



# **ANNUAL SECURITY REPORT**

**COLORADO TECHNICAL UNIVERSITY - VIRTUAL CAMPUS  
4435 NORTH CHESTNUT STREET  
COLORADO SPRINGS, CO 80907**

**October 1, 2018**

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## **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). 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**

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

The University considers the safety of staff when maintaining campus facilities and utilizes a regular maintenance schedule to minimize the potential for hazardous conditions. Staff who identify maintenance needs at the Campus Support Center that may pose a risk to safety should contact the mailroom to open a ticket.

### **Personal Safety**

While the University attempts to provide a safe and secure environment, students, faculty, staff, and campus visitors are ultimately responsible for their safety. Safety is enhanced when students and employees take precautions such as:

- Report all suspicious activity to a Campus Security Authority (CSA) or Responsible Employees immediately. The primary CSAs for this campus are the Director of Student Success and the University Ombudsman. Responsible Employees include faculty, staff, and administrative personnel.
- Never take personal safety for granted.
- 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.
- Carry only small amounts of cash.
- Never leave valuables (wallets, purses, books, computers, etc.) unattended.
- Carry your keys with you at all times and don't lend them to anyone.
- Lock your car doors and close the windows when leaving your car.
- Never leave valuables in your car especially if they are easily noticeable.
- Inventory your personal property and make records of the serial numbers of all items of value.
- Never admit anyone without a valid ID badge on campus/school premises.

The University informs students and employees about campus security procedures and practices during new student and employee orientation programs. These sessions are held prior to the beginning of a term (for students) and when new employees are hired. In addition, these programs also encourage students and employees to be responsible for their own security and the security of others.

## **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, the crime should be reported as soon as possible to the President's Office when the victim of a crime elects to, or is unable (physically/mentally) to, make such a report. The President's Office is located at 4435 North Chestnut Street, Colorado Springs, CO.

Regular business hours for the University are 9am to 7pm Monday to Thursday, 9am to 5pm CST Friday, 9am to 4pm CST Saturday, and 12pm to 5pm CST Sunday. If the crime has been committed after regular business hours, it should be reported to the front desk, CSA, or security guard. If the crime has been committed when the University is closed, it should be reported to the President's Office or a primary CSA as soon as possible after school is open. In addition to reporting the crime to the President's Office, the crime should be reported to local law enforcement authorities. Other emergencies should also be reported to the President's Office.

The local police department for the University is:  
Colorado Springs Police Department - Police Operation Center  
705 S. Nevada Ave.  
Colorado Springs, CO 80903

The local Police Department may be reached at 719-444-7000. In an emergency, the local Police Department may be contacted by dialing 911.

The G4S 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. The University works with local law enforcement agencies and refers criminal incidents to the local police department having jurisdiction over such matters. The University does not have a written agreement 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 CSAs will work with local law enforcement, as appropriate, when a crime is reported. If circumstances warrant, the University community will be notified if an on-going threat is posed related to a reported crime.

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 contacting the University Ombudsman. 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, religion, sexual orientation, veteran status, or any other status protected by 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 President'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; 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 University 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 University may also issue an alert in other circumstances, which may pose a significant threat to the campus community.

Additionally, the University may, in some circumstances, issue Timely Warnings when there is a pattern of crimes against persons or property. The University President 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 President 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 and based on its nature, the President will consult with other appropriate University officials 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, University leadership 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 and initiate a campus safety alert via 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 President is responsible for the issuance of an emergency notification/campus safety alert. 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 emergency response and evacuation procedures annually through drills or exercises. The tests may be announced or unannounced. On June 14, 2017 at 10:00 am, the University conducted an unannounced fire drill at the Campus Support Center. Contact the President's Office for more information.

The G4S Security 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.nsopr.gov](http://www.nsopr.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.

**Student Housing 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 President, in writing, within five days of being convicted of a criminal drug statute at the University. 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 law 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 Drugs*

The University enforces all federal, state, and local drug laws. 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.

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. 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. Among the manifestations may be loss of sense of responsibility and coordination, restlessness, irritability, anxiety, paranoia, depression, acting slow-moving, inattentiveness, loss of appetite, sexual indifference, coma, convulsions, and death.

There are classic warning signs that could be indicative of drug use. These signs include:

- Unexplained change in personality or attitude
- Drop in attendance and performance at work or school
- Deterioration of physical appearance, personal grooming habits
- Sudden mood swings, irritability, or angry outbursts
- Unexplained need for money or financial problems. May borrow or steal to get it
- Engaging in secretive or suspicious behaviors
- Sudden change in friends, favorite hangouts, and hobbies

Information regarding the effects of commonly abused drugs may be found on the internet at [www.nida.nih.gov/DrugsofAbuse.html](http://www.nida.nih.gov/DrugsofAbuse.html) .

Drug and alcohol abuse education programs are offered by local community agencies. The University will post information about such education programs on the bulletin board outside the library.

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 President's Office. 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:*

- The Alcoholism and Drug Abuse Hotline 1-800-ALCOHOL (1-800-252-6465)
- National Drug Abuse Helpline 1-866-874-4553
- 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 1-800-344-2666

**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 Assault and Prevention Policy**

Our University is committed to creating and maintaining a community in which students, faculty and staff work in an environment free from all forms of harassment, exploitation, intimidation or violence. The Sexual Assault and Prevention Policy prohibits all forms of sex discrimination and sexual harassment, as well as sexual assault and sexual violence. Domestic violence, dating violence, and stalking are also prohibited by this policy. These are serious offenses that may result in suspension, required withdrawal, expulsion, or termination of employment. Information about definitions referenced in this policy can be found in the “Definitions” section of this document, or by clicking [here](#).

**In the event of sexual assault, dating violence, domestic violence or stalking, victims are encouraged to report offenses in a timely manner to the President’s Office, any Campus Security Authority (CSA) and/or the Title IX Coordinator.**

### *Victim’s Rights*

Victims are encouraged to exercise their rights, if desired, including:

- Proceeding to a place where it is safe from further attack and reporting offenses to proper local law enforcement, campus security authority, and health officials
- Preserving any evidence of the assault that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order (do not drink, bathe, change clothing, or comb hair, as this may destroy evidence that may be needed to prosecute the offender)
- Obtaining immediate medical attention, including a forensic examination (completing a forensic examination does not require the victim to file a police report)
- Receiving appropriate counseling referral information
- Receiving information on services for health, victim advocacy, legal assistance, visa and immigration assistance, and student financial aid
- Completing crime reports
- Changing academic and work situations (e.g., student’s course schedule; employee’s work environment.
- Applying for judicial no-contact, restraining and protective orders.
- Receiving as the right of both the accuser and the accused the outcome of any institutional disciplinary proceeding that is brought alleging a sex offense. If the alleged victim is deceased as a result of the crime or offense, the institution must provide results of the disciplinary hearing to the victim’s next of kin, if so requested.

The University strongly advocates that a victim of sexual assault, dating violence, domestic violence or stalking report the incident in a timely manner. Victims may report a sexual assault, or incidents of dating violence, domestic violence and stalking to the President’s Office, a CSA, or the Title IX Coordinator by contacting them either in writing or in person (specific contact information can be found on the last page of this document or by clicking [here](#)). Victims of sexual assault, dating violence, domestic violence and stalking also have the option of notifying proper local law enforcement. If requested by the victim, the University will assist the victim in notifying law enforcement. The victim also has the option to decline notifying authorities.

The University will:

- (a) provide complainants with written information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the University and in the community; and
- (b) provide complainants with written information about their options for, and available assistance in, changing academic, living, transportation and working situations if requested and reasonably available, regardless of whether the complainant chooses to report the offense to campus security or to local law enforcement.

In addition, the President's Office will provide written information on off-campus agencies that provide services to victims of a sex offense. Specific contact information for the services identified in this section can be found on the last page of this document or by clicking [here](#).

The University is obligated to comply with a victim's reasonable request for an accommodation (as described in (b) above) following an allegation of dating violence, domestic violence, sexual assault or stalking, regardless of whether the victim chooses to report the crime to local law enforcement. Requests for accommodations should be made to the individuals listed in the [Contact Information](#) section of this document; these individuals are responsible for deciding what, if any, accommodations 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 complainant.
- The age of the students involved.
- The severity or pervasiveness of the allegations
- Any continuing effects on the complainant
- Whether the complainant and alleged perpetrator share the same class or job location.
- Whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

The University will maintain as confidential any accommodations provided a victim 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 accommodation. Such decisions will be made by the University in light of the surrounding circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the accommodation is provided. In the event it is necessary to disclose

information about a victim in order to provide an accommodation, the University will inform the victim of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared and why.

If a victim 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 victims in identifying available resources to assist them in filing for an order.

The institution will protect the confidentiality of victims. Publicly available recordkeeping, such as mandatory Clery reporting, will be accomplished without the inclusion of identifying information, to the extent permitted by law.

The University encourages all victims of sexual harassment to report the offending behavior to a Title IX Coordinator, CSA, or Responsible Employee as defined below. Informing a University employee of such misconduct allows the University with an opportunity to promptly take remedial action and to investigate so that the victim 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'd 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 – Police Operation Center, 705 S. Nevada Ave., Colorado Springs, CO 80903, 719-444-7000.



## **Investigation Procedures**

The University has investigation procedures in place to address allegations of dating violence, domestic violence, sexual assault, or stalking, which are detailed in the catalog and to determine whether disciplinary action is necessary. Under these procedures, when a student or employee reports to the institution that they have been a victim of dating violence, domestic violence, sexual assault or stalking, whether the offense occurred on or off campus, the institution will provide a written explanation of the student's or employee's rights and options.

The University is committed to undertaking prompt, thorough, impartial and fair investigations, and to treating all individuals with respect and sensitivity. 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 University officials as deemed appropriate by the University.

The investigation of any suspected or alleged violation of this policy will be completed within a reasonably prompt time frame following the filing of the complaint. If the University determines in its discretion that good cause exists to extend the time to complete the investigation, the parties will be notified in writing and provided with an explanation of the reason for the extension. 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 dating violence, domestic violence, sexual assault, or stalking.
- 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 University's programs or activities.
- The names of other individuals who might have been subject to the same or similar acts of dating violence, domestic violence, sexual assault, or stalking.
- Although it is not required, any steps the complainant has taken to try to stop the dating violence, domestic violence, sexual assault, or stalking.
- Any other information the complainant believes to be relevant to the alleged dating violence, domestic violence, sexual assault, or stalking.

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

The University reserves the right to suspend any member of the University community suspected or accused of violating this policy or to take any other interim measures the University deems appropriate, pending the outcome of an 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 this policy the University 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, or other measures as appropriate). Any such interim steps will be taken in a manner that minimizes the burden on the complainant to the extent possible. Interim measures will be kept confidential to the extent that maintaining such confidentiality would not impair the ability of the University to provide the interim measures.

### ***Informal Resolution Process***

Allegations of sexual assault, dating violence, domestic violence or stalking 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 University representatives if (i) the University 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 University’s involvement. Instead, one or more University 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, dating violence, domestic violence or stalking). The University may also elect to use the formal resolution process in any matter when the University deems it appropriate. As part of the formal resolution process, the University may determine that further steps are required to complete the University’s investigation. The following procedural protections apply to matters that are not resolved using the Informal Resolution Process described above:

- *Investigator Qualifications.* The official(s) designated to conduct the investigation shall be trained in the investigation of, and other issues related to, sexual assault,



domestic violence, dating violence, stalking and other misconduct covered by this Policy, 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 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.

- *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 University 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.
  - The opportunity to speak on their own behalf.
  - The opportunity to identify witnesses who can provide information about the alleged conduct at issue.
  - The opportunity to submit other evidence on their behalf.
  - The opportunity to be accompanied to any meeting or proceeding related to the University’s resolution of an alleged or suspected violation of this policy by an advisor of their choice. The University will not limit the choice of advisor or presence for either the complainant or accused, but advisors are prohibited from speaking on behalf of either the complainant or accused and may be removed or dismissed from the meeting or proceeding if they become disruptive or do not abide by this restriction on their participation.
  - 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), as well as timely and equal access to any other information that will be used during any informal or formal disciplinary proceedings.
  - The right to be informed of the outcome of the investigation (to the greatest extent possible and consistent with FERPA or other applicable law).
  - The opportunity to appeal the outcome of the investigation.
- *Sanctions; Corrective Actions.* The investigator will present the results of the investigation to appropriate University officials along with any recommended corrective action, if applicable, to make a final determination. The University

will 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 are as follows:

Students: written or verbal apology; sexual assault, dating violence, domestic violence or stalking prevention education; verbal or written warning; a no-contact order issued by the University; probation, suspension, and dismissal from the University.

Employees: verbal coaching; documented coaching; written warning; final written warning; termination; administrative leave of absence; sexual assault, dating violence, domestic violence or stalking prevention education; a 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 parties: 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.

In instances where the University 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 University 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 University will provide written notification to the complainant and the accused of the outcome (i.e., whether a violation of this policy has occurred), including the rationale for the outcome and explanation of the University's appeal procedures, within seven (7) calendar days after the conclusion of the proceeding unless the University determines that additional time is required. This notice shall be issued simultaneously to both parties to the extent practicable.

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 the complainant 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 Title IX Coordinator (“Coordinator”) 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 Coordinator is unable to resolve the appeal for any reason, the University will designate another representative to decide the appeal. Neither party shall be entitled to a hearing in connection with any appeal, but the Coordinator (or designee) may request written submissions from the parties or consider any other information as deemed appropriate by the Coordinator (or designee). Both parties will be informed in writing of the outcome of any appeal, including any change to the initial decision, within fourteen (14) days of the date by which all requested information is received unless the Coordinator (or designee) determines that additional time is required. This notice shall be issued simultaneously to both parties to the extent practicable. Appeal decisions by the Coordinator (or designee) are final.

### ***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, intimidation, coercion, threats or discriminatory action 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 University’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 above, shall be grounds for disciplinary action, up to and including dismissal for students and termination of employment for faculty and staff.

### ***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 University’s ability to conduct an investigation and take any corrective action deemed appropriate by the University and/or its schools. Identifying information regarding complainants will not be included in any timely warnings or other publicly available records.

### ***Fabricated Allegations***

Any allegations suspected to be fabricated for the purpose of harassing the accused party or disrupting the University’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.

## **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 as those terms are defined for the purposes of Clery Act reporting;
- Define what behavior and actions constitute consent to sexual activity in 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.

### *Reducing Risk*

General crime prevention strategies can help reduce the risk of falling victim to sexual related crimes (see the Personal Safety section earlier in this document). In addition, recognizing the warning signs of abusive behavior can serve as a deterrent to sexual related crimes. The following is an example of behaviors seen in people who abuse their partners. If someone exhibits more than three of any of these warning signs, there is a strong potential for abuse in the relationship. An abuser may exhibit only a few of these behaviors, but they may be quite exaggerated.

- Past abuse
- Threats of violence or abuse
- Breaking objects
- Use of force during an argument
- Jealousy
- Controlling behavior
- Quick involvement
- Unrealistic expectations
- Isolation
- Blames others for problems
- Blames others for their feelings
- Hypersensitivity
- Cruelty to animals or children
- Jekyll-and-Hyde personality

### *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.

In 2017, the University hosted events in recognition of Sexual Assault Awareness Month, National Campus Safety Awareness Month, and Cybersecurity Awareness Month. Some of the events included:

Poster and email campaigns (online and posted throughout the campus buildings)  
Bystander intervention informational postings  
Healthy sexuality and consent informational postings  
Title IX faculty and staff trainings

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

## Contact Information

**REMEMBER TO CALL 911 FIRST IN THE EVENT OF AN EMERGENCY**

### Internal Contacts

#### **Title IX Coordinator\***

Jaimie Krech, University Ombudsman:  
[CTUOnline\\_Title9Coordinator@coloradotech.edu](mailto:CTUOnline_Title9Coordinator@coloradotech.edu)

#### **Campus President/Director\***

Andrew Hurst, University President: [AHurst@coloradotech.edu](mailto:AHurst@coloradotech.edu)

#### **Primary Campus Security Authority\***

Benjamin Dixon, Director of Student Success: [BDixon@coloradotech.edu](mailto:BDixon@coloradotech.edu)  
Jaimie Krech, University Ombudsman: [JKrech@coloradotech.edu](mailto:JKrech@coloradotech.edu)

#### **Student Financial Aid**

CTU Financial Aid Department: (866) 813-1836 or [850CTUFinancialAid@careered.com](mailto:850CTUFinancialAid@careered.com)

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

### External Contacts

#### **Local Police**

Colorado Springs Police Department: (719) 444-7000

#### **Hospitals**

Penrose Hospital: (719) 776-5000

#### **Legal Assistance**

[Colorado Legal Services](#)  
[Legal Aid Foundation of Colorado](#)  
[Colorado State Public Defender](#)  
[Colorado Innocence Project](#)

#### **Visa and Immigration Assistance**

Immigration Advocates Network  
<https://www.immigrationadvocates.org/nonprofit/legaldirectory/search?state&state>

#### **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/>

## Definitions

### *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 § 668.46](#)

*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 § 668.46](#)

*Statutory Rape:* Sexual intercourse with a person who is under the statutory age of consent. [34 CFR § 668.46](#)

### ***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](#)