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another University official, or a suitable third-party);

- Explains the effect of participating in informal resolution and/or reaching a final resolution will have on a party's ability to resume the investigation and adjudication of the allegations at issue in the Formal Complaint; and
- Explains any other consequence resulting from participation in the informal resolution process, including a description of records that will be generated, maintained, and/or shared.

After receiving the written notice specified in this paragraph, each party must voluntarily provide written consent to the Title IX Coordinator, before the informal resolution may commence.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur are stayed and all related deadlines are suspended. Absent extension by the Title IX Coordinator, any informal resolution process must be completed within twenty-one (21) days. If an informal resolution process does not result in a resolution within twenty-one (21) days, and absent an extension, abeyance, or other contrary ruling by the Title IX Coordinator, the informal resolution process will be deemed terminated, and the Formal Complaint will be resolved pursuant to the investigation and adjudication procedures. The Title IX Coordinator may adjust any time periods or deadlines in the investigation and/or adjudication process that were suspended due to the informal resolution.

A party may withdraw their consent to participate in informal resolution at any time before a resolution has been finalized.

Other language in this Section notwithstanding, informal resolution will not be permitted if the Respondent is a non-student employee accused of committing Sexual Harassment against a student.

Administrative Adjudication

In lieu of the hearing process, the parties may consent to have a Formal Complaint resolved by administrative adjudication as a form of informal resolution. Administrative adjudication is voluntary and must be consented to in writing by both parties and approved by the Title IX Coordinator as specified in the "Adjudication Process Selection" of the Sexual Misconduct - Sexual Harassment Under Title IX policy. At any time prior to the issuance of the administrative officer's determination, a party has the right to withdraw from administrative adjudication and request a live hearing as specified in the "Hearing Process" section.

If administrative adjudication is selected, the Title IX Coordinator will appoint an administrative officer. The Title IX Coordinator will see that the administrative adjudicator is provided a copy of the investigation report and a copy of all the evidence transmitted to the parties by the investigator as specified in the "Access to Evidence" section.

The administrative officer will promptly send written notice to the parties notifying the parties of the administrative officer's appointment; setting a deadline for the parties to submit any written response to the investigation report; and setting a date and time for each party to meet with the administrative officer separately. The administrative officer's meetings with the parties will not be held any earlier than ten (10) days from the date of transmittal of the written notice specified in this paragraph.

A party's written response to the investigation report must include:

- To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- Any argument that a particular piece or class of evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition on the use of sexual history specified in the "Sexual History" section, or for any other reason;
- Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence;
- Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.

After reviewing the parties' written responses, the administrative officer will meet separately with each party to provide the party with an opportunity to make any oral argument or commentary the party wishes to make and for the administrative officer to ask questions concerning the party's written response, the investigative report, and/or the evidence collected during the investigation.

After meeting with each party, the administrative officer will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The administrative officer will take care to exclude from consideration any evidence that the administrative officer determines should be ruled inadmissible based on the objections and arguments raised by the parties in their respective written responses to the investigative report. The administrative officer will resolve disputed facts using a preponderance of the evidence (that is, "more likely than not") standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint.

Thereafter, the administrative officer will consult with any University official and the Title IX Coordinator, in the manner specified in the "Deliberation and Determination" section and will prepare and transmit a written decision in the manner as specified in the "Written Decision" section, which shall serve as a resolution for purposes of informal resolution.

Transmittal of the administrative officer's written determination concludes the administrative adjudication, subject to any right of appeal as specified in the "Appeal" section.

Although the length of each administrative adjudication will vary depending on the totality of the circumstances, the University strives to issue the administrative officer's written determination within twenty-one (21) days of the transmittal of the initiating written notice specified in this Section ("Administrative Adjudication").

Other language in this Section ("Administrative Adjudication") notwithstanding, informal resolution will not be permitted if the Respondent is a non-student employee accused of committing Sexual Harassment against a student.

Formal Resolution Process

The formal resolution process applies (a) when any party so requests in connection with a matter that is eligible for informal resolution; and (b) to all matters that are not eligible for informal resolution (i.e., matters involving alleged or suspected sexual misconduct, as well as complaints of an employee violating this policy with a student). The Title IX Coordinator may also elect to use the formal resolution process in any matter when the University deems it appropriate, including when complaints are brought forward anonymously and/or the Title IX Coordinator has received reports of serious misconduct and no particular alleged victim wishes to sign a formal complaint. The University may consolidate formal complaints where the allegations of sexual harassment arise out of the same facts or circumstances. As part of the formal resolution process, the University may determine that further steps are required to complete the University's investigation. Formal complaints may be filed with the Title IX Coordinator in person, by mail, or by e-mail. This process applies to both students and University employees.

The following procedural protections apply to matters that are not resolved using the Informal Resolution Process described above:

- *Terminating a Formal Complaint.* The University may terminate the formal resolution process at any time during the investigation or hearing if: (a) a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; (b) the respondent is no longer enrolled or employed by the institution; or (c) the institution is prevented from gathering evidence sufficient to reach a determination regarding the formal complaint or allegations therein. If this occurs, the institution will notify all parties in a timely manner. In some circumstances, such as those where there is an ongoing threat to the campus community, the Title IX Coordinator may decide to pursue formal Title IX processes against an alleged perpetrator even if the complainant withdraws their formal complaint.

- *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. This standard is utilized in all investigations under Title IX for both students and employees.

Adjudication Process Selection

After the investigator has sent the investigation report to the parties, the Title IX Coordinator will transmit to each party a notice advising the party of the two different adjudication processes specified in the Adjudication section of the Sexual Misconduct Policy. The notice will explain that the hearing process specified in the Hearing Process section of the policy is the default process for adjudicating all Formal Complaints and will be utilized unless both parties voluntarily consent to administrative adjudication as specified in the Administrative Adjudication section as a form of informal resolution. The notice will be accompanied by a written consent to administrative adjudication and will advise each party that, if both parties execute the written consent to administrative adjudication, then the administrative adjudication process will be used in lieu of the hearing process. Parties are urged to carefully review this policy (including the entirety of the Adjudication section), consult with their advisor, and consult with other persons as they deem appropriate (including an attorney) prior to consenting to administrative adjudication.

Each party will have three (3) days from transmittal of the notice specified in this Section to return the signed written consent form to the Title IX Coordinator. If either party does not timely return the signed written consent, that party will be deemed not to have consented to administrative adjudication and the Formal Complaint will be adjudicated pursuant to the hearing process.

Sanctions; Corrective Actions

The range of potential sanctions/corrective actions that may be imposed are as follows:

Student sanctions may include but are not limited to: written or verbal apology; sexual assault, dating violence, domestic violence or stalking prevention education; verbal, written or final warning; no-contact order issued by the University; probation, suspension, and/or dismissal from the University.

Employee sanctions may include but are not limited to: verbal coaching; documented coaching; formal policy reminder; written warning; final written warning; termination of employment; administrative leave of absence; sexual assault, dating violence, domestic violence or stalking prevention education; training; and/or no-contact order issued by the University. *Note: Employees are also subject to all Employee Handbook, department, and workplace policies, including but not limited to the Code of Business Conduct & Ethics.*

Guests and other third party sanctions may include but are not limited to: removal from the University property; referral to law enforcement; requirement to complete prevention education training prior to resuming a relationship with the University; and termination of contractual or other arrangements.

The University 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 University 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.). Under no circumstances will either party be required to abide by a nondisclosure agreement that would prevent disclosure of the outcome.

Written Decision

After reaching a determination and consulting with the appropriate University official and Title IX Coordinator as required by the “Discipline and Remedies” section of the Sexual Misconduct Policy, the hearing council will prepare a written decision that will include:

- Identification of the allegations potentially constituting Sexual Harassment made in the Formal Complaint;
- A description of the procedural steps taken by the University upon receipt of the Formal Complaint, through issuance of the written decision, including notification to the parties, interviews with the parties and witnesses, site visits, methods used to gather non-testimonial evidence, and the date, location, and people who were present at or presented testimony at the hearing.
- Articulate findings of fact, made under a preponderance of the evidence standard, that support the determination;
- A statement of, and rationale for, each allegation that constitutes a separate incident of Sexual Harassment, including a determination regarding responsibility for each separate potential incident;
- The discipline determined by the appropriate University official as referenced in the Discipline and Remedies section;
- Whether the Complainant will receive any ongoing support measures or other remedies as determined by the Title IX Coordinator; and
- A description of the University’s process and grounds for appeal, as specified in the Appeal section.

The hearing council’s written determination will be transmitted to the parties. Transmittal of the written determination to the parties concludes the hearing process, subject to any right of appeal as specified in the Appeal section.

Although the length of each adjudication by hearing will vary depending on the totality of the circumstances, the University strives to issue the hearing council’s written determination within fourteen (14) days of the conclusion of the hearing.

Appeal

Either party may appeal the determination of an adjudication, or a dismissal of a Formal Complaint, on one or more of the following grounds:

- A procedural irregularity affected the outcome;
- There is new evidence that was not reasonably available at the time the determination or dismissal was made, that could have affected the outcome;
- The Title IX Coordinator, investigator, hearing council, or administrative officer, as the case may be, had a conflict of interest or bias for or against complainants or respondents generally, or against the individual Complainant or Respondent, that affected the outcome.

No other grounds for appeal are permitted.

A party must file an appeal within seven (7) days of the date they receive notice of dismissal or determination appealed from or, if the other party appeals, within three (3) days of the other party appealing, whichever is later. The appeal must be submitted in writing to the appeals officer, who is identified and serves as the appeal officer for the formal case. The appeal must specifically identify the determination and/or dismissal appealed from, articulate which one or more of the three grounds for appeal are being asserted, explain in detail why the appealing party believes the appeal should be granted, and articulate what specific relief the appealing party seeks.

Promptly upon receipt of an appeal, the appeal officer will conduct an initial evaluation to confirm that the appeal is timely filed and that it invokes at least one of the permitted grounds for appeal. If the appeal officer determines that the appeal is not timely, or that it fails to invoke a permitted ground for appeal, the appeal officer will dismiss the appeal and provide written notice of the same to the parties.

If the appeal officer confirms that the appeal is timely and invokes at least one permitted ground for appeal, the appeal officer will provide written notice to the other party that an appeal has been filed and that the other party may submit a written opposition to the appeal within seven (7) days. The appeal officer shall also promptly obtain from the Title IX Coordinator any records from the investigation and adjudication necessary to resolve the grounds raised in the appeal.

Upon receipt of any opposition, or after the time period for submission of an opposition has passed without one being filed, the appeal officer will promptly decide the appeal and transmit a written decision to the parties that explains the outcome of the appeal and the rationale.

The determination of a Formal Complaint, including any discipline, becomes final when the time for appeal has passed with no party filing an appeal or, if any appeal is filed, at the point when the appeal officer has resolved all appeals, either by dismissal or by transmittal of a written decision.

No further review beyond the appeal is permitted.

Although the length of each appeal will vary depending on the totality of the circumstances, the University strives to issue the appeal officer's written decision within (21) days of an appeal being filed.

Retaliation

It is a violation of this policy to engage in Retaliation. Reports and Formal Complaints of retaliation may be made in the manner specified in the Reporting Sexual Harassment, and Formal Complaint sections. Any report or Formal Complaint of Retaliation will be processed under this policy in the same manner as a report or Formal Complaint of Sexual Harassment, as the case may be. The University retains discretion to consolidate a Formal Complaint of Retaliation with a Formal Complaint of Sexual Harassment for investigation and/or adjudication purposes if the two Formal Complaints share a common nexus.

Confidentiality

The University will keep confidential the identity of any individual who has made a report or Formal Complaint of Sexual Harassment or Retaliation including any Complainant, the identity of any individual who has been reported to be a perpetrator of Sexual Harassment or Retaliation including any Respondent, and the identity of any witness. The University will also maintain the confidentiality of its various records generated in response to reports and Formal Complaints, including, but not limited to, information concerning Supportive Measures, notices, investigation materials, adjudication records, and appeal records. Notwithstanding the foregoing, the University may reveal the identity of any person or the contents of any record if permitted by FERPA, if necessary to carry out the University's obligations under Title IX and its implementing regulations including the conduct of any investigation, adjudication, or appeal under this policy or any subsequent judicial proceeding, or as otherwise required by law. Further, notwithstanding the University's general obligation to maintain confidentiality as specified herein, the parties to a report or Formal Complaint will be given access to investigation and adjudication materials in the circumstances specified in this policy.

While the University will maintain confidentiality specified in this Section, the University will not limit the ability of the parties to discuss the allegations at issue in a particular case. Parties are advised, however, that the manner in which they communicate about, or discuss a particular case, may constitute Sexual Harassment or Retaliation in certain circumstances and be subject to discipline pursuant to the processes specified in this policy.

Note that certain types of Sexual Harassment are considered crimes for which the University must disclose crime statistics in its Annual Security Report that is provided to

the campus community and available to the public. These disclosures will be made without including personally identifying information.

In order to comply with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99), and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the process is not open to the general public. Accordingly, CTU will not disclose documents prepared in anticipation of the meeting, documents, testimony, or other information provided to the Council for review, and any transcript of the meeting itself may not be disclosed outside of the proceedings, except as may be required or authorized by law and/or CTU policy.

Bad Faith Complaint and False Information

It is a violation of this policy for any person to submit a report or Formal Complaint that the person knows, at the time the report or Formal Complaint is submitted, to be false or frivolous. It is also a violation of this policy for any person to knowingly make a materially false statement during the course of an investigation, adjudication, or appeal under this policy. Violations of this Section are not subject to the investigation and adjudication processes in this policy; instead, they will be addressed under the Student Conduct Policy in the case of students and other University policies and standards, as applicable, for other persons.

Prevention and Awareness Programs

The University will provide primary prevention and awareness programs for all incoming students and new employees that address topics including definitions, risk reduction, bystander intervention, reporting and investigation procedures, and sanctions as described within this document. The University will also provide ongoing prevention and awareness campaigns for students and employees that include this same information.

Specifically, these programs:

- Identify that the University prohibits any forms of conduct that can be identified as domestic violence, dating violence, sexual assault and stalking;
- Define dating violence, domestic violence, sexual assault and stalking and identify what behavior and actions constitute consent to sexual activity as those terms are defined by the local jurisdiction;

Information about these definitions can be found in the “Definitions” section of this document, or by clicking [here](#). The prevention and awareness campaigns are also designed to promote risk reduction and safe options for bystander intervention as described below.

Bystander Intervention and Risk Reduction

While the University attempts to provide a safe and secure environment, students, faculty, staff, and campus visitors are ultimately responsible for their safety. Risk reduction strategies addressed in our educational programs include:

- Information on how to report all suspicious activity to a Campus Security Authority (CSA) or Responsible Employees immediately. The primary CSA for this campus is the Evening Faculty Manager. Responsible Employees include faculty, staff, and administrative personnel.
- Skills for recognizing high-risk situations and how to look out for others:
 - Avoid walking alone at night. Travel with a friend or companion.
 - Avoid parking or walking in secluded or dimly lit areas.
 - Limit your alcohol consumption, and leave social functions that get too loud, too crowded, or that have too many people drinking excessively.
- Skills for recognizing high-risk situations online and avoiding personal cyber attacks.
- Promote an environment in which students, staff, and faculty feel supported in speaking out against sexual and domestic violence.

The University informs students and employees about campus security procedures and practices, crime prevention, and positive options for bystander intervention annually during student and employee programming. In addition, these programs also encourage students and employees to be responsible for their own security and the security of others.

Bystander Intervention

An engaged bystander is someone who intervenes in a safe and positive way before, during, or after a situation or event in which they see or hear behaviors that promote dating violence, domestic violence, sexual assault, or stalking. The bystander approach attempts to teach community members how to be engaged bystanders in a safe and effective way.

Primary prevention activities take place before violence happens to prevent perpetration or victimization.

If you see someone in danger of being assaulted:

- Step in and offer assistance. Ask if the person needs help. Before stepping in, make sure to evaluate the risk. If it means putting yourself in danger, call 9-1-1 instead.
- Don't leave. If you remain at the scene and are a witness, the perpetrator is less likely to do anything.
- If you know the perpetrator, tell the person you do not approve of their actions. Ask the person to leave the potential victim alone.

Information about bystander intervention is provided to students and staff on their respective campus portals, and is distributed to students, staff, and faculty during CTU's

annual recognition of National Campus Safety Awareness Month (NCSAM)

Ongoing Prevention and Awareness Campaigns

In 2020, the University developed programs to recognize Sexual Assault Awareness Month (SAAM) and National Campus Safety Awareness Month (NCSAM), and to address health and safety risks attributed to or exacerbated by the COVID-19 pandemic. The campus had limited in-person operations during 2020 due to the COVID-19 pandemic so it was unable to conduct in-person activities to accompany this messaging. These campaigns included:

- Poster and email campaigns
- Bystander intervention informational postings
- Healthy sexuality and consent information postings
- Title IX faculty and staff training

For additional information about these campaigns, please visit the Vice Chancellor's Office.

Contact Information

REMEMBER TO CALL 911 FIRST IN THE EVENT OF AN EMERGENCY

Internal Contacts

Title IX Coordinator*

Jaimie Aister, CTUColoradoSprings_Title9Coordinator@coloradotech.edu

Campus Vice Chancellor*

Jeremy Walker, Vice Chancellor, 719-590-6766

Primary Campus Security Authority*

Fletcher Howard, Evening Faculty Manager, 719-590-6897

Student Financial Aid

719-955-4688

Anonymous Reporting*

ConfidentialReporting@coloradotech.edu

**Contact these individuals for assistance with options related to academic, living, transportation and working situations as well as protective measures.*

Resources Appendix & External Contacts

Local Police	Colorado Springs Police Department (719) 444-7000
Hospital	Penrose Hospital Colorado Springs (719) 776-5000
Legal Assistance	Colorado Legal Services - www.coloradolegalservices.org Legal Aid Foundation of Colorado - legalaidfoundation.org Colorado State Public Defender - www.coloradodefenders.us Colorado Innocence Project - www.colorado.edu/law/academics/public-service/korey-wise-innocence-project
Victim Support	TESSA - (719) 633-3819 (24 hour crisis line) Provides immediate safety at a confidential Safehouse for women, children, and other victims escaping abuse; empowers survivors through programs and support such as Advocacy and Counseling; creates a safer future through Education and Outreach to schools, businesses and other organization. In addition, individuals wishing to apply for a Temporary Restraining Order can do so through the TESSA main office.

Visa and Immigration Assistance	Immigration Advocates Network - www.immigrationadvocates.org
--	--

Other National Resources

National Domestic Violence Hotline: 1-800-799-7233

National Sexual Assault Hotline: 1-800-656-4673

Rape, Abuse and Incest National Network (RAINN): <https://www.rainn.org/>

US Dept. of Justice Office on Violence Against Women: <https://www.justice.gov/ovw>

National Coalition Against Domestic Violence: <http://www.ncadv.org/>

National Sexual Violence Resource Center: <http://www.nsvrc.org/>

Restraining Order Assistance

Colorado Springs Area

In El Paso County, Temporary Restraining Orders (based on domestic violence) may begin at the TESSA office at 435 Gold Pass Heights, CSC 80906, Phone: (719) 633-1462 or the County court house at 270 S. Tejon, Room #105. Individuals must have completed an application for a temporary restraining order prior to 9:00 a.m. and be prepared to spend 305 hours to complete the process. Once the proper paperwork has been completed, the “plaintiff” appears before a County course magistrate. If the magistrate approves the application the signed order must be served directly to the “defendant.” The Sheriff’s Office does not charge a fee for service if the restraining order is domestic violence related. Temporary Restraining Orders that have been issued by the court but have not been legally served are not enforceable. Once served, the defendant will be required to appear in court before the magistrate approximately two weeks later. The sole purpose of this appearance is to explain their side of the complaint to the magistrate. Once both sides are heard, the magistrate will decide on a permanent order.

Definitions

Additional definitions related to the Sexual Misconduct and Sexual Harassment Policy are available [here](#)

Consent (as it relates to sexual activity)

“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 this part 4. Submission under the influence of fear shall not constitute consent. Nothing in this definition shall be construed to affect the admissibility of evidence or the burden of proof in regard to the issue of consent under this part 4. [C.R.S. 18-3-401\(1.5\)](#)

Dating Violence

The institution has determined, based on good-faith research, that Colorado law does not define the term dating violence. The federal definition is as follows:

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. 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. For the purpose of this definition:

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence. [34 CFR § 668.46](#)

Domestic Violence

“Domestic violence” 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.

“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. [C.R.S. 18-6-800.3](#)

Responsible Employees

A responsible employee is any employee who (a) has the authority to take action to redress the harassment; (b) has the duty to report to appropriate University official(s) sexual harassment or any misconduct by students or employees; or (c) is an individual

who a student could reasonably believe has this authority or responsibility. Responsible Employees include faculty, staff, and administrative personnel.

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; or
 - (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 supervisory 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 other 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. [C.R.S. 18-3-402](#)
- (2) Sexual Assault on a Child: Any actor who knowingly subjects another not his or her spouse to any sexual contact commits sexual assault on a child if the victim is less than fifteen years of age and the actor is at least four years older than the victim. [C.R.S. 18-3-405](#)

Sexual Offenses - Rape, Fondling, Incest, Statutory Rape

For purposes of the Clery Act, the term "sexual assault" includes the offenses of rape, fondling, incest, and statutory rape.

Incest: Any person who knowingly marries, inflicts sexual penetration or sexual intrusion on, or subjects to sexual contact, as defined in section 18-3-401, an ancestor or descendant, including a natural child, child by adoption, or stepchild twenty-one years of age or older, a brother or sister of the whole or half blood, or an uncle, aunt, nephew, or niece of the whole blood commits incest, which is a class 4 felony. For the purpose of this section only, "descendant" includes a child by adoption and a stepchild, but only if the person is not legally married to the child by adoption or the stepchild. [C.R.S. 18-6-301](#)

The institution has determined, based on good-faith research, that Colorado law does not define the term rape, fondling, and statutory rape. The federal definitions are as follows:

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. [34 CFR - Appendix a to Subpart D of Part 668](#)

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. [34 CFR - Appendix a to Subpart D of Part 668](#)

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent. [34 CFR - Appendix a to Subpart D of Part 668](#)

Sexual Offenses - Other "Sexual Assault" Crimes

Other crimes under Colorado law that may be classified as "sexual assault" include the following:

- Unlawful Sexual Contact - Any actor who knowingly subjects a victim to any sexual contact commits unlawful sexual contact if:
 - a. The actor knows that the victim does not consent; or
 - b. The actor knows that the victim is incapable of appraising the nature of the victim's conduct; or
 - c. The victim is physically helpless and the actor knows that the victim is physically helpless and the victim has not consented; or
 - d. The actor has substantially impaired the victim's power to appraise or control the victim's conduct by employing, without the victim's consent, any drug, intoxicant, or other means for the purpose of causing submission; or
 - e. [Repealed]
 - f. The victim is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the victim and uses this position of authority, unless incident to a lawful search, to coerce the victim to submit; or
 - g. The actor engages in treatment or examination of a victim for other than bona fide medical purposes or in a manner substantially inconsistent with reasonable medical practices. [C.R.S. 18-3-404](#)
- Unlawful Sexual Contact - Any person who knowingly, with or without sexual contact, induces or coerces a child by any of the means set forth in section 18-3-402 to expose intimate parts or to engage in any sexual contact, intrusion, or penetration with another person, for the purpose of the actor's own sexual gratification, commits unlawful sexual contact. For the purposes of this subsection

(1.5), the term “child” means any person under the age of eighteen years. [C.R.S. 18-3-404](#)

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 that 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. [C.R.S. 18-3-602](#)