



**METROPOLITAN
STATE UNIVERSITYSM
OF DENVER**

2020

Metropolitan State University of Denver

2020 Annual Security Report

Published by the Metropolitan State University of Denver Dean of
Students Office

THIS REPORT CONTAINS STATISTICS FOR THE 2018-2020 CALENDAR
YEARS IN COMPLIANCE WITH THE JEANNE CLERY DISCLOSURE OF
CAMPUS SECURITY POLICY & CAMPUS CRIME STATISTIC ACT



Table of Contents

<u>The Clery Act</u>	4
<u>Preparation of the Annual Security Report</u>	4
<u>Reporting Crimes & Emergencies</u>	5
<u>MSU Denver Dean of Students Office & Student Care Center</u>	5
<u>Auraria Campus Police Department</u>	6
<u>Voluntary & Confidential Reporting</u>	6
<u>Confidential Reporting - Pastoral & Professional Counselors</u>	7
<u>Security of & Access to Campus Facilities</u>	7
<u>Law Enforcement & Jurisdiction</u>	8
<u>Authority to Arrest & Relationships</u>	8
<u>Accurate & Prompt Reporting</u>	9
<u>Monitoring Campus Student Organizations</u>	9
<u>Crisis Communications Plan</u>	10
<u>Issuance of a Timely Warning Advisory</u>	10
<u>RAVE Emergency Notifications</u>	11
<u>Emergency Drills, Testing, & Evacuation</u>	11
<u>Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, & Stalking</u>	12
<u>Colorado State Statutes</u>	12
<u>Descriptions of Program Types</u>	14
<u>MSU Denver Policies Related to Sexual Misconduct</u>	20
<u>Procedures After Experiencing Violence</u>	30
<u>Written Notification of Resources</u>	30
<u>Importance of Preserving Evidence</u>	30
<u>How and to Whom to Report or Refer</u>	31



Options to Involve Law Enforcement & Campus Authorities	32
No Contact Directives, Protection Orders, & Restraining Orders	32
Confidentiality	33
Sex Offender Registration Information	33
Investigative & Disciplinary Procedures for Sexual Misconduct	34
Responsible Offices for Conducting Investigations	36
Investigative & Disciplinary Proceedings	36
Office of Equal Opportunity/Title IX Coordinator’s Title IX Procedures	37
Student Code of Conduct	43
Standard of Evidence	47
Potential Resolutions from Investigative & Disciplinary Proceedings	47
Disclosure of Results of Investigative & Disciplinary Proceedings	48
Security Awareness & Crime Prevention Programs	49
Drug, Alcohol, & Substance Misuse/Abuse	51
Health Risks Associated with Drug, Alcohol, & Substance Misuse	51
Drug and Alcohol Counseling, Treatment or Rehabilitation, or Re-entry Programs	53
Laws & Policies Related to Drug, Alcohol, & Substance Possession or Use	54
Alcohol Laws & Policies	56
Drug Laws & Policies	57
Annual Fire Safety Report	66
Missing Student Notification	66
Definitions of Clery Reported Crimes	66
Annual Crime Statistics	69

The Clery Act - Background

After their daughter, Jeanne Clery, was raped and murdered in her college residence hall at Lehigh University in 1986, Conne and Howard Clery advocated for legislation to be passed that would require universities to disclose information about crimes on college campuses. Their goal was to create safe communities where individuals had all the information needed to make informed decisions regarding safety. Their efforts helped pass the federal Crime Awareness and Campus Security Act in 1990 and later renamed in honor of their daughter, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Today it is more commonly known as the Clery Act.

Preparation of the Annual Security Report

Metropolitan State University of Denver (MSU Denver) values transparency and promoting an informed, safe community. The following policies, statistics, and resource information provided in compliance with the Clery Act are for community members to make informed decisions regarding their safety.

This report is prepared by the Compliance and Prevention Coordinator in the Dean of Students Office of MSU Denver in cooperation with the Auraria Higher Education Center (AHEC), Auraria Campus Police Department (ACPD), and local law enforcement agencies surrounding the Auraria Campus and extended campus locations. The Dean of Students Office annually reviews the policies outlined in this report with relevant campus departments such as the Office of Equal Opportunity (OEO) and General Counsel. The Dean of Students Office reviews statistics of crimes reported to the institution and requests the same information from the ACPD and relevant local law agencies to compile the statistics listed.



Reporting Crimes & Emergencies

Crime reports can be made at any time. To report a crime, contact the MSU Denver Dean of Students Office, Student Care Center, or the ACPD.

MSU Denver Dean of Students Office & Student Care Center

MSU Denver cares about keeping our campus community safe and supported through difficult times. There are multiple modes in which students, faculty, staff, and community members can report a crime to the institution. If an emergency requires immediate attention, MSU Denver encourages community members to report to the ACPD or local law authority.

In addition to campus law enforcement, under the Clery Act, some University employees who have responsibility for campus security or significant responsibility for student and campus activities are designated as Campus Security Authorities (CSAs). CSAs are required to report any information they have regarding applicable crimes on or adjacent to campus to the institution for response, support, and inclusion of information in the Annual Security Report.

A person experiencing or have experienced a crime can utilize the referral methods listed below for the Dean of Students Office and Student Care Center or contact a CSA to report on their behalf. Examples of CSAs at MSU Denver include:

- Dean of Students
- Director of Athletics
- Team Coach
- Faculty Advisor to a Student Group
- Student Care Center Case Manager

To report to the Dean of Students Office an alleged crime that violates the Student Code of Conduct, an [Incident Report](#) can be completed. An Incident Report can also be accessed on the Dean of Students website at msudenver.edu/dean-of-students/student-conduct/report-an-incident/

For any concerned party to share information about a student of concern a [CARE Referral](#) can be made. The Student Care Center case managers provide one-on-one support and resources. A CARE Referral can also be accessed on the Student Care Center website at msudenver.edu/student-care-center/

Auraria Campus Police Department

ACPD services are available 24 hours a day, seven days a week to respond to the Auraria Campus. 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. ACPD can be contacted for a report via emergency boxes or red poles on campus or online at ahec.edu/services-departments/police/crime-report/crime-report-form.

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 ACPD. 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 303-556-5000 for other police assistance. Cell phones and off-campus calls dial 303-556-5000. Messages can also be sent via the Text-a-Tip line at 720-593-TIPS (8477).

In addition, those with protection orders against another party are strongly encouraged to notify the ACPD of the threat and provide the ACPD a copy of the protection order so that Auraria Officers may enforce it. If the other party is restrained from the Auraria Campus, please have the court list MSU Denver and AHEC separately on the order.

Voluntary & Confidential Reporting

Those experiencing or who have experienced a crime have the option to voluntarily report their experience. Reported crimes are included in annual crime statistics, however, details regarding the crime or those affected is kept confidential.

Crimes can be reported to a CSA, the Dean of Students Office through an [Incident Report](#), the Student Care Center through a [CARE Referral](#), or the ACPD via an [Anonymous Reporting Option](#) for those who do not wish to be identified. If the crime poses an ongoing threat to the campus it is preferred to report to the ACPD and Dean of Students Office.

If a serious crime that may cause an ongoing threat to the campus is reported to a CSA, they are to directly report that incident to the ACPD immediately. MSU Denver has a responsibility to notify the campus community about any crimes which pose an ongoing threat to the community. As such, a CSA is obligated by law to report crimes with an ongoing threat immediately to the ACPD.



Confidential Reporting - Pastoral & Professional Counselors

Pastoral and professional counselors or psychiatrists are not considered CSAs under the Clery Act and can provide confidential assistance to those they are counseling. MSU Denver does not currently have any pastoral counselors.

A professional counselor or psychiatrist is an employee of MSU Denver whose official responsibilities include providing mental health counseling to members of the MSU Denver community and who is functioning within the scope of their counseling license or certification. Professional counselors or psychiatrists are encouraged, if and when they deem it appropriate, to inform those they counsel of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics. University employees who are confidential will submit timely anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient, or parishioner.

On Campus Confidential Professional Counselor Services:

Health Center at Auraria

303-556-2525

healthcenter1.com

MSU Denver Counseling Center

303-615-9988

303-615-9911

(24/7 Mental Health & Victims Assistance Crisis Line)

msudenver.edu/counsel

Security of & Access to Campus Facilities

Exterior door locks on the Auraria Campus are fully electronic, programmed by the Access Control Department in AHEC's Facilities Management. The system also has the ability to be placed in "lockdown" directly by ACPD. The ACPD has the primary responsibility for ensuring the lock hardware is functioning properly. Auraria Campus Police Officers and Neighborhood Community Officers conduct routine patrols of buildings and areas within Auraria Campus throughout 24 hours. Established facility hours are coordinated and maintained by the Auraria Academic Services. ACPD also works closely with the Facilities Management 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 ACPD.

[Work Orders](http://ahec.edu/workorder) noting security issues with campus facilities can be filed online (ahec.edu/workorder) or called in at 303-556-3260.

Law Enforcement & Jurisdiction

ACPD is charged with the primary responsibility to provide police and security services to the Auraria Higher Education Center which houses the Community College of Denver (CCD), MSU Denver, and the University of Colorado Denver (CU Denver). The police officers in the ACPD receive their police authority via the provisions of the Colorado Revised Statutes, Title 24, Article 7.5, Part 1. The Auraria Board, through its Chief Executive Officer, has delegated authority to the ACPD to enforce campus rules and regulations as well as Municipal, State Laws, and Federal Statutes. ACPD officers have full police authority and are certified police officers as defined under CRS 16-2.5-101 and 16-2.5-120.

The current scope of authority of the ACPD Police Officers is limited to the Auraria Campus area. 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. The jurisdiction of the ACPD also includes the Lynx Crossing Residence Hall.

Authority to Arrest & Relationships

The City and County of Denver entered into an Intergovernmental Agreement establishing the working relationship between the ACPD and the Denver Police Department, granting to the ACPD 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 with the authority to make arrests if deemed necessary and appropriate.

It is the desire of both the ACPD 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 ACPD 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 ACPD works closely with local, state, and federal law enforcement agencies on-campus events, regional law enforcement matters, training, and significant investigations concerning the campus community. Reciprocal relationships are important and the ACPD meets with representatives from the Denver Police Department, the Denver Sheriff Department, and other municipal, state, and federal law enforcement agencies formally and informally, and offers their support in police matters of mutual investigation and concern.

Accurate & Prompt Reporting

When the victim of a crime wishes to report to law enforcement or is unable to make such a report, MSU Denver encourages community members to report to the ACPD in an accurate and prompt manner if the crime occurred on the Auraria Campus or local police department if the crime occurred off campus.

Monitoring Campus Student Organizations

Under the Clery Act, institutions have a responsibility to monitor and report crimes committed on noncampus property owned by recognized student organizations, including student organizations with noncampus housing facilities. While MSU Denver recognizes many official student organizations, currently none of the organizations own property including Fraternity and Sorority Life. Therefore, the institution does not monitor or report crimes of this nature.



Crisis Communications Plan

Disasters, emergencies, and crises disrupt normal activities on campus and may require activation of the AHEC Emergency Operations Plan as well as the Crisis Communications Plan, including issuing a timely warning advisory or RAVE emergency notification. The Crisis Communications Plan provides specific guidance and outlines how AHEC will provide accurate, up to date information and communications to the campus community, the media, and the public in the event of an emergency or crisis. The AHEC Emergency Operations Plan can be found at ahec.edu/services-departments/emergency-preparedness/emergency-procedures. The AHEC Crisis Communications Plan can be found at ahec.edu/files/general/policy-crisis-communication-emergency-notification-plan.pdf. Description of issuance of timely warning advisories and RAVE emergency notifications is provided below.

Issuance of a Timely Warning Advisory

Per the requirements of the Clery Act, “timely warning” advisories are sent out to the campus community when a Clery Act crime is reported to ACPD or local police that may present an ongoing, serious threat to the safety of students, employees, and community members. A timely warning advisory is issued to the campus community when incidents of criminal activity as defined by the Clery Act occur on campus or within the immediate vicinity of campus and when the criminal activity represents an ongoing, serious threat to campus. A timely warning advisory may be issued for non-Clery Act crimes if it is believed the crime poses a serious or continuing threat to the campus community.

Typically, a timely warning advisory will include the following information:

- The reported offense
- Date and time of the reported offense (if known)
- Suspect information (if known)
- Solicitation of witness or suspect information
- Information that would promote safety and would aid in the prevention of similar crimes

The Chief of ACPD or their designee shall make the decision as to whether an incident poses an ongoing, serious threat and if a timely warning advisory is required. In all cases, timely warning advisories are disseminated by the ACPD Dispatch or staff via email and text message to all staff, faculty, and students on the Auraria Campus using their intuition-provided email accounts.

RAVE Emergency Notifications

In the event that there is a confirmed significant emergency or dangerous situation posing an immediate threat to the campus community, per the judgment of on-duty ACPD Personnel, ACPD Dispatch, or the ACPD Office of Emergency Management will determine the content of the notification and initiate the RAVE emergency notification system. The decision to send an emergency notification can be made by any member of the ACPD or by the AHEC Office of

Emergency Management when there is an imminent threat to the safety of the campus. Emergency notifications are sent by the ACPD Dispatch Center or by the AHEC Office of Emergency Management. However, if in the professional judgment of the 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.

Prior to emergency notifications, the significant emergency must be confirmed. Confirmation may come from a number of sources, including ACPD staff, campus constituents, and/or partner agencies depending on the type of emergency. Confirmation from ACPD includes: first-hand observations by members of the ACPD or other first responders, by first-hand observation by known campus staff members with experience and knowledge to make such a determination, or by real-time observation from campus security cameras. To evaluate the significance of the threat, MSU Denver may consult with subject matter experts, for example: Denver Police Department, Denver Fire Department, Federal Bureau of Investigations (FBI), World Health Organization (WHO), Colorado Department of Public Health and Environment, University Health and Safety, National Weather Services, etc. Due to the time sensitivity of emergency alerts, the decision to initiate a RAVE emergency notification will be determined as quickly and thoroughly as possible.

AHEC also maintains pre-scripted short message scripts for a variety of hazards to assist in the timely issuance of immediate notifications. Emergency notifications are always sent to the entire campus community and anyone else enrolled on the distribution lists. Each school and AHEC maintain their own enrollment lists which are updated every semester. In addition, a variety of other communications tools may be utilized, including campus-wide email messages, broadcast voice mail messages, updates to the Auraria Campus Emergency Hotline (1-877-566-EMER) and notices posted on electronic message boards and the AHEC website at ahec.edu.

Emergency Drills, Testing, & Evacuation

Emergency evacuation drills are an important part of fire and life safety procedures for many reasons. Not only do they safeguard life, health, property, and public welfare, but they also ensure regulatory compliance.

Drills help ready the campus for orderly, controlled, and safe exiting of buildings in case of an emergency, and also improve certain aspects of fire provisions. Drills allow for and are designed for assessment and evaluation of emergency plans and capabilities.

Drills are scheduled at least annually and held at unexpected times and under varying conditions to simulate the unusual conditions that occur in the event of a fire or other emergency situation.

Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault & Stalking

MSU Denver 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 among other actions as sexual harassment.

As a part of the University's efforts to end interpersonal violence, multiple departments collaborate across campus to raise awareness of interpersonal violence, teach risk reduction and positive bystander intervention options, and train students, staff, faculty, and community members on institutional and state procedures. All programming includes a statement prohibiting interpersonal violence offenses, State and federal definitions of offenses, information of safe and positive options for bystander intervention and risk reduction, and information on institutional procedures and rights within disciplinary proceedings.

Colorado State Statutes

MSU Denver complies with State statutes when developing and applying policy. Statute definitions included in prevention programming and applicable to the University's Discrimination, Sexual Misconduct, and Retaliation Policy are listed below.

Dating Violence – Violence Against Women Act, CFR §34-668.64

At time of publishing this report, the State of Colorado does not have a State definition of dating violence. Therefore, MSU Denver utilizes the definition provided in the federal Violence Against Women Act (VAWA) amendments to the Clery Act. The VAWA definition reads:

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Dating violence is also defined within MSU Denver's [Discrimination, Harassment, Sexual Misconduct, Title IX Violations, and Retaliation Policy](#) as follows:

Dating Violence, defined as: violence, on the basis of sex and/or actual or perceived gender, committed by a person, who is in, or has been in, a social relationship of a romantic or intimate nature with the Complainant.

The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition— Dating violence includes, but is not limited to, sexual or physical abuse or the

threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence – C.R.S. §18-6-800.3

An act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. “Domestic violence” also includes any other crime against a person, or against property, including an animal, or any municipal ordinance violation against a person, or against property, including an animal, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship. “Intimate relationship” means a relationship between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time.

Sexual Assault - C.R.S. §18-3-402

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.

Consent - C.R.S. §18-3-401-1.5

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. Submission under the influence of fear shall not constitute consent. Additionally, in Colorado, a minor (meaning a person under the age of 17 years) cannot consent to sexual activity unless 1) the child is less than 15 and the other person is less than 4 years older or 2) the child is 15 or 16 and the other person is less than 10 years older. This means that sexual contact by an adult within a person younger than 17 years old may be a crime, and a potential violation of the Policy, even if the minor welcomed the sexual activity or lied about being 17.

Stalking - C.R.S. §18-3-602

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. A victim need not show that they received professional treatment or counseling to show that they suffered serious emotional distress.

Descriptions of Program Types

Awareness Programs are defined as: community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

Bystander Intervention Programs are defined as: safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking; includes recognition of situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. Safe and positive options for bystander intervention included in prevention programming at MSU Denver include but are not limited to:

Direct – Intervene directly by confronting/calling out the individual(s) to notify them of their inappropriate behavior

Distract – Create some form of distraction and interrupt the flow of violence. A key with this step is to engage directly with whom is being targeted

Delegate – Empower other allies to become accomplices as active bystanders by asking for assistance, finding a resource, or receiving help from a third party

Ongoing Prevention and Awareness Campaigns are defined as: programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.

Primary Prevention Programs are defined as: initiatives and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

Risk Reduction Programs are defined as: options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. As a part of prevention programs at MSU Denver, risk reduction includes information regarding positive bystander intervention options, addressing and responding to victim blaming, and information on institutional procedures for response to violence.

Program Offerings

Program	Description	Frequency
Roadrunner 3R Training	Administrators, faculty, and staff are often the first point of contact for students experiencing distress and/or mental-health challenges, so it's important to properly prepare employees to administer meaningful and successful interventions.	Monthly & On Request
Dean of Students Office & Student Care Center Services	On request workshops that provide information on campus safety and crime, the Student Code of conduct, how to file a report or referral, and resources available on campus related to support and education on sexual assault, dating violence, stalking, and interpersonal violence.	On Request
Roadrunners United: Interpersonal Violence Prevention Training	Online Canvas module designed and available to all MSU Students that overviews: sexual misconduct policy and definitions, bystander intervention, reporting, resources, and supporting survivors.	On Going



With Pleasure	Virtual program via social media campaign focusing on how to talk about consent with individuals and proper use of safer sex materials.	Annually
Peer 2 Peer	Training for student employees to learn how to identify concerns, support, and refer student peers to support services.	On Request
Raise the Bar	Virtual event aimed at raising awareness of alcohol abuse and risks associated with using alcohol.	On Request
Crisis Walk-in Services	Provides opportunity for students, faculty, and staff for crisis intervention.	On Going
Addicted Living	Social media outreach and guest speaker conversation around recognizing these behaviors and reducing their impact on your daily living.	Annually
World AIDS Day	Online outreach aimed at educating participants about preventing HIV and other STIs as well as a Rapid HIV testing station.	Annually
Preventing Harassment & Discrimination Suite	This course is designed for both supervisory employees and non-supervisory employees and will assist organizations in complying with harassment prevention training laws and best practices. It includes coverage of protected categories, harassment, discrimination, and retaliation principles, cornerstones of civility and equity, and practical approaches like bystander intervention that empower learners to create a workplace environment where harassment, discrimination, and other forms of mistreatment are not tolerated. The course also includes an optional sixth module addressing Clery Act and Title IX compliance requirements.	Biannually
NCAA Training	Training for student athletes to meet NCAA sexual assault prevention requirements presented by MSU	Annually

	Office of Equal Opportunity and the Phoenix Center at Auraria.	
Lavender Graduation	Graduation ceremony honoring LGBTQIA+ students.	Once per Semester
LGBTQ Student Resource Center Class Presentations	Sessions tailored to connect LGBTQ topics to course content and LGBTQ Student Resource Center information.	On Request
Auraria Campus Pride Initiative	Education and raising awareness series for departments and organizations. (includes Safe Zone training)	On Request
National Coming Out Day	The annual celebration of those who come out as lesbian, gay, bisexual, transgender, queer, or as an ally.	Annually
Transgender Day of Resilience	Presentation and discussion to memorialize those trans individuals who have been murdered because of their trans identity.	Annually
Drinking: When is Enough too Much?	As a legal drug, it is easy to get into trouble with alcohol use. We will explore some of the ways that students can learn to recognize when alcohol use is becoming problematic and how to reduce the risk of developing a serious problem.	Per Semester
Cannabis Use and Abuse	Now that it is a legal drug, some people assume that cannabis use is never problematic. This workshop will explore some of the issues that have emerged as this drug has become legal in Colorado and other states.	Per Semester
Survivors	This group is for individuals who are survivors of sexual trauma. This is a process-based group for processing trauma in a safe environment by increasing insight about how sexual trauma impacts self-identity and the relationships in our lives.	Per Semester

Moving Beyond Trauma	This group is for individuals who have experienced on-going trauma in the past. The group will focus on how trauma has impacted individuals in the present, how to deal with on-going difficulties, and work on processing past trauma.	Per Semester
National Alcohol and Cannabis Screening Day	Screenings for alcohol abuse, educational resources, and referrals as appropriate.	Annually
A Group with Real Substance	This group will provide a safe space for persons to discuss, explore, and process in a safe environment issues surrounding the difficulties with substance abuse. You can gain great benefits from working with other peers dealing with and managing substance abuse issues.	Per Semester
New Student Orientation Folder	Folder provides information on support services and how to file a report regarding issues related to sexual misconduct.	Per Semester
New Student Orientation Virtual	Virtual orientation sessions 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, domestic violence, and public safety.	Per Semester
New Student Orientation Online	Online orientation sessions 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, domestic violence, and public safety.	Per Semester
Phoenix Center at Auraria Bathroom Signs	Bathroom signs which feature different topics and resources every month on the topics of interpersonal violence, stalking, and sexual assault.	Monthly

Phoenix Center at Auraria Information Tables	PCA staff and students provide information tables at various campus events by invitation and request.	Monthly
Interpersonal Violence 101	Curriculum presentation reviewing types of interpersonal violence (relationship violence, sexual violence, and stalking) provided by peer educators to MSU Denver students.	On Request
The Clothesline Project Display	More than 300 shirts decorated by Auraria survivors of interpersonal violence and their allies were displayed in the Tivoli student union throughout April to promote awareness and understanding of the crimes of interpersonal violence.	Annually
The Clothesline Project Decorating	Auraria community members were invited to decorate shirts for display as part of the official Auraria Clothesline Project and learn more about the PCA.	Annually
Trauma Informed Classrooms	PCA Victim Services Coordinator provided presentation for MSU Denver faculty on trauma-informed pedagogy.	On Request
Barriers to Care for Male Survivors of Violence	PCA staff and student educators provided a campus-wide event addressing the needs of male survivors.	On Request
Phoenix Center at Auraria Overview	PCA professional staff and peer educators provided overview of PCA programs to MSU Denver students, faculty, and staff.	On Request
Healthy Relationships	PCA peer educators provided curriculum presentation about Healthy Relationships to MSU students in various classrooms.	On Request
Red Flag Campaign	This awareness raising campaign is meant to show the proportion of students on campus that may have experienced interpersonal violence statistically. The flags	Annually

	are also meant to draw attention to relational red flags. This campaign is on display for 2 weeks in September.	
Media Literacy	PCA peer educators provided curriculum presentation about violence in the media to MSU Denver students.	On Request
Bystander Intervention	PCA peer educators provided curriculum training to MSU Denver students regarding tactics for safe and effective Bystander Intervention.	On Request
Coffee & Sex	PCA provides an information table specific to the topic of consent while providing coffee to engage passers-by.	Monthly
Cupcakes & Condoms	Focus on how to talk about consent with individuals and proper use of safer sex materials.	Annually
Phoenix Cast	PCA produces a semi-weekly podcast during the academic year on topics related to raising awareness and preventing interpersonal violence.	Weekly

MSU Denver Policies Related to Sexual Misconduct

Student Code of Conduct – Article III, Section A, List Item 27

Sexual Harassment/Sexual Misconduct – any violation of the University’s sexual harassment policies, including sexual misconduct.

Student Code of Conduct Amnesty Policy

MSU Denver recognizes that an individual who has been drinking or using drugs at the time of an incident may be hesitant to make a report because of potential Student Code of Conduct consequences for his/her own conduct. An individual that reports a violation of the Code of Conduct, including sexual misconduct will not be subject to disciplinary action by MSU Denver for his/her own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health and safety of any other person at risk. MSU Denver may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

Amorous Relationship Policy

Members of the University community, whether faculty members or administrative staff, put academic and professional trust and ethics at risk when they engage in amorous romantic/sexual relationships with people whose academic and/or professional benefits and opportunities are, or appear to be, subject to their authority, supervision, or influence. Accordingly, the University prohibits such relationships, as well as any attempt to initiate or engage in such relationships. Any faculty member or administrator who engages in, or attempts to engage in, an amorous relationship with a student or subordinate shall report any such relationship or attempt to the Chief Human Resources Officer or designee.

Discrimination, Harassment, Sexual Misconduct, Title IX Violations, and Retaliation

This policy shall be known as the Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Title IX Violations, and Retaliation (hereinafter, the “Policy”).

A. **Discrimination is Prohibited.** MSU Denver is committed to maintaining work, study, learning, and recreational environments for all students, employees, and visitors free from discrimination, sexual misconduct, Title IX violations (described below in section III.B.), and discriminatory harassment. Therefore, in accordance with applicable local, state, and federal laws, MSU Denver shall not discriminate and prohibits discrimination in all of its programs and activities, including but not limited to, academics, in-person and online classroom instruction and discussions, extracurricular activities, athletics, University-sponsored student clubs, employment, promotion, admissions, and access to all academic, clinical, career, and technical programs on the basis of any of the following:

1. Race;
2. Creed;
3. Color;
4. Sex;
5. Gender;
6. Gender Identity or Expression;
7. Pregnancy;
8. National Origin;
9. Nationality;
10. Age;
11. Ancestry;
12. Marital, Domestic Partnership, or Civil Union Status;
13. Religion;
14. Affectional or Sexual Orientation;
15. Atypical Hereditary Cellular or Blood Trait;
16. Genetic Information;
17. Liability for Military Service;
18. Protected Veteran Status;



19. Mental or Physical Disability, including perceived disability, AIDS and HIV-related illnesses;
20. Harassment (related to any of the forgoing categories);
21. Retaliation for filing a complaint of, or participating in an investigation of discrimination and harassment; and/or
22. Any other category protected by law.

In addition to prohibiting discrimination on the basis of any of the categories listed above, this Policy specifically prohibits all forms of sexual misconduct, which includes, but is not limited to, discrimination based on gender or sex, sexual assault, sexual abuse, sexual harassment, other forms of nonconsensual sexual conduct, stalking, interpersonal violence, including domestic and dating violence, and sexual exploitation.

This Policy also prohibits discriminatory harassment, as described below in section III.B., a form of discrimination which is improper conduct toward a particular individual, individuals, or groups on the basis of one or more of the protected classes listed above.

- B. **Harassment is Prohibited.** Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. This Policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive, subject matters protected by academic freedom or the First Amendment. The sections below describe the specific forms of legally prohibited harassment that are also prohibited under this Policy. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of this Policy; however, supportive measures will be offered to those affected.
- C. **Sexual Harassment is Prohibited.** This Policy prohibits sexual harassment, a form of discrimination based on sex and/or actual or perceived gender. Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as conduct on the basis of sex and/or actual or perceived gender that satisfies one or more of the following:
1. *Quid Pro Quo*:
 - a. an employee of the University,
 - b. conditions the provision of an aid, benefit, or service to the individual,
 - c. on an individual's participation in or cooperation with unwelcome sexual conduct; and/or
 2. Sexual Harassment:
 - a. unwelcome conduct,
 - b. determined by a reasonable person,
 - c. to be so severe, and
 - d. pervasive, and
 - e. objectively offensive,



- f. that it effectively denies a person equal access to the University's education program, activity, or employment.
- 3. Sexual assault, defined as:
 - a. Sex Offenses, Forcible:
 - i. Any sexual act directed against another person,
 - ii. Without the consent of the Complainant,
 - iii. Including instances in which the Complainant is incapable of giving consent due to intoxication, lack of consciousness, disability, presence of coercion, or age.
 - b. Forcible Rape:
 - i. Penetration,
 - ii. no matter how slight,
 - iii. of the vagina or anus with any body part or object, or
 - iv. oral penetration by a sex organ, or any other object or body part, of another person,
 - v. without the consent of the Complainant.
 - c. Forcible Sodomy:
 - i. Oral, digital, or anal sexual intercourse with another person,
 - ii. forcibly,
 - iii. and/or against that person's will (non-consensually), or
 - iv. not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age, intoxication, the presence of coercion, lack of consciousness, or because of temporary or permanent mental or physical incapacity.



- d. Sexual Assault with an Object:
 - i. The use of an object or instrument to penetrate,
 - ii. however slightly,
 - iii. the oral, genital or anal opening of the body of another person,
 - iv. forcibly,
 - v. and/or against that person's will (non-consensually),
 - vi. or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age, intoxication, the presence of coercion, lack of consciousness, or because of temporary or permanent mental or physical incapacity.
- e. Forcible Fondling:
 - i. The touching of the private body parts of another person (buttocks, groin, breasts),
 - ii. for the purpose of sexual gratification,
 - iii. forcibly,
 - iv. and/or against that person's will (non-consensually),
 - v. or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age, intoxication, the presence of coercion, lack of consciousness, or because of temporary or permanent mental or physical incapacity.
- f. Sex Offenses, Non-forcible
 - i. Incest:
 - (a) Non-forcible sexual intercourse,
 - (b) between persons who are related to each other,
 - (c) within the degrees wherein marriage is prohibited by the laws of the State of Colorado.
 - ii. Statutory Rape:
 - (a) Non-forcible sexual intercourse,
 - (b) with a person who is under the statutory age of consent in Colorado.
- 4. Dating Violence, defined as:
 - a. violence,
 - b. on the basis of sex and/or actual or perceived gender,
 - c. committed by a person,
 - d. who is in, or has been in, a social relationship of a romantic or intimate nature with the Complainant.
 - e. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
 - f. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - g. Dating violence does not include acts covered under the definition of domestic violence.



5. Domestic Violence, defined as:
 - a. violence,
 - b. on the basis of sex and/or actual or perceived gender,
 - c. committed by a current or former spouse or intimate or romantic partner of the Complainant,
 - d. by a person with whom the Complainant shares a child in common, or
 - e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate or romantic partner, or
 - f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Colorado, or
 - g. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the State of Colorado.
 - i. To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate or romantic relationship.
6. Stalking, defined as:
 - a. engaging in a course of conduct,
 - b. on the basis of sex and/or actual or perceived gender,
 - c. directed at a specific person, that
 - i. would cause a reasonable person to fear for the person's safety, or
 - ii. the safety of others; or
 - iii. Suffer substantial emotional distress. For the purposes of this definition—
 - (a) *Course of conduct* means two or more acts, including, but not limited to, acts in which the Respondent 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.
 - (b) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the Complainant.
 - (c) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
7. The following definitions and understandings apply to the above described forms of sexual harassment:



- a. *Force*: *Force* is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” “Okay, don’t hit me, I’ll do what you want.”). Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.
- b. *Coercion*: *Coercion* is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
- c. *Consent* is:
 - i. knowing, and
 - ii. voluntary, and
 - iii. clear permission
 - iv. by word or action
 - v. to engage in sexual activity.

(a) Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity. If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back. Consent can also be withdrawn once given through clear verbal or physical communication (e.g., saying “no,” using an agreed upon safe word, pushing a sexual partner away, a previously engaged sexual participant becoming disengaged). If consent is withdrawn, that sexual activity should cease immediately. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship or experience is not sufficient to constitute consent. Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the University to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same



or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced. Consent in relationships must also be considered in context. When parties consent to BDSM or other forms of non-traditional intimacy, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so the University’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default. Prior experiences with kink situations shall not be construed to be consent for future contact.

- d. Incapacitation: A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if the Respondent engages in sexual activity with someone who is incapable of giving consent. It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable-person standard, which assumes that a reasonable person is both sober and exercising sound judgment. Incapacitation occurs when someone cannot make rational, reasonable decisions because the individual lacks the capacity to give knowing/informed consent (*e.g.*, to understand the “who, what, when, where, why, or how” of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk. This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the voluntary or forced consumption of incapacitating drugs.
8. Other Civil Rights Offenses. In addition to the forms of sexual harassment described above, which fall within the coverage of Title IX, the University additionally prohibits the following offenses as forms of discrimination outside of Title IX when the act is based upon the Complainant’s actual or perceived membership in a protected class.
 - a. Sexual Exploitation, defined as: when an individual takes non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this policy. Examples of Sexual Exploitation include, but are not limited to:
 - i. Sexual voyeurism, such as observing or allowing others to observe a person undressing, using the bathroom, or engaging in sexual acts without the consent of the person being observed;
 - ii. Invasion of sexual privacy;



- iii. Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent, such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent, including the making or posting of revenge pornography;
- iv. Prostituting another person;
- v. Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the infection;
- vi. Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity;
- vii. Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections;
- viii. Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity;
- ix. Knowingly soliciting a minor for sexual activity;
- x. Engaging in sex trafficking;
- xi. Creating, possessing, or disseminating child pornography.
- b. Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person;
- c. Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities;
- d. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- e. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the University community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity;
- f. Violation of any other University policies may constitute a civil rights offense when a violation is motivated by actual or perceived membership in a protected class, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.



D. Retaliation is Prohibited.

1. Retaliation against a person who reports a potential violation under this Policy, assists someone with a report of a violation, or participates in any manner in an investigation or in the resolution of a complaint made under this Policy is strictly prohibited and will not be tolerated. Retaliation includes, but is not limited to, threats, slander, intimidation, reprisals, and/or adverse actions related to an individual's employment or education. MSU Denver will take appropriate steps to ensure that a person who in good faith reports, complains about, or participates in an investigation pursuant to this Policy will not be subjected to prohibited retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to file a complaint with the Equal Opportunity Office and/or Title IX Coordinator or designee.
2. The University is obligated to ensure that the reporting, complaint, investigation, and grievance process is not abused for retaliatory purposes. The University permits the filing of counterclaims but uses an initial assessment, described below, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by the Respondent may be made in good faith, but may, on occasion, also be made by individuals for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted.
3. Counterclaims determined to have been reported in good faith will be processed using the OEO/Title IX Procedures and the procedures described below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur. Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.



Procedures After Experiencing Violence

MSU Denver is committed to responding appropriately to all reports of sexual misconduct including sexual assault, dating violence, domestic violence, and stalking. If someone is experiencing, has experienced, or know of someone who is experiencing/has experienced sexual misconduct they are encouraged to report the incident(s) and refer the individual to the appropriate office. Reporting and referral mechanisms are outlined below. When MSU Denver becomes aware of an incident involving sexual assault, dating violence, domestic violence, or stalking, the institution provides the following information in writing to the individual, regardless of whether the offense occurred on or off campus.

Written Notification of Resources

MSU Denver provides students and employees information regarding existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other related services within the institution and in the community in writing.

The institution also provides students information on interim and protective measures as well as disciplinary procedures. These measures are consulted with students (and/or counselors or advocates where applicable), interim measures are available if requested and reasonably available, regardless of if reported to campus or local law enforcement.

Each student's needs are unique--some examples of interim measures, but are not limited to, are:

- Resource referral (e.g. counseling, medical, advocacy, and law enforcement)
- No contact directives
- Academic Accommodations (e.g. rescheduling an assignment/exam, assignment extensions, arranging for a leave of absence/incomplete/withdrawal, etc.)
- Supportive measures for living arrangements for on-campus students at Lynx Crossing
- Transportation needs
- Workplace supportive measures
- Protective and other measures that may apply and are appropriate

Importance of Preserving Evidence

Those experiencing or who have experienced sexual assault, dating violence, domestic violence, stalking, or sexual harassment are encouraged to preserve evidence that may assist in proving the alleged criminal offense occurred or that may be helpful in obtaining a protection order if pursuing charges or a protection order through law enforcement is desired.



How & to Whom to Report or Refer

Students, faculty, staff, and community members can report an occurrence of dating violence, domestic violence, sexual assault, stalking, or sexual harassment to the offices listed below.

Violence Involving <i>Students</i> (either as complainants or respondents)			
Dean of Students Office	Tivoli 343	303-615-0220	<u>Incident Report</u> or <u>msudenver.edu/dean-of-students/student-conduct/report-an-incident/</u>
Student Care Center	Tivoli 311	303-615-0006	<u>CARE Referral</u> or <u>msudenver.edu/student-care-center/</u>
Office of Equal Opportunity	Jordan Student Success Building 306	303-615-0036	<u>Discrimination, Discriminatory Harassment, Sexual Misconduct, or Retaliation Complaint</u> or <u>msudenver.edu/equal-opportunity</u>
Auraria Campus Police Department	Administration Building Suite 110	303-556-5000	Contact Police Department or <u>Anonymous Reporting Form</u>
Violence Involving <i>Employees</i> (either as complainants or respondents)			
Office of Equal Opportunity	Jordan Student Success Building 306	303-615-0036	<u>Discrimination, Discriminatory Harassment, Sexual Misconduct, or Retaliation Complaint</u> Or <u>msudenver.edu/equal-opportunity</u>
Auraria Campus Police Department	Administration Building Suite 110	303-556-5000	Contact Police Department or <u>Anonymous Reporting Form</u>



Options to Involve Law Enforcement & Campus Authorities

Survivors of violence have the right to decide whether or not to report any incident(s) to law enforcement. Survivors have the right to choose to:

- Decline to report to law enforcement authorities
- Report to law enforcement authorities, including ACPD and Denver Police
- Receive assistance in reporting to law enforcement authorities from institutional employees including, but not limited to the Dean of Students Office, Student Care Center, Legal Counsel, Office of Equal Opportunity, and Legal Counsel

No Contact Directives, Protective Orders, & Restraining Orders

MSU Denver and AHEC have a responsibility to enforce any no contact directives, protective orders, and restraining orders it is aware of or puts into place. To enforce any of the directives or orders previously listed, the safety of the protected individual(s) and/or the campus community is considered.

If there is a concern for the safety of the protected individual(s) and/or the campus community or violation of a protective or restraining order, then ACPD will respond to the reported incident and/or violation. If a student or employee has a pre-existing protection or restraining order, they should inform ACPD for enforcement of the standing order. To inform the ACPD, MSU Denver community members should contact the ACPD at 303-556-5000.

If there is not an immediate concern for the safety of the protected individual(s) and/or the campus community and a violation of a no contact directive is in place, the Dean of Students Office or Human Resources will issue a letter of disciplinary action which may result in, but is not limited to, restriction from a specified area(s) on campus or the Auraria Campus in its entirety, participation in the student conduct process if the alleged party is a student, or participation in disciplinary procedures if the alleged party is an employee.

If a MSU Denver student would like to pursue a no contact directive, they should file an [Incident Report](#) and contact the Dean of Students Office. In the [Incident Report](#), the reporter should include as much information as they can including, but not limited to, the name of the person whom the no contact directive would be against and other identifiable information (e.g., academic major, example of classes, etc.).

To pursue a protection order or restraining order, a criminal case should be filed with the ACPD. To file a report, call 303-556-5000. The Dean of Students Office can also assist in the processes needed to pursue a protection or restraining order for MSU Denver students and should be contacted by 303-615-0220 or by filing an [Incident Report](#).

Confidentiality

When notified of an incident of dating violence, domestic violence, sexual assault, or stalking, MSU Denver will keep the details of the circumstance confidential in its publicly available recordkeeping and protective measures. Publicly available recordkeeping includes the crime statistics within this Annual Security Report and any timely warning advisories where survivor personally identifiable information is kept confidential. Confidentiality is kept while providing protective measures to the extent that the ability of the University to provide accommodations is not impaired.

Sex Offender Registration Information

Registered sex offenders who are students, employees, or volunteers for AHEC, CCD, CU Denver, or MSU Denver 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).

The CBI does not post information concerning sex offenders only convicted of misdemeanor sex offenses or juveniles adjudicated for sex crimes. According to the CBI website, community members may contact their local police department, county sheriff's office, or the CBI for a complete list of registered sex offenders that reside in their city, county, or state.

For further information on sex offender registration information, please visit the [Colorado Bureau of Investigation's Convicted Sex Offender Site](https://apps.colorado.gov/apps/dps/sor) (apps.colorado.gov/apps/dps/sor).



Investigative & Disciplinary Procedures for Sexual Misconduct

MSU Denver will take immediate and appropriate action to investigate allegations of discrimination, harassment, sexual misconduct, Title IX violations, and retaliation. If, after an adequate, reliable and impartial investigation of those complaints there is a finding that the [Discrimination, Harassment, Sexual Misconduct, Title IX Violations, and Retaliation Policy](#) has been violated, MSU Denver will impose appropriate disciplinary action on the individual found in violation. In making a determination of whether or not this Policy has been violated, a preponderance of the evidence standard will be used. Preponderance of evidence means that the evidence shows it is more likely than not that the conduct occurred or, stated another way, that there is a greater than 50% chance that the claim is true.

Confidential Resources: If a complainant would like the details of an incident to be kept confidential, the complainant may speak with on-campus licensed, professional counselors or psychiatrists in the Counseling Center for students, Employee Assistance Program counselors for employees, on-campus health service providers in the Health Center at Auraria, and on-campus victim advocates in the Phoenix Center at Auraria. Complainants may also speak with off-campus resources such as non-University employee licensed, professional counselors or other medical providers, local rape crisis counselors, domestic violence resources, local or State agencies, clergy/chaplains, and attorneys.

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, role on campus, and/or professional credentials, except in extreme cases of immediate threat or danger; abuse of a minor/elder/individual with a disability; or when required to disclose by law or court order. University employees who are confidential will submit timely anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient, or parishioner.

Anonymous Reporting: At the request of a complainant, notice may be given by a Mandatory Reporter as defined by the [Discrimination, Harassment, Sexual Misconduct, Title IX Violations, and Retaliation Policy](#) or CSA to the Title IX Coordinator anonymously, without identification of the complainant. The Mandated Reporter or CSA cannot remain anonymous themselves.

If a complainant has requested that a Mandated Reporter or CSA maintain the complainant's anonymity, the Mandated Reporter or CSA may do so unless it is reasonable to believe that a compelling threat to health or safety could exist. The Mandated Reporter can consult with the Title IX Coordinator on that assessment without revealing personally identifiable information.

Anonymous notice will be investigated by the University to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or remedies can be provided. However, anonymous notice typically limits the University's ability to investigate, to respond, and to provide remedies, depending on what information is shared.

When a complainant has made a request for anonymity, the complainant’s personally identifiable information may be withheld by a Mandated Reporter or CSA, but all other details must be shared with the Title IX Coordinator.

A complaint is initiated by contacting the appropriate office described below and submitting a [Discrimination, Discriminatory Harassment, Sexual Misconduct, or Retaliation Complaint](#) which can be found at msudenver.edu/equal-opportunity.

<i>Students can initiate a complaint by contacting:</i>			
Dean of Students Office	Tivoli 343	303-615-0220	Incident Report or msudenver.edu/dean-of-students/student-conduct/report-an-incident/
Office of Equal Opportunity	Jordan Student Success Building 306	303-615-0036	Discrimination, Discriminatory Harassment, Sexual Misconduct, or Retaliation Complaint or msudenver.edu/equal-opportunity
<i>Employees can initiate a complaint by contacting:</i>			
Office of Equal Opportunity	Jordan Student Success Building 306	303-615-0036	Discrimination, Discriminatory Harassment, Sexual Misconduct, or Retaliation Complaint Or msudenver.edu/equal-opportunity
<i>Individuals who are not student, faculty, or staff can initiate a complaint by contacting:</i>			
Dean of Students Office	Tivoli 343	303-615-0220	Incident Report or msudenver.edu/dean-of-students/student-conduct/report-an-incident/
Office of Equal Opportunity	Jordan Student Success Building 306	303-615-0036	Discrimination, Discriminatory Harassment, Sexual Misconduct, or Retaliation Complaint or msudenver.edu/equal-opportunity

Responsible Offices for Conducting Investigations

Listed in the [Discrimination, Discriminatory Harassment, Sexual Misconduct, or Retaliation Policy](#), the office responsible for conducting investigation of complaints will depend on the nature of the complaint determined after the Title IX investigator conducts a preliminary inquiry.

Title IX Investigations: If the Title IX investigator determines the alleged conduct could specifically constitute a Title IX violation, the Title IX Coordinator is responsible for coordinating and/or conducting the investigation and formal grievance procedure in accordance with the [Discrimination, Discriminatory Harassment, Sexual Misconduct, or Retaliation Policy](#) and the [Office of Equal Opportunity \(OEO\)/Title IX Procedures](#). If a formal resolution is pursued, the University will make a good faith effort to complete the formal resolution process, including the hearing but excluding appeals, within an average of sixty to ninety days.

Non-Title IX Discrimination Investigations Involving Employee Respondents: If the Title IX investigator determines the alleged conduct (if it were to be proved true) does *not* specifically constitute a Title IX violation but could still be considered discriminatory conduct under the [Discrimination, Discriminatory Harassment, Sexual Misconduct, or Retaliation Policy](#) and does *not* involve a student respondent, the Title IX Coordinator is responsible for coordinating and/or conducting the investigation and formal grievance procedure in accordance with the [Discrimination, Discriminatory Harassment, Sexual Misconduct, or Retaliation Policy](#) and the OEO Procedures that are not specific to the Title IX grievances and investigations.

Non-Title IX Discrimination Involving Student Respondents: If the Title IX investigator determines the alleged conduct (if it were to be proved true) does *not* specifically constitute a Title IX violation but could still be considered discriminatory conduct under the [Discrimination, Discriminatory Harassment, Sexual Misconduct, or Retaliation Policy](#) and involves a student respondent, the Title IX Coordinator will refer the matter to the Dean of Students Office, who will be responsible for coordinating the investigation and formal grievance procedure in accordance with the [Discrimination, Discriminatory Harassment, Sexual Misconduct, or Retaliation Policy](#), the Student Code of Conduct, and any other relevant procedures.

Investigative & Disciplinary Proceedings

The disciplinary proceedings listed below include a prompt, fair, and impartial process from the initial investigation or review to the final decision. Disciplinary proceedings are conducted by officials who receive, at minimum, annual training on issues related to sexual misconduct, including, but not limited to, dating violence, domestic violence, sexual assault, and stalking. Officials conducting disciplinary proceedings also receive annual training on how to conduct an investigation and hearing process that protects the safety of complainants and promotes accountability.

Office of Equal Opportunity (OEO)/Title IX Coordinator's Title IX Procedures

At any time, any person may report a violation of the [Discrimination, Discriminatory Harassment, Sexual Misconduct, or Retaliation Policy](#) (whether or not the person reporting is the person alleged to be the victim of sex discrimination), in person, by mail, by telephone, or by electronic mail to the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Any Mandatory Reporter who receives a report of alleged violation of the [Discrimination, Discriminatory Harassment, Sexual Misconduct, or Retaliation Policy](#) must promptly report the alleged violation to the Title IX Coordinator.

Upon receiving a report of the alleged violation, the Title IX Coordinator will promptly:

- I. Inform the complainant of the method for filing a Formal Complaint
- II. Inform the complainant of the availability of supportive measures with or without the filing of a Formal Complaint
- III. Offer supportive measures to the complainant and the respondent, as appropriate and without fee or charge to the complainant or the respondent. Supportive measures may be offered before or after the filing of a Formal Complaint, or when no Formal Complaint has been filed.

Supportive and Interim Measures

The purpose of supportive measures is to restore or preserve equal access to the institution's education program or activity without unreasonably burdening the other party. Supportive measures include measures designed to protect the safety of all parties or the University's educational environment, as well as measures designed to deter sexual harassment and other potential policy violations. The Title IX Coordinator, or designee, in conjunction with the University's student services office, is responsible for coordinating the effective implementation of supportive measures.

Supportive measures may include, but are not limited to:

- I. Counseling
- II. Extensions of deadlines or other course-related adjustments
- III. Modifications of work or class schedules
- IV. Campus escort services
- V. Mutual restrictions on contact between the parties
- VI. Changes in work space locations
- VII. Leaves of absence
- VIII. Increase security and monitoring of certain areas of the campus
- IX. Other similar measures

The University may remove a respondent (including, but not limited to, interim suspension, or issuance of a persona non-grata letter) from its education program or activity on an emergency basis if the University:

- I. Undertakes an individualized safety and risk analysis
- II. Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of a policy violation justifies removal
- III. Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal

The Institution may place a non-student employee respondent on administrative leave during the pendency of the Formal Resolution Process.

Fair and Equitable Process

No individual designated as the Title IX Coordinator, investigator, Decision-Maker, Appeal Decision-Maker, or person designated to facilitate an informal resolution process may have a conflict of interest or bias for or against complainant(s) or respondent(s) generally, or an individual complainant or respondent. The University will not make credibility determinations based on a person's status as a complainant, respondent, or witness.

A respondent is presumed not responsible for alleged conduct until a determination regarding responsibility is made at the conclusion of the Formal Resolution Process. Throughout the processes, the University objectively evaluates all relevant evidence, including inculpatory and exculpatory evidence.

Informal Resolution Process

The informal resolution process is voluntary. It is designed to resolve complaints without a hearing while meeting the needs and interests of the parties. It is available only after a Formal Complaint has been filed and at any time during the investigation. All parties and the Title IX Coordinator or designee must agree in writing to participate for an informal resolution procedure to be used, and all parties must agree in writing to the proposed resolution. If the parties are unable to agree, or if any party chooses not to engage in or to withdraw from the informal resolution procedure before it concludes, then the informal resolution procedure will terminate, and formal grievance procedures will be followed.

Informal resolution is not available for allegations in a Formal Complaint that include that a MSU Denver employee sexually harassed a MSU Denver student.

The Title IX Coordinator or designee will assess the request for informal resolution against the severity of the alleged violation and the potential risks to campus community members. If the Title IX Coordinator or designee determines that informal resolution is appropriate, the Title IX Coordinator or designee will notify the parties. The written notification will include: 1) disclosure of allegations in the Formal Complaint, 2) the requirements of the informal resolution process, including the circumstances under which the parties would be precluded from resuming a Formal Complaint arising from the same allegations, 3) the caution that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process, and 4) the consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

During an informal resolution, the Title IX Coordinator or designee will facilitate a dialogue with the parties to seek a resolution. The complaint will be deemed resolved when the parties expressly agree to an outcome that is acceptable to them which is approved by the Title IX Coordinator in consultation with other appropriate university administrators. Either party may withdraw from the informal resolution process at any time.

Formal Resolution Process

The Title IX Coordinator will dismiss or reassign a Formal Complaint, and no investigation will be conducted under this procedure, if the conduct alleged would not constitute sexual harassment (even if proved) or the conduct alleged did not occur while the complainant is in the United States of America and is participating in, or attempting to participate in, an education program or activity of the university.

The Title IX Coordinator may dismiss a Formal Complaint, or any allegations therein, at any time during the investigation or hearing if: 1) the complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the Formal Complaint or any allegations therein, 2) the respondent is no longer enrolled or employed by the institution, or 3) specific circumstances prevent the University from gathering evidence sufficient to reach a determinations to the Formal Complaint or allegations therein.

Upon dismissal or reassignment of the Formal Complaint or any allegations therein, the Title IX Coordinator will promptly send written notice of the dismissal or reassign and the reasons simultaneously to the parties.

Timeframe for Conclusion: The University will make a good faith effort to complete the formal resolution process, including the hearing but excluding appeals, within an average of sixty to ninety days, without jeopardizing the rights of a party.

Written Notice: Upon receipt of a Formal Complaint, the Title IX Coordinator will issue written notice of allegations to the respondent and complainant, if known. The written notice will be provided to each party with at least five days before any initial interview. The notice of allegations will include (at a minimum):

- I. Notice of the [Discrimination, Discriminatory Harassment, Sexual Misconduct, or Retaliation Policy](#) and the processes within the [Office of Equal Opportunity \(OEO\)/Title IX Procedures](#), including the informal resolution process
- II. The identities of the parties involved, if known
- III. The conduct allegedly constituting sexual harassment
- IV. The date and location of the incident, if known
- V. A statement that the respondent is presumed not responsible for the alleged conduct
- VI. A statement that a determination regarding responsibility is made at the conclusion of the formal resolution process
- VII. A statement that parties may have an advisor of their choice, who may be, but is not required to be, an attorney
- VIII. A statement that parties may inspect and review evidence

IX. A statement that, pursuant of University policies and the Student Code of Conduct, knowingly making false statements or knowingly submitting false information during this process is prohibited and may be subject to sanction or discipline

If, during the course of an investigation, the University decides to investigate additional allegations about the complainant or respondent relating to the same facts or circumstances but not included in the earlier written notice, the institution will provide notice of the additional allegations to the parties whose identities are known.

Advisor: Each party has the right to have an advisor of their choice, but parties are not required to have an advisor. The advisor may be, but need not be, an attorney. The advisor may be present at any proceedings that are part of the formal resolution process. If a party wishes to have an advisor present at a proceeding, the University will work within reason to schedule the proceeding so the advisor may attend, without unreasonably delaying the progress of the formal resolution process. Except during cross examination, a party's advisor may not speak on behalf of the party.

Investigation: The Title IX investigator will provide written notice of the date, time, location, participants, and purpose of any investigative interview or other meeting to any party whose participation is invited or expected, usually within 10 days of receipt of the complaint.

The University, and not the complainant or the respondent, has the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility. Prior to conclusion of the investigation, the Title IX Coordinator or investigator will send and/or allow in person inspection to each party and to each party's advisor (if any) all evidence obtained as part of the investigation.

Each party may submit a written response, which the investigator will consider prior to conclusion of the investigation and completion of the investigative report. The written response, if any, must be submitted to the Title IX Coordinator or the investigator by the deadline designated by the Title IX Coordinator or investigator, which will be at least 10 business days after the Title IX Coordinator or investigator sends the evidence to the party.

The investigator conducts an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence. The investigator will create an investigative report that fairly summarizes relevant evidence. At least 10 days prior to the scheduled hearing, the Title IX Coordinator will send to each party and each party's advisor (if any) the investigative report.

Each party may submit a written response, which the Title IX Coordinator will submit to the Hearing Officer for consideration at the hearing. The written response, if any, must be submitted to the Title IX Coordinator by the deadline designated by the Title IX Coordinator, unless the deadline is extended for good cause.

Hearing: The Hearing Officer serves as the decision maker and will be the individual making the final decision of responsibility at the hearing. The University will assign a Hearing Officer to conduct and preside over the Title IX hearing. The Hearing Officer may not be the Title IX Coordinator or Investigator.

The Hearing Officer will conduct a live hearing. Prior to the hearing, the Hearing Officer will review the investigative report and the written responses provided by the parties (if any). The Title IX Coordinator and/or the Hearing Officer will provide both parties with a copy of Hearing Procedures 5 business days prior to the hearing. The Hearing Procedures will govern the conduct of the hearing and will describe how the hearing will proceed.

The hearing may occur in person or virtually, at the University's sole discretion. If either party submits a request no later than 10 business days prior to the scheduled hearing, the hearing will occur virtually in a manner allowing the participants to simultaneously see and hear the party or witness answering questions. Hearings will be recorded, and recordings or transcripts will be available to the parties for inspection and review.

The determination of responsibility will be made by the Hearing Officer using the preponderance of the evidence standard. Preponderance of evidence means that the evidence shows it is more likely than not that conduct occurred or, stated another way, that there is a greater than 50% chance that the claim is true.

The Hearing Officer will allow each party's advisor to examine witnesses. Cross examination may not be conducted by either party. Cross examination may only be conducted by an advisor acting on a party's behalf. If a party wishes to ask cross examination questions of a party or witness and does not have an advisor, the University will select and provide an advisor to the party, free of charge, for the limited purpose of conducting cross examination.

Only relevant cross-examination questions may be asked of a party or witness. Before a party or witness answers a question, the Hearing Officer will determine whether the question is relevant and explain any decision to exclude a question as not relevant. If deemed reliable and relevant by the Hearing Officer, statements of persons who were not present at the hearing, or persons present at the hearing but who were not subject to cross-examination may be considered. This includes, but is not limited to, opinions and statements in police reports or other official reports, medical records, court records and filings, investigation notes of interviews, emails, written statements, affidavits, text messages, social media postings, and the like.

Relevant Evidence: In making a determination of responsibility or sanctions, the Hearing Officer may only consider relevant evidence. Relevant evidence is evidence having any tendency to make the existence of any fact that is of consequence to the determinations to be made more probable or less probable than it would be without the evidence. The Hearing Officer must conduct an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The Hearing Officer will not consider evidence about the complainants sexual predisposition or prior sexual behavior except for evidence when offered to prove that someone other than the respondent committed the conduct alleged by the complainant or concerning specific incidents of the complainant's prior sexual behavior with respect to the respondent when offered to prove consent.

If deemed reliable and relevant by the Hearing Officer, statements of persons who were not present at the hearing, or persons present at the hearing but who were not subject to cross-examination may be considered. This includes, but is not limited to, opinions and statements in police reports or other official reports, medical records, court records and filings, investigation notes of interviews, emails, written statements, affidavits, text messages, social media postings, and the like.

The Hearing Officer will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

Written Determination: After considering the investigative report, party written response(s), and all relevant evidence presented at the hearing, the Hearing Officer will issue a written determination. The Title IX Coordinator will provide the written determination simultaneously to the parties and becomes final 5 business days after it is sent to the parties, unless an appeal is filed.

The written determination will include:

- I. Identification of the allegations potentially constituting sexual harassment
- II. A description of the procedural steps from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews, site visits, methods used to gather other evidence, and hearings held
- III. Findings of fact supporting the determination
- IV. Conclusions regarding the application of the [Discrimination, Discriminatory Harassment, Sexual Misconduct, or Retaliation Policy](#) to the facts
- V. A statement of, and rationale for, the result as to each allegation including:
 - i. A determination regarding responsibility
 - ii. Any disciplinary sanctions imposed on the respondent
 - iii. Whether remedies will be provided to the complainant
 - iv. Procedures and permissible bases for the parties to appeal

Appeal: Either party may appeal the dismissal or reassignment of a Formal Complaint or any allegations therein or a determination regarding responsibility. No other issue may be appealed. A party may only appeal on the basis of: 1) procedural irregularity that affected the outcome of the matter, 2) new evidence that was not reasonably available at the time the determination regarding responsibility, dismissal, or reassignment was made that could affect the outcome of the matter, or 3) the Title IX Coordinator, investigator, or Hearing Officer had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter. The basis for appeal is not satisfied simply because evidence was not presented during the proceedings if the evidence was reasonably available at the time the determination was made.

If a party wishes to file an appeal, the party must notify the Title IX Coordinator in writing no later than 7 business days after the notice of dismissal or written determination is sent to the

party. The written appeal must state with specificity the issues being appealed and the bases for the appeal.

After receiving a timely written appeal, the Title IX Coordinator will notify the parties in writing that the appeal was filed, the process for submitting a written statement in support of, or challenging, the issues being appealed, and that the appeal, including any written statements submitted by the parties, will be considered by the Appeal Officer.

The Appeal Officer will be appointed by the Title IX Coordinator, at the Title IX Coordinator's sole discretion, and may not be the Title IX Coordinator, the investigator, or the Hearing Officer. The Appeal Officer may also consider the investigative report, including any party's written response to the investigative report, all relevant evidence presented at the hearing, and the audio or audiovisual recording or transcript.

The Appeal Officer will issue a written determination of appeal, which will describe the result of the appeal and the rationale for the result. The Title IX Coordinator will provide the written determination of appeal simultaneously to the parties. The result of the appeal is final.

The University will make a good faith effort to complete the appeal within 20 business days. The timeframe for completion of appeal may be extended for good cause. If the timeframe for completion of appeal is extended, the Title IX Coordinator will notify both parties in writing of the delay or extension and the reasons for the delay or extension.

Student Code of Conduct

Any person may file a report against any student or organization for misconduct. Reports shall be prepared in writing in the form of an [Incident Report](#) and directed to the Conduct Administrator responsible for the administration of the University conduct system. Any complaint should be submitted by the reporting party as soon as possible. All proceedings will include a prompt, fair, and impartial process from review to final decision.

Notification of Charges

If the University is pursuing a formal conduct process, the responding student will be notified. Once the responding student is notified of the complaint, they have the opportunity to schedule a conduct meeting with the Conduct Administrator or designee to discuss the situation. Because email is an official method of communication for the University, students will be notified over their MSU Denver email of potential violations of the Student Code of Conduct and the outcome of any conduct processes. Students may also be contacted at the mailing address on file with the University. In certain cases, students may also receive correspondence by phone from staff in the Dean of Students Office at any point in an investigation or while gathering information.

Prior to the conduct meeting, the Conduct Administrator shall present to the respondent or responding organization, in writing, a statement of the allegations, the charges they would support, and the potential consequences in the event that student is found responsible. The

student will be responsible for scheduling the conduct meeting with the Conduct Administrator. In the event of extenuating circumstances, the Conduct Administrator may determine that the meeting shall take place via telephone or through a written process. The Conduct Administrator will notify the alleged party in writing of this determination.

If the student fails to make contact with the Conduct Administrator within the time frame specified in the notification, the Conduct Administrator may make a decision in the student's absence on the next steps in the process and/or place a registration hold on the student's account.

Interim Measures

Consulted with students (and/or counselors or advocates where applicable), interim measures are available if requested and reasonably available, regardless of if reported to campus or local law enforcement. Each student's needs are unique, and some examples of interim measures include, but are not limited to:

- I. Resource referral (e.g. counseling, medical, advocacy, and law enforcement)
- II. No contact directives
- III. Academic accommodations(e.g. rescheduling an assignment/exam, assignment extensions, arranging for a leave of absence/incomplete/withdrawal, etc.)
- IV. Supportive measures for living arrangements for on-campus students at Lynx Crossing
- V. Transportation needs
- VI. Workplace supportive measures

Advisor

The harmed party and the alleged party have the right to have any advisor they choose, at their own expense, to be present during any meeting or conduct meeting. The advisor may be an attorney, with notification of this information to the Conduct Administrator. In certain cases, University Legal Counsel may be present. The harmed party and/or the alleged party is responsible for presenting their own case and, therefore, advisors are not permitted to participate in any meeting or meeting within the conduct process unless the University Legal Counsel specifically advises otherwise. University Legal Counsel shall serve as legal advisor to the Conduct Administrator.

Review and Conduct Meetings

The Conduct Administrator or designee is responsible for investigating all alleged violations of the Student Code of Conduct. Reviews may include, but are not limited to, interviewing all parties involved, interviewing any witnesses deemed relevant, and gathering and reviewing evidence provided by any parties or witnesses.

Conduct meetings shall be conducted in private. Admission of any person to the meeting shall be at the discretion of the Conduct Administrator within outlined policies. In meetings involving more than one alleged party, at the discretion of the Conduct Administrator may permit the meetings concerning each student to be conducted concurrently. Both the alleged party and the harmed party may present witnesses pertaining to the alleged incident. The Conduct

Administrator will meet with any witnesses prior to the conduct meeting to review the evidence they have to share pertaining to the case. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Conduct Administrator at their discretion.

After the meeting, the Conduct Administrator shall determine whether the student or organization has violated the Student Code of Conduct. The Conduct Administrator'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. In cases involving sexual misconduct, the Conduct Administrator will notify in writing both the alleged party and harmed party of the determination.

Except in the case of a student charged with failing to obey the summons of a Conduct Administrator 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 Administrator. In all cases, the information in support of the charges shall be considered.

Appeals

The alleged party or harmed party may appeal a decision reached by the Conduct Administrator or a resolution imposed by the Conduct Administrator within 5 working days of the decision. In cases of sexual misconduct, both the alleged party and harmed party are informed simultaneously in writing of their opportunity and right to appeal. Such appeals shall be in writing and shall be submitted to the Dean of Students Office and a [Conduct Appeal Form](#) must be completed. The Dean of Students will forward the appeal request and student conduct file to the appointed Appeals Administrator.

Except as required to explain the basis of new information, an appeal shall be limited to a review of all case-related materials previously available to the Conduct Administrator and the information provided with the [Conduct Appeal Form](#) for one or more of the following purposes:

- I. To determine whether the original meeting was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures, giving the appealing party a reasonable opportunity to prepare and to respond to those allegations
- II. To determine whether the decision reached regarding the respondent or organization was based on a preponderance of evidence
- III. To determine whether the resolution(s) imposed were appropriate for the violation of the Student Code of Conduct that the student or organization was found to have committed
- IV. To consider new information sufficient to alter a decision or other relevant facts not brought out in the original meeting because the person or organization appealing did not know such information and/or facts at the time of the original meeting

Outcomes from an appeal request will fall within one of the following categories: 1) the appeal is granted and a Conduct Administrator is asked to reconsider the original finding of responsibility, 2) the appeal is granted and a Conduct Administrator is asked to reconsider the original resolution(s), 3) the appeal is granted and a Conduct Administrator is asked to reconsider both the original finding of responsibility and the original resolution(s), or 4) the appeal is denied.

If an appeal is denied, the matter shall be considered resolved, the Appeals Administrator's decision is considered final, and the student is responsible for any resolutions of the original decision. In cases of sexual misconduct, both the alleged party and harmed party will be simultaneously notified by either the Conduct Administrator any change to the result of the finding of responsibility and/or the original resolution(s) or the Appeals Administrator a denial of appeal.

Alternative Conflict Resolution & Restorative Process

The Conduct Administrator has the discretion to refer a student conduct report to Student Conflict Resolution Services to initiate an alternative conflict resolution or restorative process at any point during the student conduct process.

A Conduct Administrator may refer to an alternative resolution process based on, but not limited to, the following factors:

- I. If the respondent takes responsibility for the alleged prohibited conduct
- II. The respondent's prior conduct record
- III. The nature and severity of the alleged prohibited conduct
- IV. The alleged impact and/or harm caused to another person or community
- V. Whether the alleged conduct violates the Student Code of Conduct
- VI. Any other factors that the Conduct Administrator finds relevant to the specific allegations

Alternative conflict resolution or restorative processes may include:

- I. **Conflict Coaching:** One-on-one and individualized coaching sessions with a Student Conflict Resolution Services professional to discuss an event or incident and strategies to approach conflict situations.
- II. **Restorative Processes:** A restorative process, such as a restorative conference or an Impact Circle, brings together members of the community that have been impacted by an event or incident, such as the responsible party, harmed party, and others impacted, to have an honest and collaborative dialogue. Facilitators guide the participants to discuss what occurred, the needs of all parties, and what needs to happen to make things right. A restorative process ends with a mutually defined restorative agreement between parties.
- III. **Mediation:** A conflict resolution process where a mediator guides the involved parties toward their own resolution. This may include joint mediation sessions or separate caucuses with each person. The mediator helps both sides define the issues, understand the other's position, and move closer toward their own resolution. Mediation may be offered as an option when the incident does not qualify as a student conduct issue.

Restorative Process: The principles and steps of a restorative process include:

- I. Participation is voluntary
- II. A referral may be made if the alleged party takes responsibility for their actions/prohibited conduct and is willing to complete a restorative agreement
- III. Prior to the restorative conference or circle, parties participate in individual intake meetings to help participants adequately prepare

- IV. The process provides an opportunity for open and respectful dialogue about the event or incident and its impact
- V. If other parties have been directly affected by the incident, they should be invited to participate in the process and may determine the level of their involvement
- VI. Outcomes or a restorative agreement should always seek to address harms, needs, and promote repair
- VII. Outcomes or a restorative agreement must reflect the agreed view of all parties
- VIII. Outcomes or a restorative agreement must promote accountability by the responsible party and represent an appropriate and achievable response to the conduct in question

A restorative process does not determine responsibility, but is rather focused on determining how to repair the harm caused from the incident. The restorative process will result in a written agreement among all of the parties involved, with the outcomes to be completed by the alleged party.

If the restorative process reaches an agreed restorative agreement, the matter will be considered resolved and no further action will be taken. If the restorative process does not reach an agreed restorative resolution, the respondent does not actively participate in the process, or does not want to participate in the restorative process, the case will be referred back to Student Conduct.

Standard of Evidence

In making a determination of whether or not the [Discrimination, Discriminatory Harassment, Sexual Misconduct, or Retaliation Policy](#) or Student Code of Conduct has been violated, a preponderance of the evidence standard will be used. Preponderance of evidence means that the evidence shows it is more likely than not that the conduct occurred or, stated another way, that there is a greater than 50% chance that the claim is true.

Potential Resolutions from Investigative & Disciplinary Proceedings

In cases where disciplinary proceedings are conducted by OEO, OEO is a neutral, fact-finding investigative office only. OEO does not involve itself in determining sanctions or disciplinary action for anyone. In the case of resolutions for students, the Dean of Students Office is consulted and determines resolutions. In the case of resolutions for faculty, the Office of the Provost is consulted and determines resolutions. In the case of resolutions for staff, Human Resources is consulted and determines resolutions.

Potential resolutions for employees (including faculty members) include, but are not limited to, one or more of the following:

- I. Dismissal from employment
- II. Non-renewal of an employment contract
- III. Suspension
- IV. Probation

- V. Reprimand
- VI. Warning
- VII. Training and/or counseling
- VIII. No-contact Order

Potential resolutions for students include, but are not limited to, one or more of the following:

- I. Warning
- II. Probation
- III. University suspension
- IV. University expulsion
- V. Auraria campus suspension or expulsion
- VI. Loss of privileges
- VII. Restitution
- VIII. Discretionary resolutions
- IX. Restorative resolutions
- X. Educational resolutions

Disclosure of Results of Disciplinary Proceedings

Upon request, MSU Denver will disclose the results of any disciplinary proceeding conducted by the institution against a student who is identified as an alleged party or respondent of any crime of violence or non-forcible sex offense to the alleged victim or next of kin, if the victim is deceased.



Security Awareness & 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. ACPD provides the following services and programs to improve safety and to make the community aware of campus crime and efforts to reduce criminal activity, as well as to minimize their chances of being a victim.

Program	Description	Frequency
New Student Orientation	This presentation on crime, personal safety, and security is given to new, incoming students.	Each Semester
Campus Safe Night	Annually, each fall, an event is held in which groups tour the campus after dark and provide suggestions for security enhancements.	Annually
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.	On Request
Crime Analysis	Auraria Police staff will review reported crimes and determine if focused patrol or activity may be required for repeated offenses in any given area.	On Going
Personal Safety on Campus	This program, usually given to small groups, covers ways to avoid being the victim of physical or sexual assault.	Each Semester/ On Request
Robbery Prevention	This seminar, given to cashiers, gives tips on how to survive an armed robbery and be a good witness.	On Request
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 Management building.	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.	On Going
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.	On Request

Program	Description	Frequency
Security Surveys	Upon request, officers will evaluate a facility's physical security and make recommendations for improvements.	On Request
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.	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.	On Going



Drug, Alcohol, & Substance Misuse/Abuse

The misuse and abuse of alcohol and other drugs can have harmful effects to one's health. Outlined below are potential health risks associated with each substance, especially when misused or used in abuse.

Alcohol: Alcohol abuse may lead to risk of injury or death as a result of accident or violence, impaired vision, impaired motor coordination, memory defects, hallucinations, blackouts, and seizures. Long-term use can result in permanent damage to the brain, elevated blood pressure and heart rate, risk of stroke, heart failure, respiratory depression and failure, pneumonia, tuberculosis, lung abscesses, increased risk of mouth and throat cancer, alcoholic fatty liver, hepatitis, and cirrhosis, duodenal ulcers, reflux, diarrhea, impaired judgment and verbal ability, apathy, introversion, antisocial behavior, inability to concentrate, and deterioration of relationships with family, friends, and co-workers. Alcohol is an especially dangerous drug for pregnant women. Drinking during pregnancy raises the risk of low-birth weight babies and intrauterine growth retardation, increasing the danger of infection, feeding difficulties, and long-term developmental problems.

Cannabis: Cannabis may cause impaired short-term memory, a shortened attention span and delayed reflexes. During pregnancy, cannabis may cause birth defects, fast heart rate and pulse, relaxed inhibitions, and disoriented behavior. Repeated use of cannabis may cause breathing problems. All forms of cannabis are mind-altering and change how the brain works.

Cocaine: Dependence and addiction, irregular heartbeat, heart attack, and heart failure, strokes, seizures, fungal brain infections, and hemorrhaging in tissue surrounding the brain pulmonary effects, such as fluid in the lungs, aggravation of asthma and other lung disorders, and respiratory failure psychosis, paranoia, depression, anxiety disorders, and delusions, increased risk of traumatic injury from accidents and aggressive, violent, or criminal behavior, sleeplessness, sexual dysfunction, diminished sense of smell, perforated nasal septum, nausea, and headaches. Crack users often singe eyebrows or eyelashes with the flame of matches or lighters. They also burn fingertips and other body parts from contact with superheated vessels (e.g., glass pipes). Fetal cocaine effects include premature separation of the placenta, spontaneous abortion, premature labor, low birth weight and head circumference at birth, greater chance of visual impairment, mental retardation, genitourinary malformations, and greater chance of developmental problems. For intravenous (IV) cocaine users, there is increased risk of hepatitis, HIV infection, and endocarditis. For addicts, whether they smoke, inject, or snort, promiscuous sexual activity can increase the risk of HIV infection.

Barbiturates: In small doses, barbiturates produce calmness, relaxed muscles and lowered anxiety. Larger doses cause slurred speech, staggering gait and altered perception. Very large doses taken in combination with other central nervous system depressants (e.g., alcohol) cause respiratory depression, coma and sometimes death.

Methamphetamine (Crystal Meth): An overdose of methamphetamine can cause a coma and/or death. Methamphetamine can cause convulsions, heart irregularities, high blood pressure, depression, restlessness, tremors, severe fatigue, sleeplessness, loss of appetite and weight loss, nausea, vomiting, diarrhea, elevated body temperature, skin ulceration and infection, the result of picking at imaginary bugs, paranoia, depression, irritability, anxiety, increased blood pressure, due to the constriction of blood vessels, that may produce headaches, chest pain, or irregular heartbeat and lead to stroke or heart attack, seizures, permanent damage to brain cells caused by injury to small blood vessels serving the brain. For pregnant women - premature labor, detachment of the placenta, and low birth weight babies with possible neurological damage, poor feeding, and lethargy. For intravenous (IV) users - AIDS, hepatitis, infections and sores at the injection site, and infection of the heart lining and valves (endocarditis).

Hallucinogens (PCP, LSD, Mescaline, Peyote, Psilocybin): Dilated pupils, high temperature, rapid heartbeat, increased blood pressure, sleeplessness, appetite loss, and tremors. Acute anxiety, depression, panic, paranoia, or psychotic behavior may accompany a bad trip or may occur after most other effects of the drug have worn off. An overdose can result in a longer, more intense and more frightening trip, and the spontaneous, recurring hallucinations known as flashbacks can occur days, weeks, or more than a year after LSD use.

Ecstasy: Effects similar to those of amphetamines and hallucinogens. Short-term effects include psychological difficulties (confusion, depression, sleep problems, craving, severe anxiety, and paranoia). These effects occur during use and can continue even weeks after use. Recent findings connect long-term use of ecstasy to memory loss, depletion of serotonin, a very important chemical in the brain which regulates mood, sleeping and eating habits, as well as, the thinking and behavior process, sexual function, and sensitivity to pain.

Heroin: Range from mild distress to life threatening dangers and include: dry, itchy skin and skin infections, constricted pupils and reduced night vision, nausea and vomiting (following early use or high doses), constipation and loss of appetite, menstrual irregularity, reduced sex drive, scarring ("tracks") along veins and collapsed veins from repeated injections, irregular blood pressure, slow and irregular heartbeat (arrhythmia), fatigue, breathlessness, and labored, noisy breathing due to excessive fluid in the lungs ("the rattles"), injuries that result from engaging in any activity (such as working, driving, or operating machinery) when incapacitated by heroin use, dependence, addiction, hepatitis, AIDS, and other infections from unsanitary injection, stroke or heart attack caused by blood clots resulting from insoluble additives, respiratory paralysis, heart arrest, coma, and death from accidental overdose.



Drug & Alcohol Counseling, Treatment or Rehabilitation, or Re-entry Programs

Substance abuse is a broad term covering people who have addictions to alcohol and/or drugs. These addictions can greatly impact an individual's life and can be life threatening. Find out more about each type of abuse including symptoms and resources below. Much of the information below can be found on the [Health Center at Auraria \(healthcenter1.com\)](http://healthcenter1.com) and [Counseling Center \(msudenver.edu/counsel\)](http://msudenver.edu/counsel) websites.

On-Campus Resources

University employees may contact Human Resources at 303-615-0999 for more information regarding available resources, programs and services.

All MSU Denver faculty and staff members may receive free confidential counseling from the Colorado State Employee Assistance Program (C-SEAP): 1-800-821-8154 or 303-866-4314.

MSU Denver students and employees may contact the Counseling Center at 303-615-9988 in Tivoli 651, or the Health Center at 303-615-9999 in Plaza 150 for confidential information and/or referrals. Resource information can also be found on their websites.

Auraria Campus Recovery Community: Students are welcome to an all-inclusive recovery community that values all pathways to recovery and good living. Through "All Recovery" meetings, prosocial events, and health & wellness, we are building a network on campus and recovering as a community. Please contact the group with questions at: recoverycommunityinfo@gmail.com.

MSU Denver's Counseling Center's Substance Use Group: "A Group With Real Substance"- This group will provide a safe space for persons to discuss, explore, and process in a safe environment issues surrounding the difficulties with substance abuse. You can gain great benefits from working with other peers dealing with and managing substance abuse issues. 303-615-9988

Laws & Policies Related to Drug, Alcohol, & Substance Possession or Use

MSU Denver prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on the property or as part of the activities of the University.

The campus may take action when policies on the use, possession, distribution, manufacture, and sale of illegal drugs have been violated. MSU Denver and ACPD also cooperate with local, State, and federal authorities in the detection and prosecution of alcohol or drug offenses.

Students and employees who violate the standards of conduct, State, or federal laws shall be subject to disciplinary sanctions which may include, without limitation, completion of an appropriate rehabilitation program, reprimand, probation, suspension from the University, expulsion from the University, corrective action, a fine, temporary adjustment of pay to a lower step in the assigned pay grade, demotion, reassignment with or without a salary adjustment, suspension with or without pay, and termination. Disciplinary sanctions shall be consistent with local, State, and federal law and shall be administered in accordance with applicable student disciplinary procedures, state personnel system rules and procedures, and University policies. In addition to the disciplinary sanctions listed above, violations shall be reported to law enforcement authorities for criminal prosecution.

Student Code of Conduct – Article III, Section A, List Item 13

Public intoxication, and/or the use, possession, or distribution of alcoholic beverages or cannabis, except as expressly permitted by the law and University regulation. Attending classes, University or campus functions, or being on campus while under the influence of alcohol or drugs shall also be considered a violation of the Student Code of Conduct.

Student Code of Conduct Amnesty Policy

MSU Denver recognizes that an individual who has been drinking or using drugs at the time of an incident may be hesitant to make a report because of potential Student Code of Conduct consequences for his/her own conduct. An individual that reports a violation of the Code of Conduct, including sexual misconduct will not be subject to disciplinary action by MSU Denver for his/her own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health and safety of any other person at risk. MSU Denver may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.



**Immunity for Persons Who Suffer or Report an Emergency Drug or Alcohol Overdose –
C.R.S. § 18-1-711**

A person is immune from arrest and prosecution for an offense if all of the following are satisfied:

- a) The person reports in good faith an emergency drug or alcohol overdose event to a law enforcement officer, to the 911 system, or to a medical provider
- b) The person remains at the scene of the event until a law enforcement officer or an emergency medical responder arrives, or the person remains at the facilities of the medical provider until a law enforcement officer arrives
- c) The person identifies themselves to, and cooperates with, the law enforcement officer, emergency medical responder, or medical provider
- d) The offense arises from the same course of events from which the emergency drug or alcohol overdose event arose

The immunity described above also extends to the person who suffered the emergency drug or alcohol overdose event if all of the conditions described above are satisfied.

Driving Under the Influence - C.R.S. § 42-4-1301

A person who drives a motor vehicle or vehicle under the influence of alcohol or one or more drugs, or a combination of both alcohol and one or more drugs, commits driving under the influence. Driving under the influence is a misdemeanor, but it is a class 4 felony if the violation occurred after three or more prior convictions, arising out of separate and distinct criminal episodes, for DUI, DUI per se, or DWAI, vehicular homicide, vehicular assault, or any combination thereof.

- I. First Conviction – minimum of 9 months loss of full driving privileges, possible imprisonment for up to one year, and maximum fine of \$1,000
- II. Second Conviction – minimum 5-year loss of full driving privileges for a second conviction in a 20-year period, mandatory 10 days imprisonment, minimum 48 hours of community service, possible imprisonment of up to one year, and maximum fine of \$1,500.
- III. Third Conviction – minimum 10-year loss of full driving privileges, mandatory 60-day periodic imprisonment, minimum 48 hours community service, possible imprisonment for up to one year, and maximum fine of \$1,500.
- IV. Aggravated DUI – Class 4 Felony (following a crash resulting in great bodily harm or permanent disfigurement) – minimum of one-year loss of full driving privileges, mandatory 10 days imprisonment or 480 hours of community services, possible imprisonment for up to 12 years, and maximum fine of \$25,000.

Alcohol Laws & Policies

Colorado State Laws Governing Possession, Consumption, & Sale of Alcohol

Illegal Possession or Consumption of Ethyl Alcohol or Marijuana by an Underage Person – C.R.S. § 18-13-122.3a

Except as described by C.R.S. §18-1-711, a person under twenty-one years of age who possesses or consumes ethyl alcohol anywhere in the state of Colorado commits illegal possession or consumption of ethyl alcohol by an underage person. Illegal possession or consumption of ethyl alcohol by an underage person is a strict liability offense.

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.

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

- I. Service of alcoholic beverages is planned to stop before the close of the event.
- II. 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 underage is served or consumes any alcoholic beverages.
- III. 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.

Colorado Sanctions for Violation of Alcohol Control Statutes - C.R.S. § 12-47-901, 903, 18-1.3-501

- a) Class 1 Misdemeanor – unlawful use of an identification care
- b) Class 4 Felony – fictitious or unlawfully altered identification care
- c) Class 4 Felony – fraudulent identification card
- d) Class 2 Misdemeanor to possess or sell alcohol if an individual is under 21
- e) Class 1 Misdemeanor to sell, give, or deliver alcohol to individuals under 21 years of age. Local ordinances may also be enforced.

Class 1 Misdemeanors are punishable with a fine of \$500 to \$5,000 and up to 18 months in the county jail.

Class 2 Misdemeanors are punishable with a fine of \$250 to \$1,000 and up to 12 months in the county jail.

Drug Laws & Policies

Pursuant of the Drug-Free Workplace Act of 1988 and 41 U.S. Code § 8102, MSU Denver upholds its [Drug-free Workplace Policy](#). The Policy states that the unlawful manufacture, distribution, sale, dispensation, possession, or use of a controlled substance in the workplace or state-owned vehicle by employees of the University is prohibited. Employees shall notify the appropriate personnel officer of any criminal drug statute conviction for a violation occurring in the workplace or a state-owned vehicle no later than 5 days after such conviction. Any employee who violates the provisions of the [Drug-free Workplace Policy](#) shall be subject to appropriate disciplinary action, which may include termination.

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 one ounce of marijuana by persons twenty-one years of age or older is legal, the possession and use of marijuana remains prohibited on the Auraria Campus 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.

Federal Drug Laws

The possession, use, or distribution of illicit drugs is prohibited by federal law. Strict penalties are enforced for drug convictions, including mandatory prison terms for many offenses. The following information, although not complete, is an overview of federal penalties for first convictions. All penalties are doubled for any subsequent drug conviction.

Denial of Federal Aid - 20 U.S.C. § 1091

Under the Higher Education Act of 1998, students convicted under federal or state law for the sale or possession of drugs will have their federal financial aid eligibility suspended. This includes all federal grants, loans, federal work-study programs, and more. Students convicted of drug possession will be ineligible for one year from the date of the conviction of the first offense, two years for the second offense, and indefinitely for the third offense. Students convicted of selling drugs will be ineligible for two years from the date of the first conviction, and indefinitely for the second offense. Those who lose eligibility can regain eligibility by successfully completing an approved drug rehabilitation program.

Forfeiture of Personal Property and Real Estate - 21 USC § 853

Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. A warrant of seizure is issued and property is seized at the time an individual is arrested on charges that may result in forfeiture.

Federal Drug Trafficking Penalties - 21 USC § 841

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The following list is a sample of the range and severity of federal penalties imposed for first convictions. Penalties for subsequent convictions are twice as severe.

If death or serious bodily injury result from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces mandatory life sentence and fines ranging up to \$8 million.

Persons convicted on federal charges of drug trafficking within 1,000 feet of a University (21 USC § 845a) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least 1 year.

Federal Trafficking Penalties for Schedules, I, II, II, IV, and V (except marijuana)

Schedule	Substance/Qty.	Penalty	Substance/Qty.	Penalty
II	Cocaine 500-4999 grams mixture	First Offense: Not less than 5 yrs., and no more than 40 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.	Cocaine 5 kilograms or more mixture	First Offense: Not less than 10 yrs., and not more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.
II	Cocaine base 28-279 grams' mixture		Cocaine base 280 grams or more mixture	
II	Fentanyl 40-399 grams' mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl analogue 10-99 grams' mixture		Fentanyl analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture	Second Offense: Not less than 10 yrs., and not more than life. If death or serious bodily	Heroin 1 kilogram or more mixture	Second Offense: Not less than 20 yrs., and not more than life. If death or serious
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	

II	Methamphetamine 5-49 grams pure or 50-499 grams mixture	injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	Methamphetamine 50 grams or more pure or 500 grams or more mixture	bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
I	PCP 10-99 grams pure or 100-999 grams mixture		PCP 100 grams or more pure or 1 kilogram or more mixture	2 or more prior offenses: Life imprisonment. Fine of not more than \$20 million if individual, \$75 million if not an individual.



Substance/Quantity	Penalty
Any amount of other schedule I & II substances	First Offense: Not more than 20 yrs. If death or serious bodily injury, not less than 20 years or more than life. Fine \$1 million if and individual, \$5 million if not an individual.
Any drug product containing gamma hydroxybutric acid	
Flunitrazepam (Schedule IV) 1 gram	Second Offense: Not more than 30 years. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
Any amount of other schedule III drugs	First Offense: Not more than 10 yrs. If death or serious bodily injury, not less than 15 years or more than life. Fine \$500,000 if an individual, \$2.5 million if not an individual. Second Offense: Not more than 20 years. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.
Any amount of all other schedule IV drugs (other than one gram or more of Flunitrazepam)	First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more than 10 years. Fine not more than \$500,000 if an individual, \$2 million if not an individual.
Any amount of all schedule V drugs	First Offense: Not more than 1 yrs. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 4 years. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.
Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances	
Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants	First Offense: Not more than 10 yrs. or more than life. If death or serious bodily

	<p>injury, not less than 20 years or more than life. Fine \$10 million if an individual, \$50 million if not an individual.</p> <p>Second Offense: Not more than 30 years. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.</p>
<p>Marijuana 100 to 999 kilograms marijuana mixture or 100-999 marijuana plants</p>	<p>First Offense: Not more than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 years or more than life. Fine \$5 million if an individual, \$25 million if not an individual.</p> <p>Second Offense: Not more than 10 years or more than life. If death or serious bodily injury, life imprisonment. Fine \$8 million if an individual, \$50 million if not an individual.</p>
<p>Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants</p>	<p>First Offense: Not more than 20 yrs. If death or serious bodily injury, not less than 20 years or more than life. Fine \$1 million if an individual, \$5 million if not an individual.</p> <p>Second Offense: Not more than 30 years. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.</p>
<p>Hashish More than 10 kilograms</p>	
<p>Hashish oil More than 1 kilogram</p>	
<p>Marijuana Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)</p>	<p>First Offense: Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than individual.</p> <p>Second Offense: Not more than 1 years. Fine \$500,000 if an individual, \$2 million if not an individual.</p>
<p>Hashish 10 kilograms or less</p>	
<p>Hashish oil 1 kilogram or less</p>	

Colorado State Laws Governing Possession, Consumption, & Sale of Drugs

Persons must be at least twenty-one years of age to buy, possess, or use retail marijuana. It is illegal to give or sell retail marijuana to minors. Adults twenty-one years and older can purchase and possess up to one ounce of retail marijuana at a time.

Retail marijuana is intended for private, personal use. Such use is only legal in certain locations not open or accessible to the public. Marijuana may not be consumed openly or publicly. This includes but is not limited to areas accessible to the public such transportation facilities, schools, amusement/sporting/music venues, parks, playgrounds, sidewalks and roads, and outdoor and rooftop cafes. It is also illegal to smoke at indoor-but-public locations like bars, restaurants, and common areas in buildings.

Unlawful Use of a Controlled Substance - C.R.S. §18-18-404

Except as described by C.R.S. §18-1-711, it is unlawful for any person knowingly to manufacture, dispense, sell or distribute, or to possess with intent to manufacture, dispense, sell, or distribute, a controlled substance; or induce, attempt to induce, or conspire with one or more other persons, to manufacture, dispense, sell, distribute, or possess with intent to manufacture, dispense, sell, or distribute, a controlled substance; or possess one or more chemicals or supplies or equipment with intent to manufacture a controlled substance.

Any person who uses any controlled substance, except when it is dispensed by or under the direction of a person licensed or authorized by law to prescribe, administer, or dispense the controlled substance for bona fide medical needs, commits a Colorado Level 2 Drug Misdemeanor. These include, without limitation, commonly abused drugs, such as:

- I. Cocaine
- II. LSD
- III. Heroin
- IV. Codeine
- V. Vicodin
- VI. Oxycontin
- VII. Fentanyl
- VIII. Amphetamine
- IX. Methamphetamine
- X. Anabolic steroids
- XI. Ecstasy
- XII. GHB
- XIII. Ketamine
- XIV. Barbiturates

Possession or Sale	Type of Offense	Jail Term	Fine	Driver's License
Schedule I and II: Cocaine, opium, heroin, morphine, methadone, LSD, mescaline, psilocybin, GH	1st offense: Class 3 Felony	4-12 years	\$3,000 – 750,000	Suspension, drug evaluation
	2nd offense: Class 2 Felony	8-24 years	\$5,000 – 1,000,000	
Schedule III: PCP, codeine, dilaudid	1st offense: Class 4 Felony	4-12 years	\$2,000 – 500,000	Suspension, drug evaluation
	2nd offense: Class 3 Felony	8-24 years	\$3,000 – 750,000	
Schedule IV: Chloral hydrate, tranquilizers, some barbiturates, and stimulant	1st offense: Class 5 Felony	1-3 years	\$1,000 – 100,000	Suspension, drug evaluation
	2nd offense: Class 4 Felony	2-5 years	\$2,000 – 500,000	
Schedule V: Codeine and other narcotics	1st offense: Class 1 Misdemeanor	6-18 months	\$500 – 5,000	Suspension, drug evaluation
	Repeat: Class 5 Felony	1-3 years	\$1,000 – 100,000	
Use	Type of Offense	Jail Term	Fine	Driver's License
Schedule I, II	Class 6 Felony	1 year – 18 months	\$1,000 – 100,000	Suspension of minor driver's license
Schedule III, IV, V	Class 1 Misdemeanor	6 – 18 months	\$500 – 5,000	Suspension of minor driver's license

The chart above gives examples of the penalties, which may be imposed on individuals convicted of drug possession, manufacturing, or delivery. The circumstances of the case and other factors affect whether or not these are the actual penalties imposed.

**Illegal Possession or Consumption of Ethyl Alcohol or Marijuana by an Underage Person –
C.R.S. § 18-13-122.3b, 122.3c**

Except as described by C.R.S. §18-1-711, a person under twenty-one years of age who possesses one ounce of marijuana or consumes marijuana anywhere in the state of Colorado commits illegal possession or consumption of marijuana by an underage person. Also, a person under twenty-one years of age who possesses marijuana paraphernalia anywhere in the state of Colorado and knows or reasonably should know that the drug paraphernalia could be used in circumstances in violation of the laws of this state commits illegal possession of marijuana paraphernalia by an underage person. Illegal possession or consumption of marijuana or possession of marijuana paraphernalia by an underage person is a strict liability offense.

Penalties:

- Possession of more than one ounce but no more than two ounces is a petty drug offense. If convicted, a violator may face a fine of up to \$100 - C.R.S. § 18-18-406.5a
- A person who openly and publicly displays, consumes, or uses two ounces of marijuana or less may be convicted of a petty drug offense. Penalties include a fine of as much as \$100 and up to 24 hours of community service - C.R.S. § 18-18-406.5b
- Possession of between two and six ounces is a level two drug misdemeanor, punishable by a fine between \$450 and \$750, up to 364 days in jail, or both - C.R.S. § 18-1.3-501
- Possession of more than six ounces but no more than 12 ounces of marijuana, or possession of no more than three ounces of marijuana concentrate (such as hashish). This violation is a level one drug misdemeanor, and a conviction is punishable by between six and 18 months in jail, a fine of between \$500 and \$5,000, or both - C.R.S. §18-1.3-501, 18-18-406.4b
- Possession of more than 12 ounces of marijuana, or possession of more than three ounces of concentrate. This violation is a level four drug felony, and a conviction is punishable by between six months and one year in jail, a fine of between \$1,000 and \$100,000, or both - C.R.S. § 18-1.3-401.5, 18-18-406.4a

Offenses Relating to Marijuana and Marijuana Concentrate - C.R.S. § 18-18-406

The sale, transfer, or dispensing of more than two and one-half pounds of marijuana or more than one pound of marijuana concentrate to a minor if the person is an adult and two years older than the minor is a level 1 drug felony. A level 1 drug felony includes 8 to 32 years of imprisonment, a fine of between \$5,000 to \$1 million, or both.

The sale, transfer, or dispensing of more than six ounces, but not more than two and one-half pounds of marijuana or more than three ounces, but not more than one pound of marijuana concentrate to a minor if the person is an adult and two years older than the minor is a level 2 drug felony. A level 2 drug felony includes 4 to 8 years of imprisonment, \$3,000 to \$750,000, or both.

The sale, transfer, or dispensing of more than one ounce, but not more than six ounces of marijuana or more than one-half ounce, but not more than three ounces, of marijuana concentrate

to a minor if the person is an adult and two years older than the minor is a level 3 drug felony. A level 3 drug felony includes 2 to 4 years imprisonment, a fine of between \$2,000 to \$500,00, or both.

The sale, transfer, or dispensing of not more than one ounce of marijuana or not more than one-half ounce of marijuana concentrate to a minor if the person is an adult and two years older than the minor is a level 4 drug felony. A level 4 drug felony includes 6 months to 1 year imprisonment, a fine of between \$1,000 to \$100,00, or both.

Persons must be at least twenty-one years of age to buy, possess, or use retail marijuana. It is illegal to give or sell retail marijuana to minors. Adults twenty-one years and older can purchase and possess up to one ounce of retail marijuana at a time.

Annual Fire Safety Report

Metropolitan State University of Denver does not maintain any on-campus student housing facilities; therefore, the institution is exempt from publishing an annual fire safety report.

Missing Student Notification

Metropolitan State University of Denver does not maintain any on-campus student housing facilities; therefore, the institution is exempt from publishing a missing student notification policy.

Definitions of Clerly Reported Crimes

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 without 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 room, 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. (Classified as motor vehicle theft are all cases where automobiles are taken by persons not having lawful access even though the vehicle(s) are later abandoned, including joyriding).

Sex Offense: Any sexual act directed against another person, forcibly and/or against that person without consent of the victim, including instances where the victim is incapable of giving consent.

- I. **Rape:** The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes rape of a person regardless of gender.
- II. **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- III. **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- IV. **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

Hate Crimes: A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. In addition to the above offenses, larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property, in which is motivated by bias of the actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability of the victim that are reported to Campus Security Authorities or local police agency. This data is collected and reported according to category of prejudice.

Weapon Law Violations: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapon offenses that are regulatory in nature.

Drug Abuse Violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those 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: As the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

Domestic Violence: A felony or misdemeanor crime of violence committed by:

- A current or former spouse or intimate partner of the victim
- A person with whom the victim shares a child in common
- A person who is cohabiting with, or has cohabitated with, the victim as a spouse or intimate partner
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred
- 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 which the crime violence occurred

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Stalking: A pattern of behavior (course of conduct) directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial 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. 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.

Unfounded: Reported crimes that are investigated by sworn or commissioned law enforcement personnel and found to be false or baseless.

MSU Denver 2018-2020 Crime Statistics

CRIMINAL OFFENSES	ON CAMPUS			PUBLIC PROPERTY			NON CAMPUS		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
Murder & Non-Negligent Manslaughter	0	0	1	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	1	0	1	0	1	0	1	0	0
Fondling	4	1	1	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	2	3	0	1	1	3	0	0	0
Aggravated Assault	5	12	3	2	1	3	0	0	0
Burglary	16	16	9	0	0	0	0	0	0
Motor Vehicle Theft	7	9	6	1	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
ARRESTS									
ARRESTS	ON CAMPUS			PUBLIC PROPERTY			NON CAMPUS		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
Liquor Law Violations	8	7	5	0	1	0	0	0	0
Drug Law Violations	13	14	9	6	8	3	2	0	0

METROPOLITAN STATE UNIVERSITY OF DENVER 2020 ANNUAL SECURITY REPORT

Illegal Weapons Possessions	6	3	6	3	0	2	0	0	0
REFERRALS									
	ON CAMPUS			PUBLIC PROPERTY			NON CAMPUS		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug Law Violations	1	0	2	0	0	0	0	0	0
Illegal Weapons Possessions	0	0	0	0	0	0	0	0	0
VAWA OFFENSES									
	ON CAMPUS			PUBLIC PROPERTY			NON CAMPUS		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
Domestic Violence	12	11	0	0	4	0	0	0	0
Dating Violence	1	1	3	0	0	1	0	0	0
Stalking	17	20	2	0	0	0	0	0	0
HATE CRIMES									
	ON CAMPUS			PUBLIC PROPERTY			NON CAMPUS		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
Assault - Race	0	0	0	0	1	0	0	0	0
Intimidation - Race	0	0	0	0	0	1	0	0	0
Intimidation - Religion	0	1	0	0	0	0	0	0	0
UNFOUNDED									
	ON CAMPUS			PUBLIC PROPERTY			NON CAMPUS		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
	2	1	1	0	0	0	0	0	0