



AURARIA HIGHER EDUCATION CENTER
CAMPUS SECURITY AND SAFETY REPORT
THROUGH 2013

PREPARED BY AURARIA CAMPUS POLICE DEPARTMENT - PROVIDING FULL POLICE SERVICES TO:



COMMUNITY COLLEGE OF DENVER
METROPOLITAN STATE UNIVERSITY OF DENVER
UNIVERSITY OF COLORADO DENVER
AURARIA HIGHER EDUCATION CENTER

CAMPUS SECURITY AND SAFETY

This report was prepared by the Auraria Higher Education Center (AHEC) Police Department, with support from the AHEC Executive Office (for campus-wide policies) and Metropolitan State University of Denver (for institution-specific policies) in order to comply with the Clery Act (formerly known as the Federal Student Right-to-Know and Campus Security Act of 1990). The report describes security practices and procedures at the Auraria Higher Education Center and lists crime statistics for the most recent calendar year and the two preceding calendar years. The Auraria Higher Education Center serves three institutions: Community College of Denver, Metropolitan State University of Denver, and University of Colorado Denver. Since 1992, these institutions have been required to report each year on the status of campus security to all current students and employees. The report will be provided to any applicant for enrollment or employment on request.

This publication is intended to provide a general description of campus security arrangements, and not to serve as a contractual agreement between AHEC and the recipient. Security procedures are subject to change without notice.

DEFINITION OF CAMPUS

The term "campus" means:

- 1 Any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
- 2 Property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).

The Auraria Campus is defined as those properties, private streets, retail operations, and facilities owned by the State of Colorado and used by students, staff, faculty and visitors, which are roughly bounded by Auraria Parkway, Speer Boulevard, Colfax Avenue, and Fourth Street.

Note: Metropolitan State University of Denver does not have any residential facilities

DEFINITION OF NON-CAMPUS

The term "non-campus building or property" means:

- 1 Any building or property owned or controlled by a student organization recognized by the institution; and
- 2 Any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.

Note: Metropolitan State University of Denver does not have any off-campus student organizations.

DEFINITION OF PUBLIC PROPERTY

The term "public property" means all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes.

STATUS OF CAMPUS SAFETY

Although located in an urban environment, the Auraria Campus has one of the lowest campus crime rates in the state. This is primarily due to the fact that it is a commuter campus and does not house dormitories or student residences on campus premises. This report includes crime rates for the campus proper along with any building or property owned or controlled by an institution within the same contiguous geographic area of the institution. Crime statistics for non-campus property are requested by the Auraria Campus Police Department from the specific law enforcement agency that holds jurisdiction over the property.

REPORTING CRIMES AND EMERGENCIES

Crime reports can be made at any time. Auraria Police Department services are available 24 hours a day, seven days a week. Priority is given to reports of incidents that threaten the life or safety of people, the security of property and the peace of the community.

Colorado Revised Statutes, 18-8-115, "Duty to Report a Crime", requires all persons who believe a crime has been committed to promptly report the suspected crime to law enforcement authorities. **When on campus, these crimes must be reported to the Auraria Campus Police Department.** To report a crime, use one of the emergency telephones located in every classroom building for immediate, direct access; or call 911 from any campus phone for emergencies or call X6-5000 for other police assistance. Cell phones and off-campus calls dial (303) 556-5000.

Call the Auraria Campus Police Department if:

- ❖ You see someone committing a crime
- ❖ You need to report an old crime
- ❖ Someone is injured or ill
- ❖ You see fire or smell smoke
- ❖ You see anyone or anything suspicious
- ❖ You think you see a drunken driver
- ❖ You have knowledge of a chemical spill

In addition, victims of stalkers or persons with protection orders against another party are strongly encouraged to notify the Auraria Campus Police Department of the threat and to provide ACPD a copy of the protection order so that Auraria Officers may enforce it. If the subject is protected from the Auraria Campus, please have the court list your school and the Auraria Higher Education Center separately on the order.

The Auraria Campus Police Department also provides an anonymous reporting option for victims of crimes who do not wish to be identified. Victims of crimes who wish to remain anonymous may report via the ACPD web site at www.ahec.edu/acpd.htm. Additionally, a “Clery Act Statistic Report Form” is available to any campus official who is designated as a campus security authority (includes the following: Deans, student housing staff, athletic coaches, student activities coordinators, student judicial officers, and faculty advisors to student organizations) to complete as they become aware of a crime and the victim wishes to remain anonymous.

The Auraria Campus Police Department encourages professional and pastoral counselors, although not required to report crimes, to tell victims about the Confidential Reporting Process.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

The Auraria Higher Education Center has developed an Emergency Operations Plan that provides a comprehensive set of guidelines for directing resources before, during and after campus emergencies and disasters. The Auraria Police Department is very proactive in training all police officers and the community for emergency preparedness, response and recovery. The plan includes a set of guidelines for emergency procedures which are posted with evacuation diagrams in all the campus buildings. In addition, these guidelines can be found at: <http://www.ahec.edu/for-students/emergency-preparedness-for-students/>.

A Campus Safety Video is also available outlining emergency guidelines for the campus. The video is played continuously on the cable channel for the campus, at new student/faculty/staff orientations, and in classrooms during the first two weeks of each semester. This information is also available on the AHEC website at www.ahec.edu.

In case of an active, major campus emergency, the Emergency Alert System may be activated. For further information see **“Crisis Communications Plan-Timely Warnings and Immediate Notifications”**.

The Auraria Campus Police Department tests emergency response and evacuation procedures on at least an annual basis during drills and other exercises. These tests are initiated by the Emergency Preparedness Manager and are normally announced and publicized in advance of the drill or exercise. Campus media releases and news stories document the results of such exercises.

The campus Emergency Preparedness Manager maintains records of all tests, drills and exercises that include a description of the exercise, the date, time, and whether it was announced or unannounced.

CRISIS COMMUNICATIONS PLAN – TIMELY WARNINGS AND IMMEDIATE NOTIFICATIONS

Purpose

This plan provides guidelines for communicating within the campus, and from the campus to the media and the public, in the event of an emergency or crisis.

Disasters, emergencies and crises disrupt the normal activities of the campus and may require activation of the AHEC Emergency Operations Plan. This Crisis Communications Plan describes the role of Communications and Campus Relations in communicating vital information to members of the Auraria community and the public.

This plan is to be flexibly used with emergency decision-making procedures of the campus.

Elements should be tested annually in conjunction with campus-wide emergency drills. Appendices should be checked for accuracy and completeness at least annually, and as often as necessary.

Objectives

1. Determining whether the situation requires invoking this plan.
2. Assembling the Crisis Communications Team to recommend responses.
3. Implementing immediate actions to:
 - (a) Identify key constituencies who need to be informed.
 - (b) Communicate facts about the situation and minimize rumors.
 - (c) Restore a sense of confidence and order.

Assessment & Notification Procedures

1. Assessment – The AHEC Assistant Vice President of Campus Relations (AVPCR) or their designee will be made aware of a potential crisis or emergency by the Chief of the Auraria Campus Police Department or their designee. The Chief of Police and AVPCR or their designees then determines whether it is appropriate to invoke this plan and activate all or part of the Crisis Communications Plan. Once activated, the AVPCR will notify each of the institutional Communications Directors/Public Information Officers or their backups as soon as practical.

2. Issuance of a “Timely Warning” – Per the requirements of the Clery Act, “Timely Warning” advisories are made to the campus community for crimes that are reported to the Auraria Campus Police Department or local police and which may represent an ongoing threat to the safety of students or employees. The Chief of the Auraria Police Department or their designee shall make the decision as to whether an incident poses an ongoing threat and if a “Timely Warning” advisory is required. In the event that an advisory is required, the Chief of Police or their designee shall provide the AHEC AVPCR or their designee with the specifics of the case for the purpose of drafting the “Timely Warning” advisory. **In all cases, Timely**

Warning advisories are then sent by AHEC staff via electronic mail directly to all staff, faculty, and students on the Auraria Campus using their institution-provided email accounts.

These advisories may also be made using one or a combination of the following methods:

- Press Releases
- Crime Advisories
- Making reports available to the campus community and media through campus websites and newspapers, and radio and television news stations
- Advertising in campus publications

3. Issuance of an “Immediate Notification” – In the event that there is a confirmed significant emergency or dangerous situation involving an immediate threat to the campus community (per the judgment of the Chief of the Auraria Campus Police Department or their designee), AHEC will, without undue delay, and taking into account safety of the community, determine the content of the notification and initiate the immediate notification system. However, if in the professional judgment of responsible authorities the notification may compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency, the notification may be delayed.

As with the above section related to “Timely Warnings”, the Chief of Police or their designee shall provide the AHEC AVPCR or their designee with the specifics of the case for the purpose of drafting the content of the immediate notification. AHEC also maintains pre-scripted short message scripts for a variety of hazards to assist in the timely issuance of immediate notifications. **In all cases, Immediate Notifications will be sent by AHEC staff via the electronic Emergency Notification System (i.e. text messaging system) directly to all staff, faculty, students, and visitors on the Auraria Campus that have subscribed to the free system.** A variety of other communications tools may be used, including campus-wide email messages, broadcast voice mail messages, updates to the Auraria Campus Emergency Hotline (1-877-556-EMER) and Information Line (303-556-2401), and notices posted on electronic message boards and www.ahec.edu.

Crisis Communications Spokesperson

The designation of a spokesperson is incident-dependent. Generally, this is the highest-ranking individual who has direct knowledge of the events, or the AHEC Assistant Vice President of Campus Relations. The individual selected will have the highest credibility and understanding of the events surrounding the crisis. Other qualified public information officers may fill in for these individuals if the crisis is prolonged, but they should not be the initial responders to the general public, the media, or the campus community.

In the event that the incident is related to a criminal act, the basic thresholds that the Auraria Police Department may use to determine the lead agency for public information are as follows:

- Misdemeanor Crime = Auraria Campus Police Department lead (ACPD Chief or designee)
- Felony Crime = Denver Police Department/ District Attorney lead (PIO or designee)

As a criminal act relates to a particular student/faculty/staff of a single institution, the institutional PIO shall be the primary media contact, in partnership with the law enforcement spokesperson. If a criminal act relates to the campus facilities or operations, the AHEC AVPCR shall be the contact.

Incidents that are not crime-related will follow similar guidelines. Situations that affect a single institution, such as a student death, will be represented by the respective PIO. Situations that involve the campus facilities or operations, such as a natural disaster, will be represented by the AHEC AVPCR.

LAW ENFORCEMENT AUTHORITY AND INTER-AGENCY RELATIONSHIPS

The police officers in the Auraria Campus Police Department receive their police authority via the provisions of the Colorado Revised Statutes, Title 24, Article 7, Part 1. The Auraria Board, through its Executive Vice President of Administration, has delegated authority to the Auraria Campus Police Department to enforce campus rules and regulations as well as Municipal, State Laws and Federal Statutes. Auraria Campus Police Department officers have full police authority and are certified police officers as defined under CRS 18-1-901(1)(I).

The City and County of Denver entered into an Intergovernmental Agreement establishing the working relationship between the Auraria Campus Police Department and the Denver Police Department, and granting to the Auraria Campus Police Department Police Officers a Denver Special Police Officer Commission, issued by the City's Manager of Safety, to enforce clearly defined ordinances of the City of Denver. These ordinances include criminal and traffic related offenses.

It is the desire of both the Auraria Campus Police Department and the Denver Police Department to provide the best possible atmosphere of public safety on and around the campus. The Intergovernmental Agreement is designed to establish the current working relationship between the Auraria Campus Police Department and the Denver Police Department, consistent with and in compliance with the requirements of the Denver City Charter and State statutes, and all terms and conditions of the Intergovernmental Agreement are to be interpreted in light of the goal of increased public safety.

The current scope of this authority for the Auraria Campus Police Department Police Officers is limited to the Auraria Campus area.

AURARIA CAMPUS POLICE DEPARTMENT

The Auraria Campus Police Department staff includes a Chief of Police, two Commanders, Sergeants, Corporals, two Detectives, Police Officers, Neighborhood Community Officers (non-sworn), Dispatchers, and office support staff. Service is provided on an ongoing basis to the community. Auraria Campus Police also provide police services to retailers and their customers in the Tivoli Student Union.

Some services provided to the Auraria Campus by the Department include:

- ❖ Respond to police, fire, medical and environmental emergencies
- ❖ Investigate criminal reports, traffic accidents, and suspicious activities
- ❖ Assist victims of crime by taking reports, doing follow up investigations and referring them to appropriate resources
- ❖ Monitor alarms for intrusion, robbery and environmental hazards
- ❖ Comply with federal, state and local laws regarding release of information
- ❖ Assist with sick/injured and other non-criminal activity
- ❖ Provide police and security services at special events such as concert and sporting activities
- ❖ Provide police and security consultations to students and office personnel
- ❖ Assist motorist with vehicle unlocks
- ❖ Assure that AHEC is in compliance with city, state and federal environmental regulations
- ❖ Ensure the safety of the campus by monitoring environmental and safety hazards
- ❖ Hold, inventory and return found property
- ❖ Present crime prevention and awareness programs

SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS

A community and its police must do more than simply react to crime. It is important to look for opportunities to deter and/or prevent crime. The Auraria Campus Police Department provides the following services and programs to improve safety on campus and to make the community aware of campus crime and efforts to reduce criminal activity, as well as to minimize their chances of becoming a victim.

Programs provided by the Auraria Campus Police Department include:

<p>EACH SEMESTER New Student Orientation This presentation on crime, personal safety, and security is given to new students.</p>	<p>ON GOING/SET HOURS Fingerprinting Fingerprinting is available to members of the campus community.</p>
<p>ON REQUEST Drug Information Seminars These talks cover recognition of controlled substances, their effects on people, and what to do if one suspects that someone is using or selling drugs.</p>	<p>ON GOING Crime Analysis Auraria Police staff will review reported crimes and determine if focused patrol activity may be required for repeated offenses in any given area.</p>
<p>EACH SEMESTER/ON REQUEST Personal Safety on Campus This program, usually given to small groups, covers ways to avoid being the victim of physical or sexual assault.</p>	<p>ON GOING/ON REQUEST* MSU Denver Counseling Center Alcohol/Drug Abuse Prevention Program An MSU Denver substance abuse education, prevention and referral program.</p>
<p>ON REQUEST Robbery Prevention This seminar, given to cashiers, gives tips on how to survive an armed robbery and be a good witness.</p>	<p>ON REQUEST Sex Offender Registry Auraria Police will provide a listing of sex offenders registered on campus.</p>

<p>ON GOING Escort A Nightrider and Escort service is available through the Parking and Transportation Services Office. After hours, Auraria Police will provide a limited escort service for people walking on campus. Students, staff and faculty are always encouraged to walk with others when possible and to choose paths that are well illuminated.</p>	<p>ON GOING Electronic Alarm Systems Auraria Police monitors intrusion, fire, environmental and general emergency alarms with the help of a sophisticated computerized monitoring system. The terminal for the alarm readouts is at the Auraria Facilities Services building.</p>
<p>ON REQUEST Security Surveys Upon request, officers will evaluate a facility's physical security and makes recommendations for improvements</p>	<p>ON GOING/EACH SEMESTER or ON REQUEST Date/Acquaintance Rape Education The purpose of this educational program is to increase awareness of date/acquaintance rape at Auraria. R.A.D (Rape Aggression Defense) classes available.</p>
<p>ON REQUEST Theft and Fraud Seminars These presentations are usually given to people working in areas where check and credit card fraud occurs (such as the Bookstore, Bursar's Office, Recreation Center, etc.). The talk covers commonly used scams, how to recognize them, and what to do when they occur.</p>	<p>ON REQUEST Crisis Follow-ups Offered through Counseling Services of each institution, crisis follow-up sessions are provided for mental health concerns and to individuals who have been victims of violence. Information is presented regarding personal safety and coping with traumatic events.</p>
<p>ON GOING Architectural Design Auraria Police has significant input into the design of all new and renovated campus facilities with regard to physical and electronic security systems.</p>	<p>ON GOING Bike Theft Prevention Community Services hosts Bicycle Clinics each semester providing helpful tips on preventing bike thefts and the bike theft problem on campus.</p>

* PROGRAMS SPONSORED BY THE INSTITUTIONS WITH COOPERATION FROM AURARIA CAMPUS POLICE DEPARTMENT

SECURITY OF AND ACCESS TO CAMPUS FACILITIES

Exterior door locks on the Auraria Campus are fully electronic, programmed by the Access Control Department in Facilities Services. The system also has the ability to be placed in "lockdown" directly by Campus Police. The Auraria Campus Police Department has the primary responsibility for ensuring the lock hardware is function properly. Established facility hours are coordinated and maintained by the Auraria Academic Services. Auraria Police also works closely with the Facilities Services Department to maintain building security and key control. Access to facilities after normal building hours is limited and coordinated with Facilities Services Access Control and Auraria Police.

Work orders noting security issues with campus facilities can be filed online at www.ahec.edu/tma or called in at 303.556.3260.

Annually, each fall, a Campus Safe Night event is held, which tours the campus after dark and provides suggestions for security enhancements.

ALCOHOL AND DRUG POLICY

By Gubernatorial decree and in compliance with applicable laws, the illegal use of alcohol, other drugs, or controlled substances when on campus is prohibited.

In addition to the policy described above, education, training, and treatment programs are available through the Student Life Programs at each institution and through Auraria Human Resources. The campus may take action when policies on the use, possession, distribution, manufacture, and sale of illegal drugs have been violated. AHEC also cooperates with local, state and federal authorities in the detection and prosecution of drug offenses.

AHEC alcohol policies apply to the Auraria Campus and institution-sponsored activities. Administrators, alumni, faculty, guests, staff and students must adhere to all applicable state and local laws and regulations related to the sale and use of alcoholic beverages. The most common laws related to alcohol use and sales are as follows:

The sale of alcoholic beverages is prohibited except in areas, at times, and on dates licensed by the Colorado State Department of Revenue.

Persons under 21 years of age cannot legally possess or consume alcoholic beverages of any kind. The furnishing of alcoholic beverages to under-aged persons is prohibited.

Alcohol cannot be consumed or carried in open containers on any street, sidewalk, alley, automobile, or public area (except as noted herein).

MSU Denver also specifically states the following in the student code of conduct:

By a preponderance of evidence, any student found to have committed the following misconduct is subject to the disciplinary sanctions outlined in Article IV:

10. Possessing, using, providing, manufacturing, distributing, or selling of narcotics or other controlled substances, including marijuana, or related drug paraphernalia, or prescription drugs in violation of law or University policies. Attending classes or University functions while under the influence of drugs/illegal substances, including marijuana, shall also be considered a violation of this Code.

Note: Although, in accordance with the requirements of the Colorado Constitution, possession and use of marijuana for certain medical conditions, and the possession and use of less than 1 ounce of marijuana by persons 21 years of age or older is legal, the possession and use of marijuana remains prohibited on the Metropolitan State University of Denver North, South and Auraria campuses and at all University sponsored activities. In addition, federal law, including the Controlled Substances Act and the Drug Free Schools and Communities Act, prohibits the use and/or possession of marijuana while a student is on campus.

11. Use, possession, or distribution of alcoholic beverages, except as expressly permitted by the law and University regulation, or public intoxication.

SERVING ALCOHOL

Those persons or organizations that control the service of alcoholic beverages are responsible for compliance with applicable laws and campus policies. Those policies are:

Service of alcoholic beverages is planned to stop before the close of the event.

The burden of proof for showing legal age is on the alcohol consumer. No alcohol will be served unless clear evidence of legal age is presented. It is the responsibility of those in charge of an event to ensure that no one who is under age is served or consumes any alcoholic beverages.

Alcohol may not be consumed or carried in open containers in common areas or "public" areas of any building or grounds except as follows: for group activities or events where a liquor license (if required) has been obtained and the scheduling officer has approved the event.

ILLEGAL DRUGS

The policy for Auraria and the institutions prohibit the sale, manufacture, distribution, use or possession of illegal drugs on the Auraria Campus. This policy applies equally to administrators, faculty, staff, and students.

VIOLATION OF DRUG POLICY

Sale, distribution or manufacturing of illegal drugs by a member of the Auraria Campus community will normally result in the administration taking action to curtail the activity. This policy applies within or upon the grounds, buildings, or any other facilities of the campus. Sanctions may be imposed upon individuals found in violation of these policies, as well as violation of laws controlling drugs and alcohol.

More specific and detailed information about Auraria and institutional policies addressing drugs and alcohol concerns can be found in operations manuals, student handbooks, personnel offices or administrative policy information. Faculty, staff and students are encouraged to obtain this information through the Student Life or administrative areas of Community College of Denver, Metropolitan State University of Denver, University of Colorado Denver, or the Auraria Higher Education Center Administrative office.

Auraria Campus Police Department
1201 5th Street, Suite 110
Denver, CO 80204
Police Communications (303) 556-5000
Fax (303) 556-4731
E-Mail dispatch@ahcec.edu

MSU DENVER SEXUAL MISCONDUCT POLICY & PROCEDURES

Metropolitan State University of Denver prohibits sexual misconduct in any form, including sexual assault or sexual abuse, sexual harassment, and other forms of nonconsensual sexual conduct, including stalking and electronic harassment. Forms of intimate partner violence, such as domestic and dating violence, are also prohibited under this policy. Retaliation in any form for reporting such sexual misconduct or for cooperating in a sexual misconduct investigation is strictly prohibited and will be addressed as a separate violation of the code of conduct. Students, faculty, staff and visitors, should be able to live, study, and work in an environment free from sexual misconduct. It is the policy of MSU Denver that sexual misconduct in any form will not be excused or tolerated. This policy is promulgated under Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulations, 34 C.F.R. Part 106; Title IV of the Civil Rights Act of 1964 (42 U.S.C. § 2000c).

Sexual misconduct is a broad term encompassing any non-consensual behavior of a sexual nature that is committed by force or intimidation, or that is otherwise unwelcome. The term includes sexual assault, sexual exploitation, and sexual harassment as those behaviors are described later in this section. Sexual intimacy requires that all participants consent to the activity.

Procedures promulgated pursuant to this Policy provide for prompt, thorough, and impartial resolution of complaints by students at MSU Denver who are victims/survivors of sexual misconduct.

Because this policy is part of the MSU Denver Student Code of Conduct, all policies, procedures and definitions in the code of conduct apply to this policy.

In this policy you will find the following:

- Definitions
- How to report sexual misconduct
- Adjudication of complaints in the student conduct process
- Options for Victims/Survivors
- Community Resources

Definitions

Consent

Consent between two or more people is defined as an affirmative agreement--through clear actions and words--to engage in sexual activity. Consent is informed, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity.

Consent to one form of sexual activity cannot imply consent to other forms of sexual activity. Previous relationships or consent cannot imply consent to future sexual acts. Consent cannot be

procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction by their actions words or attitude, continued pressure beyond that point can be coercive. In order to give effective consent, one must be of legal age. Consent may be withdrawn at any time.

In Colorado, consent is defined in state statute 18-3-401 and 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.

Incapacitation

Sexual activity with someone known to be, or should be known to be mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), is in violation of this policy. Incapacitation is a state where one cannot make a rational, reasonable decision because they lack the ability to understand the who, what, when, where, why or how of their sexual interaction.

This policy also covers someone whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of any drug, including but not limited to ethyl alcohol, that would facilitate unwanted sexual activity or incapacitate the person's ability to make a rational consensual choice.

Use of alcohol or other drugs will never function to excuse behavior that violates this policy.

Sexual Harassment

Sexual Harassment is gender-based verbal or physical conduct that unreasonably interferes with or deprives someone of educational access, benefits or opportunities. Please see the University's complete Sexual Harassment Policy at

www.msudenver.edu/handbook/generaluniversitypolicies/#Sexual_harassment

- 1) *Quid pro quo* sexual harassment occurs when submission to, or rejection of, unwelcome sexual conduct is used as a basis for academic, educational, or employment decisions affecting an individual.

Quid pro quo sexual harassment is perpetrated by someone who is in a position of authority over the victim. Such harassment can occur between members of the opposite or same sexes. The law does not require the victim of sexual harassment to expressly notify the perpetrator that the conduct is unwelcome. Nor does the law require that the perpetrator explicitly or deliberately base a decision on submission to or rejection of the conduct. Circumstantial evidence linking sexual conduct with an adverse or favorable employment or educational decision may justify a finding of *quid pro quo* sexual harassment by a jury, court, or administrative tribunal.

Examples of quid pro quo sexual harassment include, but are not limited to:

- direct propositions of a sexual nature that expressly or by implication link employment, work status, promotion, wage increases, course or program status, grades, letters of recommendation, or other tangible employment or educational actions to submission to sexual advances;
- direct or implied promises or threats linking employment, work status, promotion, wage increases, course or program status, grades, letters of recommendation, or other tangible employment or educational actions to submission to sexual advances.

- 2) Hostile environment sexual harassment is unwelcome conduct, generally, although not necessarily, of a sexual nature, that insults, demeans, ridicules or evinces hostility toward a person because of his or her gender, and that is sufficiently severe or pervasive that it alters the conditions of education and creates an environment that a reasonable person would find hostile, intimidating, or offensive.

In determining whether conduct has created an impermissibly hostile environment, all of the relevant circumstances must be considered. These circumstances include, but are not limited to, the severity and frequency of the conduct, its context, and whether it is physically threatening or humiliating. Hostile environment sexual harassment can be perpetrated by students, faculty, staff, or administrators, and by some third parties authorized to use the college facilities, such as contract employees and service and repair personnel.

Hostile environment sexual harassment can occur between peers (co-workers and fellow students) and between members of the opposite or same sexes. The conduct must offend the victim, but it does not have to be offensive to everyone. Conduct that offends the victim but would not offend a reasonable person in his or her position does not constitute hostile environment sexual harassment. The test is whether, considering all of the circumstances, the conduct would offend a reasonable person in the victim's position. As with quid pro quo sexual harassment, a finding of hostile environment sexual harassment may be justified even if the perpetrator did not intend to offend the victim.

The following subparagraphs describe some, but not all, kinds of conduct that can constitute sexual harassment if they are sufficiently severe or pervasive to alter the conditions of employment or education and create an environment that a reasonable person would find hostile, intimidating, or offensive:

- direct propositions of a sexual nature;
- conduct which is offensive or humiliating in nature that includes, but is not limited to:
 - sexually explicit comments, statements, questions, jokes or anecdotes;
 - comments, statements, questions, jokes anecdotes, or innuendoes with sexual connotations;
 - display of sexually explicit materials in the workplace or classroom or their use in the classroom without a defensible academic purpose;
 - unnecessary touching, patting, hugging, or brushing against a person's

- body;
- remarks about sexual activity or speculation about sexual experiences;
- “wolf whistling,” obscene sounds, or obscene gestures;
- non-sexual physical or verbal conduct which insults, demeans, ridicules or otherwise evinces hostility toward a person because of gender. Examples include, but are not limited to, hazing, pranks, horseplay, and ridicule.

Sexual Misconduct Expanded Definition

Sexual misconduct is a form of sexual discrimination and is prohibited by Title IX.

Sexual misconduct includes, but is not limited to, the following examples of prohibited conduct:

Sexual Assault

Sexual assault is defined at the federal level to mean an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s UCR program.

In Colorado, sexual assault is defined in state statute 18-3-402 and means:

(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.

Sexual assault is often defined to include any sexual act done against the will of another.

Examples of sexual assault under this policy include, but are not limited to the following behaviors when consent is not present:

- Sexual intercourse (vaginal, anal, oral)
- Penetration of an orifice (anal, vaginal, oral) with the penis, finger, or other object
- Unwanted touching of the genitals, buttocks, breast, or other body part inside or outside of the clothing
- Coercion or force to make someone else touch one's genitals, buttocks, breast, or other body

part

- Inducing sexual activity through drugs or alcohol
- Engaging in sexual activity with a person who is unable to provide consent due to the influence of drugs, alcohol, or other condition

Sexual Exploitation

Sexual exploitation is defined as taking non-consensual, unjust or abusive sexual advantage of another. Examples include, but are not limited to:

- prostituting another person
- non-consensual video or audio-taping of sexual activity
- going beyond the boundaries of consent (such as knowingly allowing another to surreptitiously watch otherwise consensual sexual activity)
- engaging in non-consensual voyeurism
- knowingly transmitting or exposing an STD or HIV to another student without the knowledge of the student

Indecent Exposure

Indecent exposure is defined as the exposure of the private or intimate parts of the body, in a lewd manner, in public or in private premises, when the accused may be readily observed. This could include masturbation in public.

Gender/Sex Based Stalking

The federal definition of stalking is: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety or the safety of others, or (B) suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

The State of Colorado definition of stalking, found in state statute 18-3-602, is: A person commits stalking if directly, or indirectly through another person, the person knowingly:

- (a) Makes a credible threat to another person and, in connection with the threat, repeatedly follows, approaches, contacts, or places under surveillance that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship; or
- (b) Makes a credible threat to another person and, in connection with the threat, repeatedly makes any form of communication with that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship, regardless of whether a conversation ensues; or

(c) Repeatedly follows, approaches, contacts, places under surveillance, or makes any form of communication with another person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship in a manner that would cause a reasonable person to suffer serious emotional distress and does cause that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship to suffer serious emotional distress. For purposes of this section (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.

Stalking is a pattern of behavior directed at a specific person based on sex or gender that would cause a reasonable person to feel fear or emotional distress. Stalking behaviors include but are not limited to: Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, written letters, gifts, or any other communications that are undesired and place another person in fear.

Dating Violence:

The federal definition of dating violence is violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship.

Currently, the State of Colorado does not have a specific definition of dating violence.

Domestic Violence:

The federal definition of domestic violence is: A felony or misdemeanor crime of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

In the State of Colorado, domestic violence, defined in statute 18-6-800.3, is: 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. An "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.

Reporting

To Report Confidentially

MSU Denver encourages students impacted by sexual misconduct to talk to somebody about what happened so that support can be provided and the University can respond appropriately. This section is intended to make students aware of the various reporting and confidential disclosure options available to them so they can make informed decisions about where to turn should they become a victim of sexual misconduct.

An individual who speaks to one of the confidential resources noted in this section must understand that, if the individual wants to maintain confidentiality, the University may be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator. An individual can speak to a confidential resource and then later decide to file a report with the University to have the incident fully investigated.

If you desire that details of the incident be kept confidential you should speak to on-campus counselors in the MSU Denver Counseling Center, Auraria Health Center licensed medical practitioners, The Phoenix Center, or off-campus rape crisis resources, who will maintain confidentiality to the extent possible by law.

The Auraria Health Center can be reached by calling 303-556-2525 or by visiting Plaza 150. The Health Center's Victim Assistance Services can be reached by calling 33-352-HELP (4357).

The MSU Denver Counseling Center can be reached by calling 303-556-3132 or by visiting Tivoli 651 during the hours of 8am-5pm. Campus counselors are available to help you free of charge and can be seen on an emergency basis. If you need assistance between 5pm-8am, or on the weekends, you can contact the After Hours Mental Health and Victim Assistance Crisis Line by calling 303-352-4455.

As a MSU Denver student you can also contact the Phoenix Center at Auraria for confidential victim's assistance to the extent possible by law. You can call their 24/7helpline at (303) 556-CALL. They can assist in reporting and connect you to both on campus and local resources. The Phoenix Center at Auraria provides advocacy services for victims including accompanying victims to the hospital to receive an examination and evidence collection, court advocacy for orders of protection or through criminal proceedings and advocacy through the reporting process.

To report to the University or law enforcement

MSU Denver strongly encourages prompt reporting of information related to any possible sexual misconduct. Although there is no time limit on the reporting of formal complaints with the University, the institution may ultimately be limited in its investigation if too much time has passed or if the accused student has graduated. Additionally, prompt reporting supports the preservation of evidence.

MSU Denver community members have multiple reporting options and can engage both University and law enforcement options at the same time.

1. For University or campus action:

- A) Student Conduct and Conflict Resolution Services (SCCRS) – this office is responsible for investigating any allegation of sexual misconduct where the respondent (accused) is a MSU Denver student. SCCRS can connect students interested in making a report involving a student enrolled at another Auraria institution with the appropriate contacts. You can expect to have incidents of sexual misconduct taken seriously and responded to quickly. Incidents will be investigated and resolved through administrative procedures as described in the Student Code of Conduct.

To make a report to SCCRS, a student can visit the Office of Student Engagement and Wellness in Tivoli 311 and speak to the Assistant Dean/Student Conduct Officer, a student can call the office at 303-556-3559, or a student can file a report online by visiting the Student Conduct and Conflict Resolution Services website at msudenver.edu/conduct, and then selecting “Report an Incident”.

- B) Title IX Coordinator/Equal Opportunity – if a report alleges faculty or staff member misconduct and/or discrimination, you should file the report with the Office of Equal Opportunity to be investigated and properly resolved. You can contact the Office of Equal Opportunity by visiting the Student Success Building, room 440, or by calling 303-556-4746.

2. For law enforcement action:

- A) Auraria Campus Police – An incident can be reported to the Auraria Campus Police Department, or your local police department, even if the reporter (student accuser) has not decided to take legal action. Auraria Campus Police can be reached by calling 911 from any campus phone, or by calling 303-556-5000 from a cell phone or other non-campus phone. If the incident took place off campus, Auraria Campus Police or SCCRS can assist you in contacting the police who have jurisdiction over that area. A student may file a police report even if they choose not to pursue action with the University. If you would like to file a report with both law enforcement and the University, contact SCCRS through the above listed options and SCCRS can support you in doing so.

3. MSU Denver community members may also contact the Department of Education Office of Civil Rights (OCR). The Denver OCR can be reached by calling 303-844-5695 or emailing OCR.Denver@ed.gov. The OCR National Headquarter office can be reached by calling 800-421-3481 or emailing OCR@ed.gov.

Actions and investigations initiated under the Title IX process are separate from civil or criminal proceedings that may relate to the same incident. Investigations or conduct proceedings by the institution typically are not postponed while criminal or civil proceedings are pending unless otherwise determined by the Title IX investigation.

If an administrator, staff, or faculty member, other than those identified in the “To Report Confidentially” section, becomes aware of a complaint or other violation of this policy, the administrator, staff, or faculty member is required to bring the information to the Title IX

Coordinator/ Equal Opportunity Office or Student Conduct and Conflict Resolution Services so that concerns are heard and services can be offered to the affected students.

Off-campus resources

Below are off-campus resources that may be available to MSU Denver community members. MSU Denver does not specifically endorse these organizations or services:

Denver Center for Crime Victims
303-894-8000, 303-718-8289 (Español)
www.denervictims.org/

The Blue Bench Rape Crisis Hotline
303-322-7273
www.thebluebench.org/

US Department of Education Office of Civil Rights
1-800-421-3481
www.ed.gov/ocr

US Department of Justice
1-888-TITLE-06 (1-888-848-5306)
www.justice.gov/crt/about/cor/coord/titleix.php

Medical Assistance and Preservation of Evidence

Individuals who experience sexual misconduct are strongly encouraged to seek immediate medical attention in order to treat injuries, test for and treat sexually transmitted infections, and access emergency contraception (if requested), as applicable. In addition, a hospital can perform a sexual assault evidence collection procedure. If possible, an individual who has been sexually assaulted should not shower, bathe, douche, or change clothes or bedding before going to the hospital or seeking medical attention. If the individual decides to change clothes, he or she should not wash the clothes worn during the assault and should bring them to the hospital or medical facility.

These steps are important to help preserve evidence for possible use in legal actions or requests for a civil restraining order or order of protection. Because evidence dissipates quickly, individuals who wish to preserve evidence are encouraged to seek medical attention within 48 hours of the incident.

MSU Denver community members (students, faculty, staff) can contact the Auraria Health Center by calling 303-556-2525 or 303-352-4455 (after hours) in order to seek treatment or support in accessing other medical or community resources.

Federal Timely Warning & Reporting Obligations

Victims/survivors of sexual misconduct should also be aware that institutional administrators including the Auraria Campus Police Department must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The institution will make every effort to ensure that a victim/survivor's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

Immediate Actions by the Institution

MSU Denver may take immediate interim actions to protect the safety of the Auraria community, to enable students with complaints and witnesses to continue studies, and to ensure the integrity of an investigation. The Dean of Students, Assistant Dean of Students or their designee will determine which action needs to be taken. These actions may include:

- Interim suspension of the accused student
- No-contact notices
- Modifying class or work schedules
- Addressing other academic concerns (e.g., absences, assignments, grades, leaves of absence, withdrawal, providing escorts while on campus that include alternative means of transportation while on campus)

Additionally, parties involved in a report related to sexual misconduct will receive written information about the reporting options, including a victim's option of reporting to law enforcement, and student conduct policies and procedures, and existing counseling, health, mental health, and advocacy resources both within the institution and in the community. This written information also includes notification to victims about options for, and available assistance in, changing academic, transportation, and working situations

Interim Suspension

In certain circumstances, the Associate Vice President of Student Engagement and Wellness or designee, may impose a University suspension prior to the hearing before a Conduct body.

1. Interim suspension may be imposed only:

- to ensure the safety and well-being of members of the campus community or preservation of campus property;
- to ensure the student's own physical or emotional safety and well-being; or
- if the student poses a definite threat of disruption of, or interference with, the normal operation of the University.

2. During the interim suspension, students shall be denied access to the campus, including classes and/or all other University activities or privileges for which the student might otherwise be eligible, as the Associate Vice President of Student Engagement and Wellness or designee may determine to be appropriate.

Conduct Process

The Title IX Coordinator and Student Conduct Officer shall coordinate the investigation of all formal charges of Sexual Misconduct brought forward. Investigations shall be conducted and completed in 60 business days (Should the investigation takes longer than 60 days, all parties to the dispute will be notified) and shall use a preponderance of the information standard (more likely than not). In cases where the respondent (accused) is a student, the Title IX Investigator will conduct a thorough investigation of the case which may include gathering relevant information, interviewing the complainant, respondent and witnesses. Conflict Resolution, including mediation, will not be used to resolve sexual assault complaints. The Title IX Investigator's report will be forwarded to the Assistant Dean/Student Judicial Officer to be determined if it should be referred to the [formal conduct process](#). Parties to the dispute will receive a written notice of the final disposition of the

complaint upon completion of the investigation. Students found responsible could receive sanctions ranging from a warning through suspension or expulsion. This is separate from any potential criminal and civil proceedings in this case.

Standard of Evidence

The University views the conduct process as a learning experience that can result in growth and personal understanding of one's responsibilities and privileges within the University community. It is not intended to be a substitute for civil or criminal legal proceedings, and is designed to provide a fair evaluation of whether or not a student has violated University policies. Formal rules of evidence do not apply in the University's conduct process. The University uses a preponderance of evidence standard when determining responsibility for alleged violations of the Code of Conduct. A preponderance of evidence means that what is alleged to have happened is, more likely than not, what actually happened. This shall be the standard of proof used in all conduct proceedings under this Code.

Hearings

1. Any person may file a complaint against any student or organization for misconduct. Complaints shall be prepared in writing in the form of an incident report and directed to the Conduct Officer responsible for the administration of the University conduct system. Any charge shall be submitted within twenty working days after learning that the misconduct has occurred. The Conduct Officer may extend time limits for good cause demonstrated in writing.
2. The Conduct Officer may notify the student or organization of the complaint. Once the student is notified of the complaint, he/she has the opportunity to schedule a meeting with the Conduct Officer to discuss the situation. If the student fails to make contact with the Conduct Officer within the time frame specified in the notification, the Conduct Officer may make a decision in the student's absence.
3. The Conduct Officer may conduct an investigation to determine if the report is substantial enough to go forward and/or if it can be disposed of administratively through restorative processes by mutual consent of the parties involved on a basis acceptable to the Conduct Officer. Such disposition shall be final and there shall be no subsequent proceedings. If the complaint cannot be disposed of by mutual consent through restorative process, the Conduct Officer may charge the student or organization and continue with the administrative meeting or refer the matter to a Conduct body for a formal hearing.
4. In the event of a formal Conduct hearing, the Conduct Officer shall present to the respondent (accused student) or organization in writing a statement of the allegations, the charges they would support and the potential consequences in the event that the Conduct body finds the allegations to be true. A time shall be set for a hearing, generally not less than five nor more than twenty working days after the student or organization has been notified. Maximum time limits for scheduling of hearings may be extended at the discretion of the Conduct Officer.
5. According to the following guidelines, a Conduct body shall conduct hearings:
 - Hearings shall be conducted in private.
 - Admission of any person to the hearing shall be at the discretion of the Conduct body and/or the

Chair of the hearing board.

- In hearings involving more than one respondent, the chairperson of the Conduct body, at his/her discretion may permit the hearings concerning each student to be conducted separately.
- The complainant and the respondent have the right to be assisted by any advisor they choose, at their own expense. The advisor may be an attorney with notification of this information to the Conduct Officer. However, the complainant and/or the respondent is responsible for presenting his/her own case and, therefore, advisors are not permitted to participate in any hearing before a Conduct body unless the University legal counsel specifically advises otherwise. The respondent and/or the complainant will notify the Conduct Officer at least 5 business days before the hearing of the name, address and telephone number of the advisor. In certain cases, University Legal Counsel may be present.
- The complainant, the respondent and the Conduct body shall have the privilege of presenting witnesses, subject to right of cross examination by the Conduct body.
- Pertinent records, exhibits and written statements may be accepted as evidence for consideration by a Conduct body at the discretion of the chairperson.
- All procedural questions are subject to the final decision of the chairperson of the Conduct body.
- After the hearing, the Conduct body shall determine whether the student has violated the Student Code of Conduct. The board's deliberations are closed and are not part of the student's educational record.
- The Conduct body's determination shall be made on the basis of whether it is more likely than not that the respondent or organization violated the Student Code of Conduct.
- University legal counsel shall serve as legal advisor to the Conduct Officer and/or Conduct body.

6. There shall be a single verbatim record—such as a tape recording—of all hearings before a Conduct body. The record shall be the property of the University.

7. Except in the case of a student charged with failing to obey the summons of a Conduct body or University official, no student may be found to have violated the Student Code of Conduct solely because the student failed to appear before a Conduct body. In all cases, the evidence in support of the charges shall be presented and considered.

Alternative Statement Options

If a hearing is held for sexual misconduct complaints, and other complaints of a sensitive nature, the alleged victim/survivor, whether as a complainant or as a witness, will be provided with alternative options to speak at the hearing. These options may include placing a privacy screen in the hearing room, or allowing the alleged victim/survivor to speak from another room via closed circuit video/phone. In the hearing the complainant and respondent will direct all questions through the Hearing Board Chairperson. While these options are intended to help make the alleged victim/survivor more comfortable, they are not intended to work to the disadvantage of the accused student.

Past Sexual History/Character

The past sexual history or sexual character of a party will not be admissible by the other party in the conduct process unless such information is determined to be highly relevant by the Student Judicial Officer. The Student Judicial Officer may supply previous complaint information to the hearing board or may consider it themselves if they are hearing the complaint, only if:

- The accused individual was previously found to be responsible;
- The previous incident was substantially similar to the present allegation;
- Information indicates a pattern of behavior and substantial conformity with that pattern by the accused student.

Sanctions

1. The following sanctions may be imposed upon any student found to have violated the Student Code of Conduct:

a. Warning: A notice in writing to the student that the student is violating or has violated the Student Code of Conduct.

b. Probation: A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any institutional regulation(s) and/or the Student Code of Conduct during the probationary period.

c. Loss of Privileges: Denial of specified privileges for a designated period of time.

d. Fines: Previously established and published fines may be imposed.

e. Restitution: Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

f. Discretionary Sanctions: Work assignments, service to the University, or other related discretionary assignments that have the prior approval of the Conduct Officer.

g. University Suspension: Separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for reenrollment may be specified. A temporary ban from the Auraria Campus may be put into effect as a part of the conditions of suspension. If a student has not yet enrolled in classes, admission can be rescinded.

h. University Expulsion: Permanent separation of the student from the University. This may include a permanent ban from the Auraria Campus enforceable by the Auraria Police.

i. Auraria Campus Suspension or Expulsion: In cases where a student's behavior could threaten the safety or well-being of the campus community, a student could be suspended or expelled from all three Auraria Institutions: MSU Denver, Community College of Denver, and University of Colorado Denver.

2. More than one of the sanctions listed above may be imposed for any single violation.

3. Disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's confidential disciplinary record. Upon graduation, the student's confidential record may be expunged of conduct actions - other than University suspension or expulsion. The student must make the request in writing to the Student Conduct Officer.

4. The following sanctions may be imposed upon groups or organizations:

- Those sanctions listed above in Section C1, a through h.
- Deactivation: Loss of all privileges, including official University recognition or suspension for a specified period of time.

5. In cases which are heard by the Conduct board, the Conduct Officer shall consider the recommendation of the Conduct board in determining and imposing sanctions. The Conduct Officer is not limited to sanctions recommended by the Conduct board. Following the hearing, the Conduct Officer shall advise the respondent in writing—within ten working days—of its determination and the sanctions(s) imposed, if any.

Appeals

1. A decision reached by the Conduct body or a sanction imposed by the Conduct Officer may be appealed by the respondent or reporter within five (5) working days of the decision. Such appeals shall be in writing and shall be delivered to the President's designee for hearing appeals. If a student chooses to appeal, he/she must complete a Conduct Appeal Form (<http://www.msudenver.edu/studentengagementandwellness/studentconductandconflictresolutionervices/studentconductservices/appealprocess/>) which must be submitted with the appeal. Please refer to the Student Engagement and Wellness website (<http://www.msudenver.edu/studentengagementandwellness/>) for more information. The student will be informed of the outcome in writing when the appeal process has been completed, generally within 15 business days.

2. Except as required to explain the basis of new evidence, an appeal shall be limited to review of the verbatim record of the initial hearing and supporting documents for one or more of the following purposes:

- To determine whether the original hearing was conducted fairly in light of the charges and evidence presented and in conformity with prescribed procedures, giving the complaining party a reasonable opportunity to prepare and to present a rebuttal of those allegations.
- To determine whether the decision reached regarding the respondent or organization was based on a preponderance of evidence; that is, whether the facts in the case were sufficient to establish that a violation of the Student Code of Conduct occurred more likely than not.
- To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code of Conduct which the student or organization was found to have committed.
- To consider new evidence sufficient to alter a decision or other relevant facts not brought out in the original hearing because the person or organization appealing did not know such evidence and/or facts at the time of the original hearing.

3. If an appeal is upheld, the matter shall be remanded to a Conduct body and/or the Conduct Officer for reopening of the hearing to allow reconsideration of the original determination and/or sanction(s).

In cases involving appeals by students or organizations accused of violating the Student Code of Conduct, review of the sanction(s) by the Appeal Officer may not result in more severe sanction(s) for the respondent or organization. Instead, following an appeal the Conduct Officer may, upon

review of the case, reduce, but not increase, the sanction(s) imposed by the Conduct body.

Notification of Outcomes

The outcome of a campus conduct process is part of the educational record of the accused student, and is protected from release under a federal law, Family Educational Rights and Privacy Act (FERPA). However, MSU Denver will observe the legal exceptions as follows:

- Complainants in non-consensual sexual contact/intercourse, sexual exploitation, sexual harassment, stalking, and relationship violence incidents have an absolute right to be informed of the outcome and sanctions of the campus conduct process as it relates to sexual misconduct, in writing, without condition or limitation.
- Students who bring any sort of sexual misconduct complaint against faculty or staff may be informed of the outcome and sanction, because FERPA does not apply.
- The institution may release publicly the name, nature of the violation and the sanction for any student who is found in violation of a campus policy that is a “crime of violence,” including: aggravated assault, arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property, intimidation, and kidnapping/abduction. The campus will release this information to the complainant in any of these offenses regardless of the outcome.

Retaliation

MSU Denver prohibits retaliation against an individual for making a complaint of sexual misconduct, for resisting such behavior, or for otherwise using or participating in the grievance process. Prohibited behavior includes any form of intimidation, threats, or harassment by the individual accused of misconduct or persons acting in support of or on behalf of that individual. Acts of retaliation are a separate violation of the code of conduct in addition to allegations of sexual misconduct.

An individual experiencing retaliation should contact Student Conduct and Conflict Resolution Services by calling 303-556-3559. In an emergency, an individual should contact campus police by calling 911 from any campus phone, or by calling 303-556-5000 from a cell or other non-campus phone.

Education, training, outreach, and awareness programming

MSU Denver strictly prohibits acts involving domestic violence, dating violence, sexual assault, and stalking, and these acts are addressed within the MSU Denver Sexual Misconduct Policy and Procedures as noted above. The policies and procedures under the Sexual Misconduct Policy are contained within both the Student Code of Conduct, which applies to students, and the employee Professional Handbook, which applies to all faculty and staff.

Programs provided by MSU Denver for incoming students and new employees include:

<p>ON GOING New Employee Orientation – monthly Presentations include information on campus safety and crime, how to file a report, and resources available on campus related to support and education on sexual misconduct issues such as sexual assault, stalking, dating violence, and domestic violence</p>	<p>UPON ENROLLMENT New Student Orientation – Summer Outreach tabling events aimed at providing new, incoming students with information on campus safety and crime, how to file a report, and resources available on campus related to support and education on sexual misconduct issues such as sexual assault, stalking, dating violence, and domestic violence</p>
<p>ON GOING Faculty/Staff Presentations – On Request Face-to-face workshops that provide information on campus safety and crime, the Student Code of Conduct, how to file a report, and resources available on campus related to support and education on sexual misconduct issues such as sexual assault, stalking, dating violence, and domestic violence</p>	<p>UPON ENROLLMENT New Transfer Student Orientation – Online Required orientation for transfer students provides directions for reporting sexual misconduct, resources for confidential on-campus support, and resources for education on sexual misconduct issues such as sexual assault, stalking, dating violence, and domestic violence</p>
<p>AT HIRE New Student Employee Handbook Upon hire, provided to new student employees and includes information on their mandatory reporter status related to sexual misconduct issues, how to file a report, and provides on-campus resources for confidential support</p>	<p>AT ORIENTATION New Student Orientation Manual Provided to each incoming student and contains list of support services and how to file a report regarding issues related to sexual misconduct</p>

Ongoing prevention and awareness campaigns for students, staff, and faculty include:

<p>ON GOING New Employee Orientation – monthly Presentations include information on campus safety and crime, how to file a report, and resources available on campus related to support and education on sexual misconduct issues such as sexual assault, stalking, dating violence, and domestic violence</p>	<p>ON GOING Student Health 101 eZine Articles providing information, support, and resources on student health and well-being that include information related to sexual misconduct issues</p>
<p>ON GOING Faculty/Staff Presentations – On Request Face-to-face workshops that provide information on campus safety and crime, the Student Code of Conduct, how to file a report, and resources available on campus related to support and education on sexual misconduct issues such as sexual assault, stalking, dating violence, and domestic violence</p>	<p>ON GOING Red Flag Campaign – Fall Fest, September A public awareness event on-campus aimed at raising awareness of dating and domestic violence</p>

<p>ON GOING (em)Power Play – Fall Welcome Week, August A public awareness event on-campus aimed at providing information on health relationships and consent</p>	<p>ON GOING Sex, Media, and Violence – Fall and Spring Semester An interactive workshop open to students, staff, and faculty that promotes education and discussion on the influence of the media on beliefs and attitudes related to sexual violence</p>
<p>ON GOING Bystander Intervention Workshop – Fall and Spring Semester An interactive workshop open to students, staff, and faculty that provides safe and positive intervention options to bystanders related to sexual misconduct</p>	<p>ON GOING Healthy Relationships – Fall and Spring Semester An interactive workshop open to students, staff, and faculty that provides education and opportunity for discussion around what healthy relationships look like and risk factors associated with unhealthy relationships</p>
<p>ON GOING Breaking Silence: Stories of Survival – October An interactive, multi-media event aimed at raising awareness of sexual assault, abuse, and dating and domestic violence through sharing stories and real-life experiences</p>	<p>ON GOING Boos and Booze: Understanding Alcohol Abuse – October An event promoted through the campus health center aimed at raising awareness of alcohol abuse and risks associated with using alcohol</p>
<p>ON GOING Love.Sex.Lies – October An event open to students, staff, and faculty aimed at raising awareness of domestic violence and includes screening for domestic violence</p>	<p>ON GOING Safe Spring Break – March An event promoted through the campus health center aimed at providing information and raising awareness of the risks associated with using tobacco and alcohol as well as providing safe sex information</p>
<p>ON GOING Clothesline Project – Spring Semester – March/April A month-long event open to students, staff, and faculty aimed at raising awareness of sexual assault</p>	<p>ON GOING News@MSU Publication – Spring Campus-wide publication for staff and faculty that provides information related to sexual misconduct on how to report, confidential resources, and mandatory reporter status</p>
<p>ON GOING Transgender Day of Visibility – March An event promoted through the campus LGBT services office open to students, staff, and faculty aimed at educating the community on gender identity</p>	<p>ON GOING Denim Day – April An event aimed at raising awareness of myths and attitudes regarding sexual misconduct</p>
<p>ON GOING Sex Assault Awareness Month – April Speaker Series Annual event in April that brings in nationally-known speaker to address issues related to</p>	<p>ON GOING Online training and support service resources Available anytime to students, staff, and faculty by visiting the msudenver.edu/conduct</p>

sexual misconduct and specifically sexual assault	website to view material and presentations on bystander intervention, the relationship between alcohol and sexual assault, healthy relationships, risk reduction, and on- and off-campus resources
ON GOING Take Back the Day march – April An event open to students, staff, and faculty to come together and voice protest against violence related to sexual misconduct	ON GOING Hearing Board Training - January Annual training provided to students, staff, and faculty who participate in hearing student conduct cases, including those related to sexual misconduct, and who facilitate student conduct processes

AURARIA CAMPUS SEXUAL ASSAULT POLICY

I. Statement of Purpose:

This Policy was developed collaboratively by the Auraria Higher Education Center (“Center”) and its Constituent Institutions—the Community College of Denver, the Metropolitan State University of Denver, and the University of Colorado Denver—for the purpose of implementing provisions of the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*, 20 U.C.S. § 1092(f), relating to the response of the Auraria Campus Police Department and the Constituent Institutions to students who are victims of sexual assault. The Auraria Campus is committed to responding appropriately to all reports of sexual assaults and to working collaboratively with other law enforcement and government and community agencies.

In the development of this Policy, the Auraria Campus also collaborated with the Sexual Assault Interagency Council and adhered to the spirit of the Denver Sexual Assault Response Protocol, which was signed by the chief executives of the Constituent Institutions on November 7, 2005. This Protocol is available online at <http://www.denversaic.org>.

This Policy provides general guidelines for responding to students of the constituent institutions who are victims of sexual assault on the Auraria Campus or during other institutionally-sponsored activities. For institution-specific procedures and resources, contact the following representatives or campus judicial officers:

Community College of Denver
 Director of Student Conduct
 Office of Student Life
 Tivoli, Room 309
 CCD Campus Box 205
 PO Box 173363
 Denver, CO 80217-3363
 303-556-2597

University of Colorado Denver
 Director
 Office of Community Standards & Wellness, Tivoli 227
 CU Denver Box 83

PO Box 173364
Denver, CO 80217-3364
303-556-3682

Metropolitan State University of Denver

Assistant Dean of Student Engagement & Wellness
Office of Student Life, Tivoli 311
Campus Box 74
PO Box 173362
Denver, CO 80217-3362
303-556-3559

Auraria Higher Education Center

Chief of Police
Auraria Campus Police Department, Campus Box E
1201 5th Street
PO Box 173361
Denver, CO 80217-3361
303-556-5000

II. Policy Statement:

The Center and its Constituent Institutions prohibit sexual assault, attempted sexual assault and other sexual offenses on property owned or controlled by the Center or its Constituent Institutions, at institutionally-sponsored or supervised activities, or at functions of recognized student organizations. The Federal Bureau of Investigation's National Incident Based Reporting System of the Uniform Crime Report defines a sex offense in general as "any sexual act directed against another person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent."

Penalties for violations of this Policy or the internal policies of the Center or its Constituent Institutions by their employees or students are determined by their specific internal policies and procedures but may include termination or expulsion for instances of sexual assault or attempted sexual assault, and lesser penalties, including suspension, probation and assessment of financial penalties for other offenses, as appropriate.

III. Sexual Assault Prevention on the Auraria Campus:

The Auraria Campus institutions provide ongoing education about sexual assaults and prevention through new student orientation programs that take place during each fall and spring semester, and through scheduled educational programming through campus activities offices. The Auraria Campus Police Department offers sexual assault education and information programs to Auraria Campus students and employees upon request. For Center or institution specific information or literature on sexual assault education and campus response, contact the representatives listed in Section I of this Policy.

IV. Sexual Assaults / Offenses:

Students who believe they have been the victims of a sexual assault or attempted sexual assault on the Auraria Campus should first ensure that they are in a place that is safe and that they are receiving any necessary medical treatment.

Students should report any incident of sexual assault or attempted sexual assault immediately to the Auraria Campus Police Department at 303-556-5000, or by dialing ‘911’ from any Auraria Campus telephone. Reports may be made anonymously. Students may also report to their institution’s representative listed in Section I, a faculty member or an administrative official. In the interests of campus safety, the representative, faculty or staff member should immediately notify the Auraria Campus Police of the incident and also may be required to report the incident in accordance with their institution’s internal policies—see paragraph V.5 below. The identity of the student involved in or reporting the incident is not essential for reporting—see paragraph V.6 below.

If they wish, students may have the assistance of campus administrative staff in reporting incidents of sexual assault. Care should be taken in such instances to file the report as soon as possible after the incident and to preserve all physical evidence of the crime to aid in the police investigation. These procedures are particularly important in the case where the assailant is unknown to the victim and may be a threat to the campus community.

V. Options for Student Victim of Sexual Assaults / Other Sexual Offenses:

The victim of an alleged sexual assault, a threatened sexual assault, or other sexual offenses on the Auraria Campus has several options that may be pursued individually or in combination with other options:

1. To get immediate crisis counseling (24 hours a day) contact the The Blue Bench hotline (303-322-7273).
2. To file criminal charges with the police department. (In this case, the victim will likely be interviewed by police investigators and possibly by government attorneys, and if the case goes to trial, will likely be called to testify in court.)
3. To file a civil lawsuit or restraining order request against the accused. (In this case, the victim may need a private attorney to assist with these options, and the victim will likely be required to give testimony in court.)
4. To file charges against an accused assailant through the Center or institution’s appropriate process. If the victim chooses this option, he or she can expect:
 - a. To be interviewed by an official designated by the Center or institution, who will develop a written incident statement and explain the complaint and disciplinary process;
 - b. To be notified whether the charge will result in a hearing following the preliminary review by the Center or institution’s officials;
 - c. To give testimony and to answer questions about the case before an official or board, the accused and an advocate for the accused, should the charge result in a hearing;
 - d. To be afforded those rights available to the accused as outlined in the Center or institution’s specific student code of conduct or employment policies;
 - e. That both the victim and the accused will be informed of the outcome, except when prohibited by law, of any hearing that may take place;
 - f. That the incident may be referred for criminal prosecution independent of the Center or institution’s internal process.
5. Inform Center or institution officials without filing formal charges. However, the Center or

institution may have a legal obligation to investigate the incident and take action against the accused. In that case, the victim can have the same expectations as described in subparagraphs 4.a-f above.

6. Make an anonymous report to a campus official without including student identifiers.

Special notes:

1. Student victims have the option to request adjustments to their academic schedules after a reported sexual assault, if such changes are reasonably available. Each such request will be handled on a case-by-case basis by the student's institution.
2. Both the accuser and the accused are entitled to the same opportunities to have others present during any disciplinary hearing.
3. Both the accuser and the accused will be informed of the outcome, except when prohibited by law, of any Center or institutional disciplinary proceeding that is brought alleging a sex offense.

VI. Support for Victims:

Students who are victims of sexual offenses have access to various confidential counseling options with staff that are specifically trained in the area of sexual offenses and crisis intervention. Victims of sexual offenses can be seen confidentially through the Health Center at Auraria. During regular business hours, victims should call the Health Center at 303-556-2525 for immediate care or an appointment. After hours, victims should seek immediate assistance from Denver Health Medical Center at 8th and Bannock in Denver. For additional resources, see below or contact the institutional representative listed in Section I.

On the Auraria Campus:

The Phoenix Center at Auraria (available to any student)
pcauraria@gmail.com
Helpline: 303-556-CALL (2255) (24/7)

MSU Denver Counseling Center (for MSU Denver Students only—at no charge)
Tivoli 651
303-556-3132
<http://www.msudenver.edu/counsel/>

CU Denver Student & Community Counseling Center (for CU Denver students—at no charge; fees may apply to MSU Denver and CCD students)
North Classroom 4036
303-556-4372
<http://www.ucdenver.edu/life/services/counseling-center/pages/default.aspx>

Health Center at Auraria (available to any student—fees may apply)
Plaza 150
303-556-2525
<http://www.msudenver.edu/healthcenter/>

MSU Denver Institute for Women's Studies & Services (referrals and community resources)
1059 9th Street Park
303-556-8441
<http://www.msudenver.edu/women>

Local law enforcement agencies:

Denver District Attorney's Office
720-913-9000
Victims Compensation: 720-913-9253
www.denverda.org

Denver Police Department
Emergency: 911
TDD/TTY: 720-913-2000
Non-Emergency: 720-913-2000
Victim Assistance Unit: 720-913-6035
Sex Crimes Unit: 720-913-6050
Sex Crimes Hotline: 720-913-6359
www.denvergov.org/police

Community agencies/resources available in the Denver/Metro area:

Colorado Coalition against Sexual Assault (CCASA)
303-839-9999
www.ccasa.org

Denver Center for Crime Victims
Hotline: 303-894-8000
TTY: 711
Administrative line: 303-860-0660
www.denervictims.org

Moving to End Sexual Assault (MESA) (formerly the Boulder County Rape Crisis Team)
Hotline: 303-443-7300
Administrative Office: 303-443-0400
www.movingtoendsexualassault.org

The Blue Bench Hotline: 303-322-7273
Spanish: 303-329-0031
TTY: 303-329-0023
Administrative Office: 303-329-9922 (M-F 9am-5pm)
www.thebluebench.org

WINGS Foundation (Survivors of childhood sexual abuse; support groups for men and women. Groups available for men and women.)
303-238-8660
Toll free: 800-373-8671
www.wingsfound.org

Community specific services/resources:

Anti-Violence Project of Colorado (gay, lesbian, bisexual, transgender, and queer)
303-839-5204
24-hour crisis: 303-852-5094/ 1-888-557-4441
www.coavp.org

Asian Pacific Development Center (Asian American / Pacific Islander)
303-393-0304 (24 hours)
303-365-2959 x116 (Interpreters bank, fee for service)
www.apdc.org

Denver Indian Health & Family Services (Native American/ Indigenous)
1-877-8-INDIAN
303-936-2688 (8-12, 1-5pm M-F)
www.denverindiancenter.org

Domestic Violence Initiative for Women with Disabilities (Not a shelter)
Hotline & TDD: 303-839-5510
Toll free: 1-877-839-5510
dviforwomen.org

DOVE, Advocacy Services for Abused Deaf Women and Children
24 hour hotline: 303-831-7874
www.deafdove.org

Servicios De La Raza (Chicano / Mexicano / Latino & Spanish speaking)
303-458-5851
24 hour crisis line: 303-458-7088
www.serviciosdelaraza.org

SEX OFFENDER REGISTRATION INFORMATION

Registered sex offenders who are students, employees, or volunteers for the Community College of Denver, Metropolitan State University of Denver, the University of Colorado Denver or the Auraria Higher Education Center are required to advise their local law enforcement agency of their affiliation with any of the listed institutions. This information is forwarded to the Colorado Bureau of Investigation (CBI), and is available at the Auraria Campus Police Department during normal business hours. The individual making the request will be provided with the list of registered sex offenders.

State and federal law require the release of information supplied by the Colorado Crime Information Center (CCIC) on registered sex offenders. The release of such information does not violate the Family Educational Rights to Privacy Act (FERPA).

In the event the Auraria Campus Police Records staff is unavailable to provide the requested information immediately, the name and phone number of the individual making the request will be taken and he/she will be notified when the report is available. All requests will be processed and made available for review within 72 hours of the request.

For further information on Sex Offender Registration Information, please visit the Colorado Bureau of Investigation's Convicted Sex Offender Site at <http://sor.state.co.us/>.

AHEC WEAPONS POLICY

Legislative Declaration: The Auraria Board owns and manages the Auraria campus for the use and benefit of its constituent institutions of higher education – the Community College of Denver (CCD), Metropolitan State University of Denver (MSU Denver), and the University of Colorado Denver (CU Denver) – and to facilitate and further their respective educational missions. Section 23-70-106, C.R.S., authorizes the Auraria Board to promulgate rules and regulations for the safety of students, employees and property on the Auraria campus. The Auraria Board finds and determines that the free and unregulated possession of weapons on the Auraria campus would:

1. Create an unreasonable risk to the health, welfare and safety of students and employees and the preservation of property on the Auraria campus by careless or malicious use;
2. Create a climate of fear and intimidation that would distract and interfere with the reasoned discourse and cooperation required for productive learning and working environments on the Auraria campus; and
3. Be inconsistent with the academic missions of the constituent institutions.

Therefore, the Auraria Board adopts the following policy:

Statement of Policy: Except as expressly provided below, the possession of firearms, explosive or incendiary devices, or other weapons on the Auraria campus is prohibited. This prohibition shall extend to all grounds and buildings on the Auraria campus, including the institutional neighborhoods and buildings owned by the constituent institutions therein. It shall not extend to facilities off of the Auraria campus, such as, for example, CU Denver’s Lawrence Street Center, MSU Denver’s North or South Campuses, or CCD’s Lowry Campus.

This policy shall apply to all employees and invitees of the Auraria Board, all students, employees and invitees of the constituent institutions, and all other visitors to the Auraria campus.

“Weapons” include, but are not limited to, the following:

1. Firearms of any size or type of construction and ammunition;
2. Gas or air guns, including BB, pellet and paint ball guns;
3. Bows and arrows, and cross-bows;
4. Blackjacks, bludgeons, batons, nunchaku, throwing stars, and metallic knuckles;
5. Swords, pikes, lances and spears;
6. Any knife with a blade over 3.5 inches in length, including hunting and fishing knives;
7. Ballistic, gravity and switchblade knives, regardless of the length of the blade;
8. Fireworks; and
9. Any harmless object designed to look convincingly like a firearm, explosive or incendiary device, or other weapon.

Exceptions. This policy shall not apply to:

1. A peace officer, as described in § 16-2.5-101, C.R.S., when carrying a weapon in conformance with the policy of his/her employing agency as provided in § 16-2.5-101(2).
2. A member of the armed forces of the United States or Colorado National Guard while acting in his/her official capacity and in conformance with general or specific military orders.
3. A law enforcement officer, agent or employee of the United States, when lawfully carrying a weapon in conformance with the policy of his/her employing agency.

4. A person carrying a concealed handgun who holds a valid written permit issued pursuant to § 18-12-201, et seq., C.R.S.
5. A weapon that remains inside a locked motor vehicle while on the Auraria campus, provided that the weapon is unloaded. This exception shall not apply to explosive or incendiary devices.
6. A student, employee or invitee of a constituent institution or an employee or invitee of the Auraria Board who has a legitimate educational or employment related purpose for the possession of a weapon on the Auraria campus and has obtained written permission from the appropriate office and from the Chief of the Auraria Police Department or his/her designee.

Violations. All violations of this policy shall be reported to the Auraria Police Department and the appropriate institutional office. Violators may be disciplined, banned from the Auraria campus and criminally prosecuted in appropriate cases.

Procedures and guidelines. The Executive Vice President for Administration is authorized to promulgate such procedures and guidelines as may be reasonable and necessary to implement and carry out the intent of this policy.

ANNUAL FIRE SAFETY REPORT

Metropolitan State University of Denver does not maintain any on campus student housing facilities; therefore they are exempt from reporting on this.

MISSING STUDENT NOTIFICATION

Metropolitan State University of Denver does not maintain any on campus student housing facilities; therefore they are exempt from reporting on this.

DEFINITIONS OF REPORTED CRIMES

The following definitions are crimes that Federal Law requires institutions to report:

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Criminal Homicide-Manslaughter by Negligence: The killing of another person through gross negligence.

Criminal Homicide-Murder and Non-negligent Manslaughter: The willful (non-negligent) killing of one human being by another.

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Burglary vs. Larceny: An incident must meet three conditions to be classified as a Burglary.

- There must be evidence of unlawful entry (trespass). Both forcible entry and unlawful entry – no force are counted.
- The unlawful entry must occur within a structure, which is defined as having four walls, a roof, and a door.
- The unlawful entry into a structure must show evidence that the entry was made in order to commit a felony or theft.

If the intent was not to commit a felony or theft, or if the intent cannot be determined, the proper classification is Larceny.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned including joyriding.)

Sex Offenses-Forcible: Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

*A. Forcible Rape-*The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

*B. Forcible Sodomy-*Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

*C. Sexual Assault With An Object-*The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

*D. Forcible Fondling-*The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

Sex Offenses-Non-forcible: Unlawful, non-forcible sexual intercourse.

- A. Incest-*Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- B. Statutory Rape-*Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Additionally, the following violations should be reported to ACPD or to the appropriate institutional Judicial Affairs office. The police or judicial affairs staff will make tabulation of statistics from these referrals.

Weapon Law Violations: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

Drug Abuse Violations: Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Liquor Law Violations: The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

Hate Crimes: Of the crimes described above and any other crime involving bodily injury to any person and the crimes of larceny-theft, simple assault, intimidation and vandalism, in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity or disability of the victim that are reported to campus security authorities or local police agency, the data shall be collected and reported according to category of prejudice.

Dating Violence, Domestic Violence, and Stalking are defined within the “*Sexual Misconduct Policies and Procedures*” section above.

