



## **Nondiscrimination**

University of the Rockies is an educational institution that admits academically qualified students to all the rights, privileges, programs, and activities generally available to students at the University. A student shall have the right to participate in University-sponsored services and activities without discrimination or harassment. The University does not discriminate in its education programs and activities on the basis of race, color, creed, national or ethnic origin, religion, sex, pregnancy, childbirth and related medical conditions, marital status, medical condition, service in the uniformed services, political activities and affiliations, age, disability, sexual orientation, gender identity, veteran status, or any other consideration made unlawful by federal, state, or local laws. Specifically, Title IX/SaVE requires the University not to discriminate on the basis of gender or sex in its education programs and activities. Gender/sex harassment, including gender sexual violence, is a form of prohibited gender or sexual discrimination. Examples of covered acts are found in the *Sexual Misconduct Policy* section of this *Catalog*.

Students who believe they have been subjected to discrimination, misconduct, harassment, violence or retaliation in violation of this policy should follow the procedures outlined in *Reporting/Filing a Complaint for Title IX (Gender/Sex Discrimination)* section of this *Catalog*. This process involves a thorough, impartial investigation designed to provide a fair, prompt, and reliable determination about whether University of the Rockies' nondiscrimination policies have been violated. As necessary, University of the Rockies reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim.

Students, staff, or faculty that wish to report a concern or complaint relating to discrimination, misconduct, harassment, violence or retaliation concerning faculty, staff, a student or students may do so by reporting the concern as listed in the following. For complaints alleging discrimination, misconduct, harassment, violence or retaliation based on gender or sex:

Contacts the Title IX/SaVE Coordinator for University of the Rockies:

Michael Hebert  
Accreditation & Academic Policy Manager  
Ph: 866.621.0124 x. 30220  
Email: TitleIX@rockies.edu

He may also be contacted at:  
Mailing address:  
1201 16th Street, Suite 200  
Denver, CO 80202



For all other complaints, including discrimination, misconduct, harassment, violence or retaliation based on race, color, creed, national or ethnic origin, religion, pregnancy, childbirth and related medical conditions, marital status, medical condition, service in the uniformed services, political activities and affiliations, age, disability, veteran status, or any other consideration made unlawful by federal, state, or local laws:

Contact Pedro Hernandez, ext. 11328, or any member of the Student Dispute Resolution Center at [Dispute.Resolution@rockies.edu](mailto:Dispute.Resolution@rockies.edu) or (866) 621-0124, ext. 30015.

Individuals with complaints of any nature described above also have the legal right to file a formal complaint with the Office for Civil Rights (OCR), United States Department of Education, Washington, DC 20202.

## **Gender/Sexual Discrimination, Misconduct, Harassment or Violence – Title IX/SaVE**

**Purpose:** University of the Rockies is committed to maintaining an academic climate in which individuals of the University community have access to an opportunity to benefit fully from the University's programs and activities. When students experience acts of sexual misconduct, their sense of safety and trust is violated. This can significantly interfere with their lives, including their educational goals. This policy has been developed to proactively create a campus environment in which incidents of sexual misconduct can be promptly and effectively responded to without further victimization, retaliation, and with possible remediation of its effects.

### **Dissemination of the Policy, Educational programs and Employee Training**

This policy shall be disseminated through the University of the Rockies Academic Catalog, provided to the University community online through the University website, Student Portal, and through other appropriate channels of communication.

New and current students will be provided with educational materials to promote familiarity with this policy. Newly hired employees and current employees responsible for reporting sexual misconduct will be provided with training. Furthermore, annual training will be provided to investigators and hearing officers.

The educational programs and employee training provide ongoing awareness and prevention campaigns that also identifies safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence,

sexual assault, stalking against a person other than such bystander. Additionally, information is provided on risk reduction so that students, faculty/staff may recognize warning signs.

## **Sexual Misconduct/Harassment Policy**

### **Sexual Harassment**

Sexual harassment includes unwelcome conduct of a sexual nature, such as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature that has the effect of unreasonably interfering with an individual's academic or work performance, or creates an intimidating, hostile, or offensive environment. Sexual violence is a form of sexual harassment prohibited by Title IX/SaVE.

### **Three Types of Sexual Harassment**

1. Hostile Environment includes any situation in which there is harassing conduct that is sufficiently severe, pervasive/persistent or patently offensive so that it alters the conditions of education or employment, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint. The determination of whether an environment is "hostile" must be based on all of the circumstances. These circumstances could include:
  - the frequency of the conduct;
  - the nature and severity of the conduct;
  - whether the conduct was physically threatening;
  - whether the conduct was humiliating;
  - the effect of the conduct on the alleged victim's mental or emotional state;
  - whether the conduct was directed at more than one person;
  - whether the conduct arose in the context of other discriminatory conduct;
  - whether the statement is a mere utterance of an epithet which engenders offense in an individual, or offends by mere discourtesy or rudeness; and
  - whether the speech or conduct deserves the protections under other principles such as academic freedom.

Hostile Environment sexual harassment may occur in student-to-student, faculty/staff to student or student to faculty/staff relationships or third party to student/faculty/staff.

2. Quid pro quo sexual harassment exists when there are:
  - unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and

- submission to or rejection of such conduct results in adverse educational or employment action.

Quid Pro Quo harassment may occur in student to student, faculty/staff to student or student to faculty/staff relationships.

3. Retaliation. The University will sanction a faculty, student, or staff member who takes adverse action against a person because of the person's participation in or support of an investigation of Sexual Misconduct/Harassment. Adverse action includes, but is not limited to, threats, harassment, intimidation (implied threats) or actual violence against the person or his or her property, adverse educational or employment consequences, ridicule, taunting, bullying, or ostracism.

Retaliation sexual harassment may occur in student to student, faculty/staff to student or student to faculty/staff relationships, or third party to student/faculty/staff.

Title IX/SaVE also prohibits gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

## Definitions and Examples of Sexual Misconduct/Harassment

**Sexual Misconduct/Harassment Offenses include, but are not limited to:**

1. Sexual Violence
2. Sexual Assault
3. Domestic and/or Dating Violence
4. Stalking
5. Sexual Exploitation

*The University reserves the right to determine the applicable definition based upon factors including but not limited to location of alleged offense, applicable laws or location of the University. Under University policy or Title IX or other federal law, conduct may constitute sexual misconduct/harassment even though that conduct does not meet a specific state or other definition of an offense.*

### Sexual Violence

Sexual violence is defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. A number of different acts fall into the category of sexual violence,

including, rape, sexual assault, sexual battery, sexual abuse, and sexual coercion, domestic violence, dating violence, and/or stalking. Sexual violence can be carried out by University employees, other students, or third parties. All such acts of sexual violence are forms of sex discrimination prohibited by Title IX.

### **Consent**

Consent means cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A current or previous relationship shall not be sufficient to constitute consent. Submission under the influence of fear shall not constitute consent.

### **Incapacitation**

Incapacitation is the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, but are not limited to, unconsciousness, sleep and blackouts. Where alcohol or drugs are involved, incapacitation is defined with respect to how the alcohol or other drugs consumed affects a person's decision-making capacity, awareness of consequences, and ability to make fully informed judgments. Being intoxicated by drugs or alcohol does not diminish one's responsibilities to obtain consent. The factors to be considered when determining whether consent was given include whether the accused knew, or whether a reasonable person should have known, that the complainant was incapacitated.

### **Sexual Assault**

Any actor who knowingly inflicts sexual intrusion or sexual penetration on a victim commits sexual assault if:

- The actor causes submission of the victim by means of sufficient consequence reasonably calculated to cause submission against the victim's will; or
- The actor knows that the victim is incapable of appraising the nature of the victim's conduct; or
- The actor knows that the victim submits erroneously, believing the actor to be the victim's spouse; or
- 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
- 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

- 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
- 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
- The victim is physically helpless and the actor knows the victim is physically helpless and the victim has not consented.

## **Domestic Violence**

Domestic violence means an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. “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. 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.

## **Dating Violence**

The term “dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship.
- The type of relationship.
- The frequency of interaction between the persons involved in the relationship.

## **Stalking**

A person commits stalking if directly, or indirectly through another person, the person knowingly:

- 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

- 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
- Repeatedly follows, approaches, contacts, places under surveillance, or makes any form of communication with another person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship in a manner that would cause a reasonable person to suffer serious emotional distress and does cause that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship to suffer serious emotional distress. For purposes of this paragraph, a victim need not show that he or she received professional treatment or counseling to show that he or she suffered serious emotional distress.

## **Sexual Exploitation**

Occurs when a person takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other Sexual Misconduct/Harassment offenses.

Examples of sexual exploitation include, but are not limited to:

- prostituting another student;
- non-consensual video or audio-taping of sexual activity;
- going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- engaging in voyeurism; and
- knowingly transmitting an STI or HIV to another student.

## **Confidentiality**

Students or parents of minor students, reporting incidents of Sexual Misconduct/Harassment may ask that the students' names not be disclosed to the accused or that no investigation or disciplinary action be pursued to address the alleged Sexual Misconduct/Harassment. The University strongly supports a student's interest in confidentiality in cases involving Sexual Misconduct/Harassment. There are situations in which the University must override a student's request for confidentiality in order to meet its Title IX obligations; however, these instances will be limited and the information will only be shared with individuals who are responsible for handling the University's response to incidents of Sexual Misconduct/Harassment. Given the sensitive nature of reports of Sexual Misconduct/Harassment, the University will ensure that the information is maintained in a secure manner. The University is aware



that disregarding requests for confidentiality can have a chilling effect and discourage other students from reporting Sexual Misconduct/Harassment. In the case of minors, state mandatory reporting laws may require disclosure, but will generally be followed without disclosing information to University personnel who are not responsible for handling the University's response to incidents of Sexual Misconduct/Harassment.

Even if a student does not specifically ask for confidentiality, to the extent possible, the University will only disclose information regarding alleged incidents of Sexual Misconduct/Harassment to individuals who are responsible for handling the University's response. To improve trust in the process for investigating Sexual Misconduct/Harassment complaints, the University will notify students of the information that will be disclosed, to whom it will be disclosed, and why. Regardless of whether student complainant requests confidentiality, the University will take steps to protect the complainant as necessary, including taken interim measures before the final outcome of an investigation.

For Title IX purposes, if a student requests that his/her name not be revealed to the accused or asks that the University not investigate or seek action against the accused, the University will inform the student that honoring the request may limit its ability to respond fully to the incident, including pursuing disciplinary action against the accused. The University will also explain that Title IX includes protection against retaliation, and that University officials will not only take steps to prevent retaliation but also take strong, responsive action if it occurs. This includes retaliatory action taken by the University and University officials. When the University knows or reasonably should know of possible retaliation by other students or third parties, including threats, intimidation, coercion, or discrimination (including harassment), it will take immediate and appropriate steps to investigate or otherwise determine what occurred. The University will protect the complainant and insure his/her safety as necessary.

If the student still requests that his/her name not be disclosed to the accused, or that the University not investigate or seek action against the accused, the University will determine whether or not it can honor such a request while still providing a safe and non-discriminatory environment for all students, including the student who reported the Sexual Misconduct/Harassment. The Title IX Coordinator will evaluate confidentiality requests.

If the University determines that it can respect the student's request not to disclose his/her identity to the accused it will take all reasonable steps to respond to the complaint consistent with the request. Although a student's request to have his/her name withheld may limit the University's ability to respond fully to an individual allegation of Sexual Misconduct/Harassment, the University will investigate other means available to address the Sexual Misconduct/Harassment, without initiating formal action against the accused or revealing the identity of the student complainant. The University will also take immediate action as necessary to protect the student while keeping the identity of the student confidential.

## **Resources**





Please refer to the Counseling, Treatment, and Rehabilitation Programs section in the Student Support, Health, and Safety section of this Catalog.

## **Retaliation**

This policy also prohibits retaliation against a person who reports Sexual Misconduct/Harassment, assists someone with a report of Sexual Misconduct/Harassment, or participates in any manner in an investigation or resolution of a Sexual Misconduct/Harassment report. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education.

## **Recordkeeping**

The TitleIX/SaVE Coordinator, along with Legal & Compliance is responsible for maintaining records relating to sexual harassment and sexual violence reports, investigations, and resolutions. Records shall be maintained in accordance with University Record Retention Policies. All records pertaining to pending litigation or a request for records shall be maintained in accordance with instructions from Legal & Compliance.

## **Reporting/Filing a Complaint for Title IX**

### **(Gender/Sex Discrimination)**

Sexual Misconduct/Harassment is a threat to the entire University community. Members from the University community are strongly encouraged to report all incidents that threaten a student's continued well-being, safety, or security. Complaints from any member of the University community relating to discrimination, misconduct, harassment, domestic violence, dating or other related violence, stalking, or retaliation based on gender or sex concerning a faculty, staff, a student or students should be reported to:

Contacts the Title IX/SaVE Coordinator for University of the Rockies:

Michael Hebert, Accreditation & Academic Policy Manager  
Ph: 866.621.0124 x. 30220  
Email: TitleIX@rockies.edu

They may also be contacted at:  
Mailing address:



1201 16th Street, Suite 200  
Denver, CO 80202

The Title IX/SaVE Coordinator is responsible for the oversight, coordination and implementation of all Title IX compliance activities for the University. Title IX/SaVE Coordinator responsibilities include, but are not limited to, monitoring of the ongoing publication of the University's policy of *Nondiscrimination* including the Title IX/SaVE Coordinators contact information, continuous monitoring and oversight of overall University activities for compliance with Title IX requirements including athletic equity, grievance procedures, investigations, sanctions and evaluating requests for confidentiality.

University personnel will inform students in writing of procedures that victims should follow, including:

- the importance of preservation of any evidence;
- options regarding the assistance of local law enforcement, campus/site officials; the option to decline assistance, or decline notifying local law enforcement;
- any interim protective measures that will be taken and their options for protective orders; and
- resources including counseling, health, and mental health services.

Individuals with complaints of any nature described above also always have the right to simultaneously file a formal complaint with the Office for Civil Rights (OCR), United States Department of Education, Washington DC 20202, and/or a criminal complaint with local law enforcement.

## **Other Complaints**

All other complaints, including non-harassment, other forms of sex/gender based discrimination, misconduct, harassment, violence or retaliation based on race, color, creed, national or ethnic origin, religion, pregnancy, childbirth and related medical conditions, marital status, gender identity, medical condition, service in the uniformed services, political activities and affiliations, age, disability, veteran status, or any other consideration made unlawful by federal, state, or local laws, should follow the relevant procedure outlined in the *Dispute Resolution Procedure for Student Complaints* and/or contact:

Pedro Hernandez, ext. 11328, or any member of the Student Dispute Resolution Center at [Dispute.Resolution@rockies.edu](mailto:Dispute.Resolution@rockies.edu) or (866) 621-0124, ext. 30015.

An individual may also file a complaint or grievance alleging discrimination, misconduct, harassment, domestic violence, dating or other related violence, stalking, or retaliation based on gender or sex in the procedure outlined in the *Dispute Resolution Procedure for Student Complaints*, if they prefer; however, these complaints will be routed back the Title IX/SaVE Coordinator.



The above complaint processes (Gender/Sex and Other Complaints) involve a thorough, impartial investigation designed to provide a fair, prompt, and reliable determination about whether the University nondiscrimination policies have been violated. As necessary, the University reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim. The University has an obligation to report any crimes of which it has knowledge under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

## **Receipt of Complaint**

Upon receiving notice of a possible violation of the Sexual Misconduct/Harassment policy, University of the Rockies will take immediate and appropriate steps to:

- end the behavior;
- conduct a prompt, fair and impartial investigation;
- remedy the effects, and
- prevent it from reoccurring.

## **Referral to Office of Student Grievance Resolution**

Upon receipt of a complaint, the Title IX/SaVe Coordinator will refer the complaint to the Office of Student Grievance Resolution (OSGR), and if necessary, to Employee Relations, for investigation.

- The investigation should be completed and findings issued within sixty (60) calendar days from the receipt of the complaint, barring documented unforeseen circumstances.

In all campus based complaints, the Title IX/SaVE Coordinator and, if necessary, Human Resources, will determine the need for initial, short term remedial actions.

In order to protect the complainant, at any time during the investigation, the University may recommend short term, or interim, protections or remedies. These remedial actions may include, but are not limited to, making the complainant aware of their rights, resources and support services, issuance of No Contact orders to separate or limit contact between the parties, modification of extracurricular, transportation, dining, working or living arrangements or course schedules, assignments or tests, increased monitoring, supervising, or security at applicable locations or activities, and/or interim suspension(s) pending investigation. These remedies or protections may apply in ground or online contexts.

Efforts will be made to minimize the burden on the complainant. Failure to comply with these interim protections may be considered a separate violation of this Policy.

## **Office of Student Grievance Resolution Initial Investigation Into Complaint**

The Initial Investigation will be completed within ten (10) calendar days from the receipt of the complaint, barring documented unforeseen circumstances.

- Upon receipt of a complaint from the Title IX/SaVE Coordinator, the Office of Student Grievance Resolution (OSGR), and if necessary, Human Resources staff, will mutually investigate the complaint.
- OSGR and, if necessary, Human Resources staff, will mutually determine the identity and contact information of the complainant, whether that will be the initiator, the alleged victim, or a University proxy or representative.
- OSGR and, if necessary, Human Resources staff, will mutually collaborate with the complainant to identify the correct policies allegedly violated.
- OSGR and, if necessary, Human Resources staff, will mutually conduct an immediate initial investigation to determine if there is reasonable cause to charge the accused individual, and what policy violations should be alleged as part of the complaint. If a reasonable cause exists, OSGR, and if necessary, Human Resources, will mutually prepare the initial investigation report and if applicable, a proposed Notice of Charges on the basis of the initial investigation and submit it to the Title IX/SaVE Coordinator for further action.
- Once the Title IX/SaVE Coordinator receives a copy of the report of initial findings, the Title IX/SaVE Coordinator will review the findings and make a determination within three (3) calendar days of receipt of the initial investigation report and if applicable, the proposed Notice of Charges as to whether reasonable cause exists to bring charges against the accused individual. If reasonable cause exists, the matter shall proceed to a formal investigation.
- If the Title IX/SaVE Coordinator determines there is insufficient evidence to support reasonable cause, the Title IX/SaVE Coordinator or designee or, if necessary, Human Resources, will simultaneously and in writing inform the complainant and the accused that the investigation is discontinued. The interim, short term actions taken will be reversed.

### **Notice of Charges and Continued Investigation of Complaint**

- The decision whether to continue the Investigation will be made and communicated to the parties within fifteen (15) calendar days of the receipt of the complaint, barring documented unforeseen circumstances. The Title IX/SaVE Coordinator or his/her designee, will simultaneously communicate in writing to the parties the continuation of the investigation and intent to present the accused with a Notice of Charges.

If the Title IX/SaVE Coordinator determines there is sufficient evidence to support reasonable cause and approve the charges, the Title IX/SaVE Coordinator and, if necessary, Human Resources staff, will mutually determine the need for additional, short term remedial actions for any parties involved in the complaint.

In order to protect the complainant, at any time during the investigation, the University may recommend short term, or interim, protections or remedies. These remedial actions may include, but

are not limited to, making the complainant aware of their rights, resources and support services, issuance of No Contact orders to separate or limit contact between the parties, modification of extracurricular, transportation, dining, working or living arrangements or course schedules, assignments or tests, increased monitoring, supervising, or security at applicable locations or activities, and/or interim suspension(s) pending investigation. These remedies or protections may apply in ground or online contexts.

Efforts will be made to minimize the burden on the complainant. Failure to comply with these interim protections may be considered a separate violation of this Policy.

The investigator(s) will conduct the investigation in a manner appropriate in light of the circumstances of the case, which will typically include interviews with the complainant, the respondent, and any witnesses. As part of the investigation, the University will provide an opportunity for the parties to present statements, witnesses, and other evidence. The interviews will be supplemented by the gathering of any physical, documentary, or other evidence, as appropriate and available including but not limited to law enforcement investigation documents and student or employee personnel files. The investigation is deemed to be adequate, reliable, impartial, prompt, balanced and fair, and all individuals will be treated with appropriate sensitivity and respect throughout the investigation.

- Any requests for updates on the status of the investigation prior to its completion should be directed to the Title IX/SaVE Coordinator.
- The investigator will make a finding and present the findings to the Title IX/SaVE Coordinator within forty-five (45) calendar days of the receipt of the complaint, barring documented unforeseen circumstances.
- The Title IX/SaVE Coordinator will communicate the results, if applicable, to Human Resources staff.
- At any time during this process, the victim maintains their right to simultaneously file a formal complaint with the Office of Civil Rights (OCR), United States Department of Education, Washington DC 20202, and/or a criminal complaint with local law enforcement.

#### **Presentation of Investigation Findings to the Parties**

- The Title IX/SaVE Coordinator or designee, or, if necessary, Human Resources staff, will simultaneously and in writing communicate the findings to the accused and the complainant within fifty (50) calendar days of the receipt of the complaint, barring documented unforeseen circumstances. This communication will inform the parties whether the preponderance of the evidence supports a finding against the accused for the alleged violation(s).
- The communicated findings will inform the parties as to 1) whether there is a finding of sexual harassment; 2) whether the interim measures will continue; 3) what actions will be

- taken, including any disciplinary procedures that will be initiated; and 4) whether any assistance will be provided to the victim.
- Where the accused is found not responsible for a violation, the Title IX/SaVE Coordinator and Human Resources staff where applicable, will consider the reversal of any remedial actions taken.
  - The accused or the complainant may appeal the findings in part or in whole; the Title IX/SaVE Coordinator or his/her designee will advise the parties of the criteria for appeal of the findings when communicating the findings.

### **Investigation Findings: Acceptance**

- If the complainant and/or accused individual(s) accept the findings in whole, each shall notify the Title IX/SaVE Coordinator within three (3) business days of communication of findings. If the complainant and/or accused individual do not indicate his/her acceptance or Appeal of the findings within three (3) business days of communication, non-communication will be considered acceptance and the University will proceed accordingly with the process four (4) business days following communication of the investigation findings.
- The Title IX SaVE/Coordinator will review all case information and determine appropriate sanctions within eight (8) business days following notification of all findings to the complainant and accused individual, barring documented unforeseen circumstances. If the accused is an employee, the Title IX/SaVE Coordinator in coordination with the Human Resources staff will determine appropriate sanctions.
- The Title IX/SaVE Coordinator, or Human Resources staff (if applicable) shall, within two (2) business days, barring documented unforeseen circumstances, simultaneously and in writing inform the complainant and the accused of the sanction decision.
- Sanctions against student(s) determined by this process are subject to the Sanction Appeal Process by either the accused or complainant.

### **Investigation Findings Appeal**

- If the complainant and/or the accused individual (s) disagree with the findings, in part or in totality, either the complainant or the accused may appeal the finding in part or in totality on the following bases:
  - The accused and/or complainant wants consideration of new evidence, which was unavailable during the original investigation, that could be outcome determinative. A summary of this new evidence and its potential impact must be included;
  - The accused and/or complainant alleges that a material deviation from written procedures impacted the fairness of the process in a way that could be outcome determinative;

- The accused and/or complainant challenges the assertion that the evidence presented during the investigation process was sufficient to find them responsible by a preponderance of the evidence; or,
- The accused and/or complainant alleges bias by the investigator, Title IX/SaVE Coordinator which deprived the process of impartiality in a way that was outcome determinative.
- The accused and/or complainant has five (5) business days, barring documented unforeseen circumstances from the date of communication of findings, to present the formal appeal, in writing, to the Title IX/SaVE Coordinator.

The Provost may be contacted as follows:

**Email:** [Jeremy.moreland@rockies.edu](mailto:Jeremy.moreland@rockies.edu)

**Mailing Address:**

Dr. Jeremy Moreland  
Provost University of the Rockies  
1201 16th Street, Suite 200  
Denver, Colorado 80202

**Investigation Finding: Appeal Process**

- Upon receipt of either party's appeal of the findings, the Provost will acknowledge receipt of the notice within three (3) business days.
- The written appeal must state the basis for appeal and provide sufficient information that supports the grounds for appeal.
- The Provost or her designee will review all cases presented for appeal within five (5) business days of the appeal, barring documented unforeseen circumstances, to determine if the presented grounds for appeal and supporting information will be accepted or rejected.
- If the appeal does not meet the stated grounds for appeal, the appeal will be rejected. The Provost, shall, within two (2) business days of the determination, barring documented unforeseen circumstances, simultaneously and in writing, inform the complainant and the accused of the appeal decision.
- If the Provost determines there is sufficient evidence to support an appeal, the matter will return to the Office of Student Grievance Resolution for further investigation unless the appeal alleges bias of the investigator which deprived the process of impartiality in a way that was outcome determinative or an assertion that the evidence was insufficient to meet the preponderance of the evidence standard. In those cases, the appeal will remain with the Provost or her designee for review and final decision.
- Whether the investigation goes to the Office of Student Grievance Resolution or remains with the Provost or her designee, the appeal investigation will be completed within fourteen



(14) calendar days of submission to the Provost, barring documented unforeseen circumstances that may extend the appeal review.

- The Provost, and if applicable in coordination with Human Resources, will communicate the appeal findings simultaneously and in writing to the complainant and the accused.
- Additionally, the Provost will consult with the Title IX/SaVE Coordinator and Human Resources (when necessary) to consider the reversal of any remedial actions taken.

## **Additional Information for Sexual Misconduct/Harassment Investigations**

- **Amnesty Policy.** University of the Rockies encourages the reporting of crimes by victims and/or witnesses. Sometimes, victims and/or witnesses are hesitant to report to University officials because they fear that by reporting an incident he/she may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that as many victims and/or witnesses as possible choose to report to University officials. To encourage reporting, University of the Rockies pursues a policy of offering victims and/or witnesses of crimes immunity from policy violations related to the incident, as long as those policy violations are not directly related to the crime itself. For example, if a student reported a rape in which he or she was involved as an accused individual, he or she would not be immune from policy violations.
- **Attempted Violations.** In most circumstances, University of the Rockies will treat attempts to commit Sexual Misconduct/Harassment as if those attempts had been completed.
- **False Reporting.** University of the Rockies will not tolerate intentional false reporting of incidents.
- **Group Actions.** When members of groups, individuals acting collusively, or members of an organization act in concert in violation of any policy, they may be held accountable as a group or individually, and may proceed against the group of jointly accused students, or individually, at the discretion of the University.
- **Right to Present Own Complaint or Use Proxy.** The alleged victim has the right to present his or her own complaint if he or she wants to, or to ask the University to stand as complainant in his or her place.
- **Sexual History.** Questioning or presenting of evidence about the complainant's prior sexual conduct with anyone other than the accused will be prohibited. Evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of Sexual Misconduct/Harassment.
- **University as complainant.** As necessary, University of the Rockies reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim of Sexual Misconduct/Harassment.

## **Possible Sanctions and Protective Measures**



Any student found responsible for violating the policy on Sexual Misconduct/Harassment may receive a sanction ranging from a verbal warning, probation, and suspension to expulsion/termination, depending on the severity of the incident, and taking into account any previous documented conduct issues. If the accused individual is an employee, sanctions will be determined by Title IX/SaVE Coordinator in consultation with Human Resources if applicable.

In order to protect the complainant, at any time during the investigation, the University may recommend short term, or interim, protections or remedies. These remedial actions may include, but are not limited to, making the complainant aware of their rights, resources and support services, issuance of No Contact orders to separate or limit contact between the parties, modification of extracurricular, transportation, dining, working or living arrangements or course schedules, assignments or tests, increased monitoring, supervising, or security at applicable locations or activities, and/or interim suspension(s) pending investigation. These remedies or protections may apply in ground or online contexts.

Efforts will be made to minimize the burden on the complainant. Failure to comply with these interim protections may be considered a separate violation of this Policy.

## **Sanction Process**

The Title IX/SaVE Coordinator will review all case information and determine appropriate sanctions within five (5) business days of notification of acceptance or determination on appeal barring documented unforeseen circumstances.

## Sanction Appeal Process

Where either party, the accused or the complainant, disagrees with the sanction(s), either has five (5) business days from the date sanctions are communicated, barring documented unforeseen circumstances to present an appeal of the sanctions, in writing, to the Provost. The written request for appeal of the sanctions must state one or more of the five (5) basis for appeal (SEE BELOW), along with facts and information that support the grounds for appeal; and be accompanied by any relevant, new information or evidence that was not available during the investigation phase of the process. The Title IX/SaVE Coordinator will forward all case information to the Provost or designee who will make a determination as to whether there is sufficient evidence to support an appeal of sanctions on the basis of:

- The availability of new information, unavailable during the original investigation, that could be outcome determinative regarding sanctions;
- A potential material deviation from written procedures which impacted the fairness of the process in a way that was outcome determinative;
- The evidence presented during the investigation process may have been insufficient to find the individual responsible by a preponderance of the evidence; or,
- The potential of bias by the Title IX/SaVE Coordinator which may have deprived the process of impartiality in a way that was outcome determinative.
- A belief that a sanction(s) is substantially disproportionate to the severity of the offense.
- The sanction(s) appeal will be reviewed by the Provost within five (5) business days of the sanction appeal notice, barring documented unforeseen circumstances, to determine whether there are sufficient grounds for appeal.
- If the appeal of the sanctions does not state a ground for appeal or sufficiently meet the grounds for appeal, the appeal will be rejected by the Provost or designee and the decision to reject the appeal communicated to the Title IX/SaVE Coordinator and if applicable Human Resources.
- The Title IX/SaVE Coordinator and if applicable Human Resources, will simultaneously and in writing inform the complainant and the accused of the rejection of the appeal within seven (7) business days of the determination, barring documented unforeseen circumstances.
- The Title IX/SaVE Coordinator will impose all sanctions on the accused student for the violation. Human Resources in consultation with the Title IX/SaVE Coordinator will impose all sanctions on the accused employee. Once the sanctions are carried out, the case will be closed.
- If the Provost determines there are grounds for the sanction appeal, the Provost will review all information presented with the sanction appeal and make a final sanction determination within fourteen (14) calendar days of acceptance of the appeal of sanctions, barring documented circumstances that may extend the determination. The Provost will forward the determination to the Title IX/SaVE Coordinator.
- The Title IX/SaVE Coordinator and if applicable, Human Resources, will simultaneously and in writing inform the complainant and the accused of the appeal decision within seven (7) business days of the decision, barring documented unforeseen circumstances.

- The Title IX/SaVE Coordinator or designee, and if applicable, Human Resources, will impose all sanctions for the violation. Once the sanctions are carried out, the case will be closed.

### **Special Procedural Provisions for Sexual Misconduct Sanction Hearings**

- Right to a Closed Hearing. The sanction hearing will be closed to the public, and only those who have a legitimate reason to be present will be permitted to be present.
- Advisor. The accused and complainant to sexual misconduct complaints have the right to the same opportunities to have others present during the sanctioning hearing, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.
- Right to be Present for Sanctioning Proceeding. Each party has the right to be present during Student Community Standards Hearing.
- Nondisclosure Agreements. The University will not require a party to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the redisclosure of information related to the outcome of the proceeding.