

Nondiscrimination and Sexual Misconduct Policy
Table of Contents

A. Nondiscrimination and Sexual Misconduct Policy	2
B. Title IX Coordinator	3
C. Consent	3
D. Reporting Procedure	4
a. Responsible employees	4
b. Employees Not Required to Report	5
c. Requests for Confidentiality	6
d. Rights of the Parties	7
E. Investigating Complaints of Discrimination and Sexual or Gender-Based Misconduct	8
a. Confidentiality of Investigation	9
b. Informal Resolution	9
c. University Inquiry and Investigation	9
d. Sanctions	11
F. Appeal	11
G. Federal Statistical Reporting Obligations	12
H. Appendix A Definitions	13
I. Appendix B Examples and Additional Information	18
J. Appendix C Reporting Options	22
K. Appendix D Sexual Violence Risk Reduction	24
L. Appendix E The Role of an Advisor of Your Choice	29

REGIS UNIVERSITY

Regis University has a zero tolerance policy for all forms of harassment and discrimination, including sexual and gender-based misconduct and violence. This policy addresses how Regis University will respond to all complaints of discrimination or harassment based upon gender, race, color, religion, sex, marital status, national origin, age, disability, citizenship, sexual orientation, gender identity, veteran status, genetic information and any other groups protected by federal, state or local civil rights statutes. This policy includes, but is not limited to claims of sexual and gender-based misconduct.¹

Nondiscrimination Policy

It is the policy of Regis University to provide equal employment and educational opportunities to faculty, staff, students and applicants without regard to gender, race, color, religion, sex, marital status, national origin, age, disability, citizenship, sexual orientation, gender identity, veteran status, and any other groups protected by federal, state or local civil rights statutes. In addition, the University does not discriminate on the basis of genetic information in its employment policies and practices, including coverage under its health benefits program. The University complies with applicable state statutes and local ordinances governing nondiscrimination in employment and educational activities. All Regis University community members (faculty, students, staff, administrators, trustees, contract personnel, agents, visitors, guests, volunteers, and other individuals associated with the University) are prohibited from engaging in acts of discrimination based on the above categories toward other Regis University community members. Clubs, associations and other organizations (and their members) affiliated with or partaking in the benefits, services or privileges afforded by the University are required to abide by this policy. All University policies, practices and procedures are administered in a manner consistent with Regis University's Jesuit identity and character.

A disability related request for a reasonable accommodation should be made to Student Disability Services when the individual requesting the accommodation is a student, or to Human Resources when the individual is an employee. Appeals related to a disability accommodation is governed by the procedure available for these claims with the Office of Student Disability Services & Testing.² A complainant of disability discrimination or a complaint regarding an accommodation may be made under this policy.

Nondiscrimination and Sexual Misconduct Policy

Consistent with the requirements of Title IX of the Education Amendments of 1972, Regis University community members have the right to be free from all forms of gender and sex-based discrimination during the course and scope of their employment or engagement in educational or other activities at the University. Sexual harassment, sexual violence, sexual exploitation, domestic violence, dating violence and stalking are some forms of gender and sex-based discrimination that are considered violations of this policy. This policy has been developed to reaffirm these principles and to provide recourses for individuals whose rights may have been violated. This policy is intended to define community expectations and to establish a process for determining when those expectations have been violated.

All Regis University community members, including employees, faculty, students, administrators,

¹ Certain parts of the investigation process apply only to gender or sex-based complaints that fall under Title IX of the Education Amendments of 1972. These areas are clearly marked in the applicable sections.

² More information at: <http://www.regis.edu/About-Regis-University/University-Offices-and-Services/Disability-Services/Services.aspx>

trustees, contract personnel, agents, visitors, invitees, volunteers, and other individuals associated with the University, are prohibited from engaging in acts of gender and sex-based discrimination directed toward other Regis University community members. Clubs, associations and other organizations (and their members) affiliated with or partaking in the benefits, services or privileges afforded by the University are required to abide by this policy.

If a responsible employee is aware of possible sexual harassment or sexual violence, without regard to where it occurs, he or she must promptly report the incident to Campus Safety, the Title IX Coordinator, the Dean of Students or the Associate Vice President of Human Resources, to the extent required by this policy. *See* Appendix C for a complete list of University officials to whom a report under this policy can be made. Contact information for the University's Title IX Coordinator:

Lorna Dwyer
Equal Opportunity & Title IX Coordinator
(303) 458-4906
ldwyer@regis.edu

Sexual Misconduct includes (but is not limited to):

1. Sexual Harassment
2. Non-consensual Sexual Contact and Non-consensual Sexual Intercourse
3. Sexual Exploitation
4. Intimate Partner Violence
5. Domestic Violence
6. Dating Violence
7. Stalking

Definitions and examples of each of these types of Sexual Misconduct follows in Appendices A and B.

Consent

In order for individuals to engage in sexual activity of any type with each other, there must be consent prior to and during sexual activity. Consent is defined as clear, knowing, voluntary, freely and actively given, mutually understandable words or actions which indicate a willingness to participate in a mutually agreed upon, specific sexual act. Non-verbal consent is not as clear as talking about what an individual wants or does not want sexually. Consent cannot be inferred from the absence of a, "no." To obtain consent, a clear, "yes," verbal or otherwise, is necessary. *See* Appendix B for examples of the meaning of consent.

Consent may never be given by a minor under the age of 15. Consent may also not be given by an individual who was asleep, or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, or who was under duress, threat, coercion, or force.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party may need to be reported. Persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor, and will likely result in the removal of the employee from supervisory or evaluative responsibilities, or removal of the other employee or student from being supervised or evaluated by someone with whom they have established a consensual relationship. This includes Resident Assistants and students over whom they have direct responsibility. While no relationships are prohibited by this policy, failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee. Employees are prohibited from making or participating in decisions

affecting a student's or employee's progress or standing or which may reward or penalize a student or employee with whom the employee has, or has had, a sexual or romantic relationship.

Reporting Procedure

The University's primary concern is the safety of its community members. If you, or someone you know, have been the victim of behavior or action that falls under this policy, you are encouraged to first attend to your own safety. See Appendix D, "Sexual Violence Risk Reduction." Once you have done so, you may choose to share your experience with someone you trust. All members of the University community are encouraged to report incidents of discrimination or gender or sex-based misconduct. In the event that you decide to report your experience to the University, Regis will conduct a prompt, equitable and thorough investigation to stop the conduct, prevent future incidents, sanction the offenders and remedy the conduct, when appropriate. This process involves conducting a preliminary inquiry to determine if there is reasonable cause to believe the nondiscrimination and/or sexual and gender-based policy has been violated. If so, the University will initiate a prompt, thorough and impartial investigation to provide a fair and reliable determination about whether University policy has been violated. If so, the University will implement a prompt and effective remedy designed to end the conduct, prevent its recurrence and address its effects.

If a responsible employee, as set out below, is aware of possible sexual harassment, sexual violence or gender-based misconduct, without regard to where it occurs, he or she must report it to the Title IX Coordinator, the Dean of Students or the Associate Vice President of Human Resources and, to the extent required by applicable law, to local law enforcement agencies. It is important that reports are made as soon as possible, preferably within 24 hours of learning about the incident or the violation. A report shall be made after normal business hours to Campus Safety.

In order for the University to promptly investigate and/or address civil rights complaints other than gender or sex-based misconduct, an employee must report this conduct to his/her supervisor, Human Resources or other responsible employee listed below.

University personnel on campus have different reporting responsibilities and different abilities to maintain confidentiality, depending on their roles. An employee's duty to report may vary based on the law, the situation and the employee's role. Following are some guidelines:

Responsible employees include any employee who has the authority to take action to redress the discrimination, harassment, violence or misconduct and who has the duty to report discrimination, sexual harassment, misconduct and violence to the appropriate University official. At Regis University, the following are "*responsible employees*:"

1. Supervisors³
2. Faculty members
3. Affiliate Faculty members
4. Campus Safety staff
5. Resident Life Coordinators
6. Resident Assistants ("RA's")
7. Athletic Coaches and staff (including graduate assistants)

³ Supervisors are defined as a faculty or staff member who approves WebAdvisor entries, has the ability to formally assess the performance of another employee, has the authority to recommend disciplinary action or termination of employment for another, can recommend salary changes for another or has oversight of a student or academic program and is viewed by employees and/or students as being in a position of authority.

8. Academic Advisors
9. Career Services staff
10. Admissions staff
11. Student activities staff
12. Assistant Vice Presidents, Associate Vice Presidents and Vice Presidents
13. Assistant Deans, Associate Deans and Deans
14. Assistant Directors, Associate Directors and Directors
15. Human Resources staff

All responsible employees must report incidents when they learn directly or indirectly about the incident. Responsible employees are required to report the alleged conduct and cannot withhold personally identifiable information (such as the name of the victim, the name of the accused, or other identifying details about witnesses, location, etc.), even when the victim is hesitant or does not wish to report. If a member of the University community speaks to a responsible employee about discrimination, sexual harassment, sexual violence, dating violence, domestic violence, stalking, or any other form of sexual misconduct, the responsible employee shall inform the victim of his/her duty to report. While an employee or University official can't guarantee total confidentiality, a responsible employee should let the victim know that the University will make all efforts to respect his/her privacy. *See Appendix C* for a complete list of categories of responsible employees.

If an incident is reported to a "responsible employee," notice to them is official notice to the University. The University will respond to the report and conduct a prompt, thorough and equitable investigation. Formal reporting means that only people who need to know will be told and information will be shared only as necessary with investigators, witnesses, the accused individual and University officials with a responsibility to respond. Current students and employees without a privilege are required to cooperate in a University inquiry or investigation as a condition of enrollment and/or employment. The University encourages anyone who believes that s/he has been the victim of discrimination, harassment or sexual misconduct to report his/her concerns to an appropriate University employee.

Employees Not Required to Report. Unless there is a statutory duty to do so, employees who are not required to report include:

1. Campus mental health counselors and staff
2. Jesuits (when acting in their role as a priest)
3. University ministry staff (excluding peer ministers)

The above employees have a privilege to withhold information, to the extent consistent with the law, only where they are acting in the scope of their license or certification for these functions and/or working in their professional capacity. Although individuals with a privilege acting in the scope of their license or certification are not required to report instances of sexual misconduct, they are encouraged to provide victims information about campus resources for counseling, medical treatment and support. They may also choose to assist victims with filing a complaint under this policy.

Individuals who do not wish to have their claims of gender-based discrimination, sexual harassment, misconduct or violence investigated should limit their disclosures to those employees not required to report. In addition, there are a number of University services that provide confidential counseling for cases of sexual harassment, misconduct and violence. Campus counselors are available to help certain students free of charge, and can be seen on an emergency basis. Benefit eligible employees may utilize the Employee Assistance Program (EAP). *See Appendix D* for additional resources.

Other Employees and Community Members

Employees and other community members not identified above are encouraged but not required to report instances of gender or sex-based misconduct. However, employees must report non gender or sex-based discrimination to the University.

The University encourages victims to report all incidents of sexual misconduct or sexual assault to the police. Victims must be aware that an investigation conducted by the University is distinct from a criminal investigation and flows from the University's obligation under Title IX and related laws to ensure that it is providing a safe environment for all community members. Therefore, if a victim wishes to pursue criminal actions, s/he needs to file a complaint with local law enforcement. *See* Appendix D for law enforcement resources. A student or employee may seek assistance with filing a policy report from Campus Safety, the Title IX Coordinator or his/her designee or the Gender Violence Prevention Programming Coordinator.

The University will generally not notify – or otherwise discuss with – parents or legal guardians of a student's report of sexual misconduct unless the student is under the age of 18 or the student provides the University with written permission. All University employees, including the Title IX Coordinator, are mandatory child abuse and neglect reporters and may be required to report to the police if a victim is under the age of 18, or under the age of 15 for sex-based crimes.

Members of the Regis University community who experience sexual harassment, sexual misconduct and/or violence while performing University-related duties in a clinical or other external setting, are encouraged to report any incidents to the appropriate Regis University official and to an appropriate official at the external site. In such cases, Regis will contact the external institution and cooperate with an investigation conducted by the external organization. Regis University may also conduct an investigation if possible and when appropriate. The University encourages reports to be made, but will not tolerate intentional false reporting of incidents.

Request for Confidentiality

The victim has the right to decline to file a complaint. Choosing to report an act of sexual harassment, misconduct or violence is a personal decision that only the victim can make. If sexual misconduct occurs, Regis University encourages those affected to take action. If the victim chooses not to report, or demands confidentiality and anonymity, s/he must be aware that this choice may negatively impact the University's investigation and limit the outcome of it. In addition, any response by the University may be hindered by the complainant's requests for anonymity, confidentiality and/or inaction. Nonetheless, if a complainant chooses to report confidentially or ask that no further action is taken, an investigation may still be initiated if the University has enough information to reasonably determine key facts, such as time, date, location and names of parties involved in an alleged incident and there is cause for concern of the complainant's safety, or the safety of others. The Title IX Coordinator or designated investigator, in consultation with a representative from the Office of Counseling and Personal Development, the Gender Violence Prevention Programming Coordinator and/or Campus Safety, will evaluate requests for confidentiality and determine whether the University will proceed with an investigation. This determination will be made by considering whether: 1) there is an increased risk of the respondent committing additional acts of sexual misconduct or other violence; 2) there is an increased risk of future acts of sexual misconduct under similar circumstances; 3) a weapon was allegedly used; and 4) the University has means to obtain other evidence. If it is determined that the University will proceed with an investigation, information will be kept as confidential as possible. Only individuals who are believed to have relevant information will be interviewed and information will only be shared with individuals who are responsible for responding to the situation. If the University determines it does not have enough information to investigate because of the complainant's request for confidentiality, it will still take all

reasonable steps to respond to the complaint consistent with the confidentiality request, including seeking appropriate interim measures.

A victim who was under the influence of alcohol or drugs should not be discouraged from filing a complaint, as s/he will not be disciplined for consuming alcohol or drugs in this situation.

Rights of the Parties

In addition to rights outlined throughout this policy, both complainant(s) and respondent(s) in a sexual misconduct complaint have the following rights:

1. The right to an investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to the University;
2. The right to be fully informed of the University's policy and procedures;
3. The right to be treated with respect by the University;
4. The right to be informed of the victim's right to choose whether or not to file a complaint to both on-campus and off-campus authorities;
5. The right not to be discouraged by the University from reporting misconduct to both on-campus and off-campus authorities;
6. The right to be assisted by campus authorities in notifying law enforcement of sexual misconduct if the victim so chooses (the University will notify law enforcement when required by law);
7. The right to be notified of available counseling, mental health or student services, both on campus and in the community;
8. The right to notification of and options for assistance in changing academic and student living situations after an alleged sexual misconduct incident, if requested by the victim and if such changes are reasonably available (no formal complaint or investigation need occur before this option is available). Accommodations for a victim may include:
 - a. Change from on-campus housing to a different on-campus or off-campus location;
 - b. Assistance from University support staff to complete the relocation;
 - c. Arranging to dissolve a housing contract and pro-rating a refund;
 - d. Rescheduling an exam or other academic work;
 - e. Taking an incomplete in a class;
 - f. Transferring class sections;
 - g. Temporary withdrawal; or
 - h. Alternative course completion options.
9. The right to bring a victim advocate or advisor of his or her choice to all phases of the investigation and campus conduct proceeding (*see* Investigation section); and
10. The right to appeal certain decisions (*see* Appeal section).

Investigating Complaints of Discrimination and Sexual or Gender-Based Misconduct

When a report of sexual or gender-based misconduct is made, the Title IX Coordinator is designated to investigate, address inquiries and coordinate the University's response. For reports of other civil rights' violations, the University will designate an investigator to investigate, address inquiries and coordinate the University's response. The University reserves the right to designate a different investigator or a group of investigators when the Title IX Coordinator has a conflict or when deemed appropriate by the Dean of Students, Title IX Coordinator or the Associate Vice President of Human Resources. Notice of a formal complaint can be made in person, orally or anonymously to a responsible employee, but the University encourages submission of the complaint in writing, to the Title IX Coordinator. Often, gender or sex-based complaints and other civil rights' complaints include other potential University policy violations as well. Whenever there is a gender-based, sex-based or discrimination complaint raised, this policy shall apply.

Except for anonymous reports, the complaint should include the name, email address and phone number of the complainant, a detailed statement describing the conduct which is the basis of the complaint, including the name(s) of the respondent(s), the date(s), time(s), and locations of the conduct, and the names of any witnesses. In addition, any supporting documentation and evidence should be referenced within the body of the complaint. Complaints can be filed in person, by mail or by electronic communication. If the Title IX Coordinator or designated investigator believes that the complaint is incomplete, additional information may be requested.

Prompt filing of a complaint after any alleged incident of discrimination or gender or sex-based misconduct is strongly encouraged. The University reserves the right to not investigate a complaint that is made more than 120 days after the alleged incident, as a lengthy period between an alleged occurrence and an investigation may make fact-finding difficult or impossible. A complaint may be withdrawn at any time after it is filed. However, withdrawal of a complaint will not necessarily result in the termination of the University's inquiry or investigation.

Confidentiality of Investigation

The University will share information from a complaint or an investigation only with those who have a need to know. The privacy of all parties will be respected to the extent possible, in accordance with the law and so as not to interfere with a University investigation. Dissemination of information and/or written materials to persons without a need to know is not permitted.

Informal Resolution

Informal Resolution is not appropriate for complaints of a sexual assault, dating violence, domestic violence or stalking. For other complaints, a voluntary option available to students, faculty and staff is to seek resolution of a complaint informally. The University does not require an individual to contact the person directly whose behavior is unwelcome, and responsible employees should always contact the Title IX Coordinator or Human Resources prior to any attempt to resolve a complaint. However, if informal resolution is desired by a complainant, the following are possible approaches:

1. Communication directly with the person whose behavior is unwelcome; or
 - a. It is appropriate to use direct, face-to-face communication only when the complainant does not feel threatened, there is no risk of physical harm and you believe the other person will be receptive.
 - b. If the complainant chooses to communicate face-to-face, s/he should also send an email summarizing the face-to-face interaction and keep copies.
2. Email/written correspondence to the person whose behavior is unwelcome, which is the preferred method of communication.

If the situation is not resolved informally or if the complainant chooses not to engage in an informal resolution, s/he may initiate a formal complaint using the procedures below.

University Inquiry and Investigation

1. Preliminary Inquiry. The Title IX Coordinator or designated investigator may conduct a preliminary inquiry to determine if the allegations fall under this policy, or to otherwise determine whether a formal investigation is warranted. During the preliminary inquiry, the investigator can meet with witnesses, receive statements from the complainant(s), respondent(s) and/or other witnesses, and gather written information regarding the allegations. The Title IX Coordinator or designated investigator will decide whether to proceed with an investigation. If there is insufficient evidence to warrant an investigation, or if the University does not have jurisdiction over the issue, the inquiry or investigation should be closed with no further action. The University reserves the right to re-open an inquiry or investigation at any time if there is new evidence that leads Title IX Coordinator

or designated investigator to believe that further action should be taken. Where a respondent accepts all the findings that s/he violated University policy, the investigator will write a final report and send the report to the Dean of Students or the Associate Vice President of Human Resources.

2. Investigation. If the Title IX Coordinator or designated investigator determines an investigation should proceed, the University will conduct a prompt, fair, and impartial investigation. Prompt means that the investigation is completed within reasonably prompt timeframes, generally within seventy five (75) days. Fair means that the investigation is conducted in a manner that is consistent with this policy and transparent to the complainant and respondent. Impartial means the investigation is conducted by an individual who does not have a conflict of interest or bias for or against either party, and who is trained on issues related to all forms of discrimination, harassment, sexual misconduct and conducting an investigation. The investigator can extend the timeframe in this policy for good cause with written notice to the complainant and respondent of the delay and the reason for the delay. Examples of good cause for extensions include but are not limited to: 1) the complexity of the case requires it; 2) there are several parties involved; 3) the witnesses or the parties are unavailable or uncooperative; and 4) if a University investigation would compromise a law enforcement investigation.

When it is determined that an investigation is necessary, the Title IX Coordinator or designated investigator will open a formal case file and conduct the investigation as follows:

- a) Determine the identity and contact information of the complainant, any witnesses and the respondent, if he or she can be identified;
- b) Identify the policies allegedly violated;
- c) Send notice of investigation to the respondent;
- d) At the investigator's option, the investigation will include a review of statements obtained from all parties, interviews with both parties, interviews with witnesses as appropriate, and review of relevant information;
- e) The complainant and respondent will have the same opportunity to present witnesses for the investigator to interview. The investigator has the right to forgo interviewing a witness if the investigator determines that the person does not have information that is relevant to the proceedings. The investigator will not meet with character witnesses as part of this process if they have no relevant factual information;
- f) The complainant and respondent have the right to have an advisor of their choice present for any investigation interview with the Title IX Coordinator or designated investigator;
 - a. **This provision does not apply to complainant(s) or respondent(s) in an investigation of allegations of non-gender or sex-based discrimination or harassment.**
 - b. complainant and respondent must advise the investigator of the identity of an advisor at least two (2) business days before the date of the meeting with the investigator.
See Appendix E for more about the role of an advisor.
- g) Preponderance of the evidence is the standard of proof. This standard is described as whether the alleged conduct is more likely than not or less likely than so to have violated University policy;
- h) Once the investigation is complete, the investigator will write a report, which will contain the information presented during the investigation, an analysis of the information collected and, the findings of the investigation;
- i) Where the accused individual is found not responsible for the alleged violation(s), the allegations should be dismissed;
- j) Where the accused individual is found responsible for violating University policy, whether or not the respondent accepts the findings, the report will be sent to a deciding party. The deciding party for respondents who are students is the Dean of Students, or his/her designee, for

respondents who are faculty or staff, the deciding party is the Associate Vice President of Human Resources, or his/her designee. When the respondent is both a student and employee the sanctions will be imposed by the Associate Vice President of Human Resources, or his/her designee;

- k) The Deciding Party shall review the findings and may take one of the following actions:
 - a. Request that the investigator reopen the investigation to consider additional information and resubmit the report to the deciding party; or
 - b. Accept the investigator's findings.
- l) In the event that the respondent is found responsible for the alleged violation, the deciding party shall determine sanctions;
- m) Once the deciding party reviews the investigation findings and applies a sanction as appropriate, a summary of the findings shall promptly be communicated by the Title IX Coordinator or designated investigator to the complainant(s) and respondent(s); and
- n) The complainant shall only receive notice of any sanctions against the respondent that pertain his/her personal safety or protection.

Sanctions

Not all forms of discrimination, harassment or sexual or gender-based misconduct will be deemed to be equally serious offenses. The University reserves the right to impose differing sanctions, depending on the severity and/or pervasiveness of the offense. The University will consider the concerns and rights of both the complainant and the respondent in implementing sanctions.

In determining the appropriate sanctions for a violation of this policy, a number of factors will be considered including but not limited to the following: 1) level of risk and/or harm in the community; 2) severity of injury and/or harm; 3) use of alcohol or drugs by the respondent; 4) whether the incident was motivated by bias; 5) level of cooperation with the University and public officials; 6) prior conduct record; and 7) prior violations of the same or similar type.

Certain University officials may be informed of the outcome of an investigation within the bounds of student privacy (for example, the President, Dean of Students, or Campus Safety Director) and according to other applicable federal, state or local laws. If, based on the investigation findings, there is reliable information that a crime has occurred, a University official may notify local law enforcement consistent with the University's lawful obligation to report.

All matters that during the course of the investigation are determined to be violations of the Student Handbook or Human Resources Policy Manual, but not a violation of this Policy, shall be sanctioned in accordance with the guidelines of the Student Handbook and/or the Human Resources Policy Manual.

With respect to student violations of this Policy, the minimum sanctions for violations are as follows: Non-consensual intercourse is likely to result in a minimum of suspension or expulsion; non-consensual contact and sexual harassment are likely to result in a minimum of a second level warning and can potentially result in suspension or expulsion as described in the Student Handbook; sexual exploitation, dating violence, domestic violence and stalking are likely to result in a minimum sanction of probation and may result in suspension or expulsion as is described in the Student Handbook.⁴

⁴ See Student Handbook at: <http://www.regis.edu/~media/Files/University/Student%20Life/Student-Handbook/StudentHandbookFINALJanuary2014.ashx>

The University reserves the right to impose differing sanctions for employees, including a verbal or written warning, suspension, or dismissal from employment, depending on the severity and/or pervasiveness of the offense.

Appeal

Decisions related to gender or sex-based discrimination or misconduct violations may be appealed to the Provost, or his/her designee. To exercise the right of appeal, complainants or respondents must petition the above individual within three (3) business days after receiving the written notification of the sanctions imposed. Findings of other civil rights violations are not appealable.

Any party who files an appeal must do so in writing to the Provost who will determine if an appeal is available, if the appeal meets the limited grounds for appeal and is timely. The Provost shall provide the Title IX Coordinator with a copy of the appeal and the Title IX coordinator will share a copy of all appeals with the non-appealing party. The original finding and sanction will stand if the appeal is not timely or eligible, and the decision shall be final. In the event that a respondent accepts the findings of the investigation, those findings cannot be appealed.

An appeal from the complainant or respondent is only available in the following circumstances:

1. sanctions of suspension, expulsion or termination; or
2. finding(s) of no violation.

All sanctions imposed by the Dean of Students or the Associate Vice President of Human Resources will be in effect during the appeal. A request may be made for special consideration to suspend sanctions in exigent circumstances, but the presumptive stance of the University is that the sanctions will stand. Graduation, study abroad, internships/externships, etc. do not in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal. In cases where the appeal results in reinstatement to the institution or of privileges, all reasonable attempts will be made to restore the student to their prior status.

The only grounds for an appeal are:

1. a procedural error occurred that significantly impacted the outcome of the investigation, such as substantiated bias or a material deviation from established procedures; or
2. new information not presented during the investigation exists.
 - a. the Provost or his/her designee may consider new evidence, but only if that evidence was unavailable during the original investigation and if it could substantially impact the original finding or sanction;
 - b. a summary of this new evidence and its potential impact must be included in the appeal and timely submitted; and
 - c. if the Provost or his/her designee determines that new information should be considered, it will return the complaint to the investigator to reconsider the new information only in light of the new evidence.

The Provost or his/her designee will promptly render a written decision on the appeal to all parties. The decision to deny an appeal request is final.

Federal Statistical Reporting Obligations

Certain campus officials have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (commonly referred to as the "Clery Act"). All personally identifiable information is kept confidential, but statistical information must be passed along to

campus law enforcement regarding the type of incident and its general location (on or off-campus, but no addresses are given) for publication in the University's annual campus security report. This report helps to provide the community with a clear picture of the extent and nature of campus crimes, to ensure greater community safety. Employees who are required to report criminal misconduct include those in student affairs, campus law enforcement, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident and the Clery crime category.⁵ This reporting protects the identity of the victim and may be done anonymously. This information must be reported to the Director of Campus Safety or, if an alleged crime is sex or gender-based, to the Title IX Coordinator.

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

AMENDMENTS OR TERMINATION OF THIS POLICY

Regis University reserves the right to modify, amend, or terminate this policy at any time. This policy is effective as of July 14, 2014 and was last revised on August 7, 2014. It supersedes all previous policies of the University, its Colleges, Schools or Departments with respect to Title IX and other discrimination matters.

⁵ Reports of crimes required under the Clery Act include murder/non-negligent manslaughter, negligent manslaughter, sex offenses forcible, sex offenses non-forcible, robbery, aggravated assault, burglary, motor vehicle theft, arson and hate crimes.

APPENDIX A

Policy Definitions

Complainant: An individual who is subject to alleged discrimination, harassment, retaliation, or unfair treatment regarding the interpretation or application of an existing University policy.

Respondent: An individual whose alleged conduct is the subject of a complaint.

Discrimination: Any distinction, preference, advantage for or detriment to an individual compared to others that is based upon an individual's actual or perceived gender, race, color, religion, sex, marital status, national origin, age, disability, citizenship, sexual orientation, veteran status, and any other groups protected by federal, state or local statutes. The conduct must be so objectively offensive as to alter the conditions of the individual's employment or educational experience.

Employee: An individual who is employed by Regis University.

Responsible Employee: an employee who has the authority to take action to redress discrimination, harassment, violence or misconduct, or is perceived as being in a position of authority to do so.

Sexual Harassment:

1. unwelcome conduct of a sexual nature that is;
2. sufficiently severe, persistent, pervasive, and objectively offensive that it has the effect of unreasonably interfering with, denying, or limiting a community member's ability to participate in or benefit from the University's educational programs and/or activities; or
3. conduct that creates a hostile environment, and/or is based on power differentials or retaliation. Both men and women are protected from sexual harassment, and sexual harassment is prohibited regardless of the gender, gender identity or sexual orientation of the harassed or the harasser.
 - a. The determination of whether an environment is "hostile" must be based on the totality of the circumstances. These circumstances could include:
 - i. the frequency of the conduct;
 - ii. the nature and severity of the conduct;
 - iii. whether the conduct was physically threatening;
 - iv. whether the conduct was humiliating;
 - v. the effect of the conduct on the alleged victim's mental or emotional state;
 - vi. whether the conduct was directed at more than one person;
 - vii. whether the conduct arose in the context of other discriminatory conduct;
 - viii. whether the conduct unreasonably interfered with the alleged victim's educational or work performance; and
 - ix. whether the statement is a mere utterance of an epithet which engenders offense in an employee or student, or offends by mere discourtesy or rudeness.

Sexual harassment may be in the form of a hostile environment that includes any situation in which there is harassing conduct that is sufficiently severe, persistent, pervasive or objectively offensive that it alters the conditions of employment or limits, interferes with or denies educational benefits or opportunities, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint.

Sexual harassment may also be in the form of, "Quid pro quo" when there are:

- a. unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
- b. submission to or rejection of such conduct results in adverse education or employment action.

Retaliation:

- a. any intentional action taken by an accused individual or allied third party;
- b. absent legitimate non-discriminatory purposes;
- c. that harms an individual; and
- d. as reprisal for filing a complaint under this policy or participating in a civil rights complaint proceeding.

Sex Offense:

Any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent.

Sexual Assault, Non-Consensual Sexual Contact:

1. any intentional sexual contact of touching, however slight;
2. with any object;
3. by a man or a woman upon a man or a woman; 4) that is without effective consent and/or by force; and
4. that can reasonably be construed as being for the purposes of sexual arousal, gratification or abuse.

Sexual touching or contact includes any bodily contact with the breast, groin, genitals, mouth or other bodily orifice of another in a sexual manner, however slight, by any individual upon any individual that is without consent and/or by force. *See* Appendix B for examples of non-consensual sexual contact.

Non-consensual Sexual Intercourse:

1. any sexual penetration (anal, oral or vaginal), however slight;
2. with any object; or
3. sexual intercourse by any individual upon any individual that is without consent and/or by force.

Non-consensual sexual intercourse includes vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

Sexual Exploitation: Occurs when anyone takes non-consensual or abusive sexual advantage of another for his/her own pleasure, advantage or benefit, or to pleasure, advantage or benefit anyone other than the one being exploited.

Intimate Partner Violence (“IPV”): Is physical, sexual, or psychological harm by a current or former partner or spouse. IPV is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. IPV can vary in frequency and severity. It occurs on a continuum, ranging from one hit that may or may not impact the victim to chronic, severe battering.

Domestic Violence: Means “a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws, or by any other person against an adult or youth victim who is protected from that person’s act under the domestic family violence laws and jurisdiction.”

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 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; and the frequency of interaction between the persons involved in the relationship.”

Stalking:

Means “engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.”

Hate Crime: a crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. For the purposes of the Clery Act, the categories of bias that may serve as the basis for a determination that a crime is a hate crime would include the victim’s actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

Definitions under Colorado Revised Statutes

Consent (C.R.S. § 18-3-401):

“(1.5) "Consent" means cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A current or previous relationship shall not be sufficient to constitute consent under the provisions of this part 4. Submission under the influence of fear shall not constitute consent. Nothing in this definition shall be construed to affect the admissibility of evidence or the burden of proof in regard to the issue of consent under this part 4.”

Harassment (C.R.S. § 18-9-111):

5. “(1) A person commits harassment if, with intent to harass, annoy, or alarm another person, he or she:
 - (a) Strikes, shoves, kicks, or otherwise touches a person or subjects him to physical contact; or
 - (b) In a public place directs obscene language or makes an obscene gesture to or at another person; or
 - (c) Follows a person in or about a public place; or
 - (d) Repealed.
 - (e) Initiates communication with a person, anonymously or otherwise, by telephone, telephone network, data network, text message, instant message, computer, computer network, or computer system in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, suggestion, or proposal by telephone, computer, computer network, or computer system that is obscene; or
 - (f) Makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation; or
 - (g) Makes repeated communications at inconvenient hours that invade the privacy of another and interfere in the use and enjoyment of another's home or private residence or other private property; or
 - (h) Repeatedly insults, taunts, challenges, or makes communications in offensively coarse language to, another in a manner likely to provoke a violent or disorderly response.(1.5) As used in this section, unless the context otherwise requires, "obscene" means a patently offensive description of ultimate sexual acts or solicitation to commit ultimate sexual acts, whether or not said ultimate sexual acts are normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus, or excretory functions...”

Sexual assault (C.R.S. § 18-3-402):

“(1) Any actor who knowingly inflicts sexual intrusion or sexual penetration on a victim commits sex 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...”

Unlawful Sexual Contact (C.R.S. § 18-3-404):

“Any actor who knowingly subjects a victim to any sexual contact commits unlawful sexual contact if:

- (i) (a) The actor knows that the victim does not consent; or
 - (b) The actor knows that the victim is incapable of appraising the nature of the victim’s conduct; or
 - (c) The victim is physically helpless and the actor knows that the victim is physically helpless and the victim has not consented; or
 - (d) The actor has substantially impaired the victim’s power to appraise or control the victim’s conduct by employing, without the victim’s consent, any drug, intoxicant, or other means for the purpose of causing submission; or
 - (e) Repealed.
 - (f) The victim is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the victim and uses this position of authority, unless incident to a lawful search, to coerce the victim to submit; or
 - (g) The actor engages in treatment or examination of a victim for other than bona fide medical purposes or in a manner substantially inconsistent with reasonable medical practices.
- (1.5) Any person who knowingly, with or without sexual contact, induces or coerces a child by any of the means set forth in section 18-3-402 to expose intimate parts or to engage in any sexual contact, intrusion, or penetration with another person, for the purpose of the actor’s own sexual gratification, commits unlawful sexual contact. For the purposes of this subsection (1.5), the term "child" means any person under the age of eighteen years...”

Domestic Violence (C.R.S. § 18-6-800.3):

As used in this part 8, unless the context otherwise requires:

- (1) "Domestic violence" means an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. "Domestic violence" also includes any other crime against a person, or against property, including an animal, or any municipal ordinance violation against a person, or against property, including an animal, when used as a method of coercion, control, punishment,

intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship.

(2) "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.

Dating violence:⁶

When one person purposely hurts or scares someone they are dating. Dating violence includes:

- (a) **Physical abuse** like hitting, shoving, kicking, biting, or throwing things.
- (b) **Emotional abuse** like yelling, name-calling, bullying, embarrassing, keeping you away from your friends, saying you deserve the abuse, or giving gifts to "make up" for the abuse.
- (c) **Sexual abuse** like forcing you to do something sexual (such as kissing or touching) or doing something sexual when you cannot agree to it (like when you are very drunk).

Stalking (C.R.S. § 18-3-602):

“(1) A person commits stalking if directly, or indirectly through another person, the person knowingly:

- (a) Makes a credible threat to another person and, in connection with the threat, repeatedly follows, approaches, contacts, or places under surveillance that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship; or
 - (b) Makes a credible threat to another person and, in connection with the threat, repeatedly makes any form of communication with that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship, regardless of whether a conversation ensues; or
 - (c) Repeatedly follows, approaches, contacts, places under surveillance, or makes any form of communication with another person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship in a manner that would cause a reasonable person to suffer serious emotional distress and does cause that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship to suffer serious emotional distress. For purposes of this paragraph (c), a victim need not show that he or she received professional treatment or counseling to show that he or she suffered serious emotional distress.
- (2) For the purposes of this part 6:
- (a) Conduct "in connection with" a credible threat means acts that further, advance, promote, or have a continuity of purpose, and may occur before, during, or after the credible threat.
 - (b) "Credible threat" means a threat, physical action, or repeated conduct that would cause a reasonable person to be in fear for the person's safety or the safety of his or her immediate family or of someone with whom the person has or has had a continuing relationship. The threat need not be directly expressed if the totality of the conduct would cause a reasonable person such fear.
 - (c) "Immediate family" includes the person's spouse and the person's parent, grandparent, sibling, or child.
 - (d) "Repeated" or "repeatedly" means on more than one occasion...”⁷

⁶ There is no criminal definition for dating violence under Colorado law. This information was taken from a federal government website managed by the [Office on Women's Health](#) in the [Office of the Assistant Secretary for Health](#) at the U.S. Department of Health and Human Services. www.womenshealth.gov.

⁷ Complete definitions are available at: <http://www.lexisnexis.com/hottopics/colorado/>

APPENDIX B

Examples and Additional Information

Examples of Harassment:

- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend.
- A student grabbed another student by the hair, then grabbed her breast and kissed her.
- A professor sent explicit sexual pictures to a student's e-mail or attached them to text messages.
- A professor insists that a student have sex with him in exchange for a good grade.
- A staff member shared recordings or other sexually harassing electronic communications without consent of the person recorded.
- A member of a sports team inappropriately touches, without consent, another team member while training in an athletic facility off campus.
- An employee who provided a statement for a Title IX investigation against his/her supervisor gets unreasonable reviews of his/her work by the supervisor because of his/her participation in the investigation.
- A group of students create a list "rating" several students' bodies and sex appeal and talk about it and/or send it to other students for their opinion.
- A supervisor tells a staff member applying for a promotion that the job would be his if he just "treated her right."
- One student experiences repeated advances from a professor asking her for dates or "just to go out for drinks after class." The student says she isn't interested, but the Professor won't take "no" for an answer.
- Harassment can also be the result of stalking, if a person threatens another and in connection with this threat follows the person or a member of his/her family, or if a person threatens another and then repeatedly attempts to communicate with that person or a member of the person's family in connection with the threat.

Examples of non-consensual contact:

- A student is walking on a campus sidewalk and a staff member pats or pinches her buttocks as s/he runs by him.

Examples of non-consensual sexual intercourse:

- A male student slipped a date rape drug into a female student's drink during a party at an off-campus house, and had sex with her.
- A female student reports that her ex-boyfriend had sex with her in her campus residence hall room while she was unconscious after a night of drinking alcohol.
- A male student is jogging early in the morning and a couple of male students grab him and raped him.

Examples of sexual exploitation:

- A staff member engages in lewd exposure of the body done with the intent to arouse or satisfy the sexual desire of any person.
- A faculty member engages in secretive observation of a staff member, student or other faculty member for personal sexual pleasure, or engages in non-consensual video or audio taping of sexual acts.
- A student let her friend hide in the closet to watch her and her boyfriend having consensual sex.

Examples of domestic violence:

- A staff member's ex-husband waits for him/her outside in the parking lot and when s/he comes out from work he follows her to her car, shakes her and pushes her away from the car.
- A co-worker tells you that her husband is a "control freak," doesn't want her to have friends or meet with her family. Lately, you have noticed scratches and bruises in her arms.

Examples of Dating Violence are:

- A student grabs her partner by the arms and shoves her against a wall.
- Another student slaps her partner and burns his hand with a cigarette during a discussion in the University parking lot.

Dating violence happens to people of all races, cultures, incomes, and education levels. It can happen on a first date, or when you are deeply in love. It can happen whether you are young or old, and in heterosexual or same-sex relationships. Dating violence is always wrong, and you can get help. Domestic violence and dating violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. This type of violence can occur among heterosexual or same-sex couples and does not require sexual intimacy.

Stalking is committed if an individual:

- continues to text another student multiple times every day, makes frequent posts about him/her on social media, and waits outside of his/her classroom in order to follow him/her from place to place on-campus;
- shows up at your home or place of work unannounced or uninvited;
- uses social networking sites and technology to track you;
- monitors your phone calls or computer use;
- spreads rumors about you via the internet or word of mouth;
- makes unwanted phone calls to you;
- calls your employer or professor;
- waits at places you hang out;
- damages your home, car or other property;
- follows a person in or about a public place;
- initiates communication with a person, anonymously or otherwise by telephone, computer, computer network, or computer system in a manner intended to harass or threaten bodily injury or property damage, or that is obscene; or
- makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation.

Consent means:

- In the absence of mutually understandable words or actions (a meeting of the minds on what is to be done, where, with whom, and in what way), it is the responsibility of the initiator, or the person who wants to engage in the specific sexual activity to make sure that he or she has consent from their partner(s).
- Consent to some sexual contact such as kissing cannot be presumed to be consent for other sexual activity such as intercourse.
- The initiator must obtain consent at every stage of sexual interaction.

- Use of alcohol or other drugs will never function as a defense for any behavior that violates this policy.
- Consent can be withdrawn at any point of the sexual activity as long as the withdrawal is communicated clearly.
- Previous relationships or prior consent cannot imply consent to future sexual acts.
- Silence, previous sexual relationships, and/or the existence of a current relationship with the respondent do not imply consent.
- A respondent's intentional use of alcohol/drugs does not excuse a violation of policy.
- Consent will be determined using both objective and subjective standards. The objective standard is met when a reasonable person would consider the words or actions of the parties to have manifested an agreement between them to do the same thing, in the same way, at the same time, with one another. The subjective standard is met when a party believes in good faith that the words or actions of the parties manifested an agreement between them to do the same thing, in the same way, at the same time, with one another.
- Consent that is obtained through the use of fraud or force (actual or implied) is ineffective consent, including consent obtained through physical force, threats, intimidation, or coercion.

Additional Information Related to Consent:

1. Physical force is the use of physical violence or imposing on someone physically to gain sexual access. This physical force can be accompanied by hitting, kicking, restraining or otherwise exerting their physical control over another person through violence. A person who is the object of sexual aggression is not required to physically or otherwise resist a sexual aggressor.⁸
2. Threats exist where a reasonable person would have been compelled by the words or actions of another to give permission to sexual contact they would not otherwise have given, absent the threat. For example, threats to kill another person, themselves, or to harm someone the other person cares for, constitute threats.
3. Intimidation occurs when someone uses their physical presence to menace another person, although no physical contact occurs, or where the Knowledge of the victim of prior violent behavior by an assailant, coupled with menacing behavior, places the victim in fear as an implied threat.
4. Coercion is unreasonable pressure for sexual activity. Coercion exists when a sexual initiator engages in sexually pressuring and/or oppressive behavior that violates norms of respect in the community, such that the application of such pressure or oppression causes the object of the behavior to engage in unwanted sexual behavior. Coercion may be differentiated from seduction by the repetition of the coercive activity beyond what is reasonable, the degree of pressure applied, environmental factors such as isolation, and the initiator's knowledge. When someone makes clear to you that they do not want sex, 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.
5. Incapacitation due to alcohol, drugs, etc. Incapacitation is a state where a person lacks the ability to make rational reasonable decisions including an inability to understand the who, what, when, where, why or how of sexual activity, or an inability to fully understand the details of sexual interaction. Incapacity can result from alcohol or drug consumption, illness, unconsciousness,

⁸ The use of physical force constitutes a stand-alone non-sexual offense as well, as it is our expectation that those who use physical force would face not just the sexual misconduct charge, but charges under the code for the additional assaultive behavior.

blackout, sleep, mental disability, and other circumstances or from taking rape drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student is a violation of this policy. More information on these drugs can be found at <http://www.911rape>.

6. Sexual activity with someone who one should know to be - or based on the circumstances should reasonably have known to be - mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), constitutes a violation of this policy.

APPENDIX C

Reporting Options

Regis University Responsible Employees:

16. Supervisors⁹
17. Faculty members
18. Affiliate Faculty members
19. Campus Safety Officials
20. Resident Life Coordinators
21. Resident Assistants (“RA’s”)
22. Athletic Coaches and staff (including graduate assistants)
23. Academic Advisors
24. Career Services staff
25. Admissions officers
26. Student activities personnel
27. Assistant Vice Presidents, Associate Vice Presidents and Vice Presidents
28. Assistant Deans, Associate Deans and Deans
29. Assistant Directors, Associate Directors and Directors
30. Human Resources staff

Employees Not Required to Report. Unless there is a statutory duty to do so, employees who are not required to report include:

4. Campus mental health counselors and their staff
5. Jesuits
6. Medical professionals and their staff
7. University ministry staff

University Officials to whom reports can be made:

Lorna Dwyer
Title IX Coordinator
3333 Regis Blvd
West Hall K4-107B
Denver, CO 80221-1099
(303) 458-4906
ldwyer@regis.edu

Tony Crow
Associate Vice President of Human Resources:¹⁰
3333 Regis Blvd
West Hall, K4-107C
Denver, CO 80221-1099
(303) 458-4197

⁹ Supervisors are defined as a Faculty or staff member who approves WebAdvisor entries, has the ability to formally assess the performance of another employee, has the authority to recommend termination of employment for another, can recommend salary changes for another or has oversight of a student or academic program and is viewed by employees and/or students as being in a position of authority.

¹⁰ Complaints that may fall under this policy filed with the Associate Vice President/Human Resources, Dean of Students or Campus Safety will be referred to the Title IX Coordinator for processing.

tcrow@regis.edu

Diane McSheehy
Dean of Students
3333 Regis Blvd
Student Center Rm. 223
Denver, CO 80221-1099
(303) 458- 4223
dmcsheehy@regis.edu

Campus Safety
Modular 186¹¹
3333 Regis Blvd
Denver, CO 80221-1099
(303) 458-4122

A Campus Safety has 12 full-time safety officers who work in teams of two on all shifts provide and 24 hours/day coverage, seven days a week, including holidays. Campus Safety will advise any person who reports a sexual assault about resources and provides assistance, including contacting the local police.

¹¹ Modular 186 is located at the northeast corner of campus at the end of parking lot 5.

APPENDIX D

Sexual Violence Risk Reduction

While a victim is never to blame, there are steps we can all take to help reduce the risk of being victimized. Unfortunately, sexual assaults happen everywhere, including on college campuses. The statistics regarding campus assaults indicate that most assaults occur between people who know one another. Below are several things to keep in mind while on campus and in settings where alcohol is involved to help reduce your risk of sexual assault.

On campus:

- Avoid being alone with someone you do not know well. It is safer to meet someone in a public place or with other people around when you are first getting to know them.
- If you live in a residence hall, lock your door when you leave or are asleep.
- If you are out late at night, walk with friends you know well. Avoid walking alone at night and know where emergency phones are located.

On Dates and At Parties:

- When first dating someone, consider meeting in a public place and avoid being alone until you have gotten to know one another.
- Consider using the “buddy system” if you are going to a party with friends. Keep track of one another and have a plan to leave together.
- If you are going to drink alcohol, make sure your friends know of your decision to do so and ask them to check in with you.
- Date rape drugs, such as GHB or "roofies" are present on college campuses. If someone offers to get you a drink, go with them and watch them pour it. Never accept a drink from someone you do not know and keep an eye on your drink.
- Avoid being alone with people you do not know well.
- If you start to feel strange or unusually intoxicated, seek help from a friend. A stranger who offers to help you or escort you from the party could be someone who's slipped you a drug and plans to do you harm.

To avoid being victimized:

- If you have limits, make them known as early as possible.
- Tell a sexual aggressor “NO” clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.

- Don't make assumptions about consent, about someone's sexual availability, about whether they are attracted to you, or about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity then you do not have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

Frequently Asked Questions for Sexual Assault Victims, Offenders and Bystanders

What shall I do immediately after I become a victim of sexual assault?

- Get to a safe location. If the situation is serious enough that you are concerned about our physical safety, go to a safe place and contact 911.
- Get immediate medical attention, if needed (for example, if the victim appears to be-or complains of having been – injured or if the victim appears to be in shock). However, there are a number of other reasons for choosing to go to the hospital even if no injuries are present, and time is of the essence in these matters:
 - To address the possibility of sexually transmitted infections
 - To test for possible “date rape drugs” (such as Rohypnol, or “Roofies”)
- Take the measures described below to preserve evidence.
- Get counseling attention.
- Consider reporting the incident to police and/or to the University Title IX Coordinator.

What happens if I was under the influence of alcohol or drugs when the incident happens?

As explained above, when the victim is incapacitated because of the use of drugs or alcohol, there is no consent. The use of drugs and alcohol will be considered during the investigation for the purpose of analyzing whether or not sexual activity was consensual. The University grants Amnesty to students who may have violated the University's Alcohol Policy at the same time of the incident when he or she became a victim of sexual assault. Therefore, no alcohol charges are applied to a student who reports that he or she was under the influence of alcohol at the time of a sexual assault.

On the other hand, alcohol and/or drug use is likely to affect the complainant's memory and, therefore, may affect the outcome of the complaint. If the complainant does not remember the circumstances of the alleged incident and cannot provide sufficient circumstantial evidence, physical evidence and/or witnesses to prove his/her complaint it may not be possible to impose sanctions on the accused without further corroborating information.

What happens if the offender was under the influence of alcohol or drugs?

The use of alcohol and/or drugs by either party will not diminish the accused individual's responsibility.

How can I best preserve any evidence of sexual assault?

To preserve evidence of a sexual assault, you should:

- Go to the nearest local hospital with an appropriate Sexual Assault Nurse Examiner program (SANE). The Hospital staff will collect evidence if you decide to exercise your right to file a complaint with the police or take further legal action.
- If you have changed your clothes since the assault, bring the clothing you had at the time of the assault to the hospital in a paper grocery bag or wrapped them on a clean sheet (plastic bags do not breathe and may render evidence). The Hospital will keep the clothes you were wearing as evidence.
- If you want to preserve the evidence of a sexual assault you should not:
 - Bathe or shower
 - Brush your teeth
 - Use the restroom
 - Change clothes
 - Comb hair
 - Clean up the area where the assault occurred
 - Move anything the offender may have touched

Where can I go for support?

Whether you are a victim of gender violence or advocating for someone who has experienced gender violence, we highly recommend that you seek support. Experiencing or witnessing gender violence can be very distressing and traumatic, and appropriate support can be very helpful in your recovery. The University provides multiple options for support, including medical care through the Student Health Center, counseling through The Office of Counseling and Personal Development and University Ministry, and support in navigating the disciplinary process or off-campus legal systems through Campus Safety, the Title IX Coordinator, the Sexual Assault Prevention Coordinator, and Residence Life.

On-Campus Resources:

- Campus Safety: (303) 458-4122
- Title IX Coordinator: Lorna Dwyer (303) 458-4906
- Sexual Assault Prevention Coordinator: Mary Stall (303) 458-4228
- Office of the Dean of Students: Diane McSheehy (303) 458-4086
- Office of Counseling and Personal Development: (303) 458-3507
- Student Health Services: (303) 458-3558
- Residence Life: (303) 458-4991
- University Ministry: (303)-458-4153
- Rueckert-Hartman Counseling Center: (303) 964-5786
- Broomfield /Interlocken Campus: (303) 964-5786
- Colorado Spring Campus: (719) 264-7027
- Student Disability Service: (303)-458-4941
- Violence Prevention Coordinator, Andrea Thyrring: (303)-458-4019

Off-Campus Resources:

Police:

- 911 for Emergencies
- Denver Police Department Non-Emergency Line: (720) 913-2000

- Denver Police Department Sex Offender Hotline: (720) 913-6511
- Denver Police Department Victim's Assistance Unit: (720) 913-6035
- Denver Police Department Sex Crimes Unit: (720) 913-6040
- Denver Police Department Domestic Violence Hotline: (720) 913-6071

Hospitals with SANE

- St. Anthony's North Hospital: 2551 West 84th Avenue, Westminster, CO 80204 (303) 426-2151
- Porter Hospital: 2525 S. Downing Street, Denver, CO 80210 (303) 778-1955
- Denver Health Medical Center: 777 Bannock Street, Denver, CO 80204 (303) 436-6000 or (303) 602-3007
- Regis University employees may be eligible to use the Employee Assistance Program (EAP)
 - Provider: Ability Assist
 - Phone: 800-964-3577
 - Website: www.GuidanceResources.com (use organization ID - HLF902) <https://www.guidanceresources.com/groWeb/login/login.xhtml>

Community Agencies:

- The Blue Bench (sexual assault – 24/7): (303) 322-7273
- Denver Center for Crime Victims (24/7): (303) 894-8000
- Project PAVE (relationship violence): (303) 322-2382
- Colorado Anti-Violence Program (LGBT resource – 24/7): (303) 852-5094
- Colorado Coalition Against Domestic Violence: 1-800-799 SAFE (7233)
- Safehouse Denver: (303)-318-9989
- Metro Crisis Line: 1-888-855-1222
- YWCA Advocacy Group: (303) 861 8300
- Project PAVE (relationship violence) (303) 322-2382
- The Family Tree (303) 420-6752

National Resources:

- National Domestic Violence Hotline (24/7): (800) 779-7233
- Rape, Abuse, & Incest National Network (RAINN – 24/7): (800) 656-4673
- Stalking Resource Center: (202) 467-8700 or src@nvc.org
- National Sexual Violence Resource Center: (877) 739-3895
- National Suicide Prevention Lifeline: 1-800-273-TALK (8255)
- National Stalking Helpline: 0808-802-0300
- Families Advocating for Campus Equality: 701-491-8554

Legal Resources:

- Protection Order Courtroom is located in Denver's City and County Building: 1437 Bannock Street, Courtroom 170, (170) 720-865-7275
- Magistrate/Judge/Courthouse: (303) 236-0881
- Family Law Legal Clinic: 720-944-1615
- Denver Bar Association: (303) 698-0999

What do I do if I am accused of sexual misconduct?

Do not contact the alleged victim. You may immediately want to contact someone who can act as your advisor; anyone may serve as your advisor. You may also contact the Title IX Coordinator who can explain the University's procedures for addressing sexual misconduct complaints. You may also want to

talk to a confidential counselor at the counseling center or seek other community assistance. Read the University Policy carefully and get informed about your rights during the procedure.

What shall I do if I witness or know about sexual harassment, violence or misconduct of another person?

Witnessing sexual harassment, sexual violence or misconducts can be a very difficult experience and your response to it may be critical to the outcome of the situation. The first priority is to make sure that you and the victim are safe. If needed, called 911 to get police assistance or call University Campus Safety at 303-458-4122. Listen carefully and compassionately to the victim, don't touch him or her without her consent, and avoid making any judgmental comments. Make sure that the victim has complete information about all the resources available and help the victim to understand her or his choices related to getting medical and psychological assistance and reporting the incident. If you can, offer your help in getting support for the victim.

Write down detailed information about the sexual misconduct such as place, time, names of everybody involved, witnesses and what has happened. You may need it later. Remember not to assure confidentiality to the victim you may need to report it later. If you are unsure of what you should do, please contact the Title IX Coordinator, the Dean of Students, or the Department of Human Resources.

Will my parents or family members be told?

No, not unless you tell them. Whether you are the complainant or the accused individual, the University's primary relationship is to the student and not to the parent. However, in the event of major medical, disciplinary, or academic jeopardy, students are strongly encouraged to inform their parents. University officials will directly inform parents when requested to do so by a student, in a life-threatening situation, or if an accused individual has signed the permission form at registration which allows such communication.

Will the accused individual know my identity?

Yes, if you file a formal complaint. Sexual misconduct is a serious offense and the accused individual has the right to know the identity of the complainant/alleged victim and the opportunity to respond.

Do I have to name the perpetrator?

Yes, if you want formal disciplinary action to be taken against the alleged perpetrator. No, if you choose to respond informally and do not file a formal complaint (but you should consult the confidentiality sections in this policy to better understand the University's legal obligations depending on what information you share with different University officials). Victims should be aware that not identifying the perpetrator may limit the institution's ability to respond comprehensively.

APPENDIX E
The Role of an Advisor of Your Choice

An advisor of your choice is defined as any individual who provides the complainant or respondent support, guidance or advice. Both parties may have an advisor of their choice which could be, for example, a parent, friend, clergy member or attorney. However, the role of the advisor and the extent to which an advisor can participate in an investigation or appeal is limited to a supportive role. The advisor may not participate in the interview or other part of the process, s/he may not advocate or speak for the complainant or respondent, cross-examine witnesses, or address the decision-maker. Witnesses other than the complainant or respondent are not entitled to an advisor of their choice.

During a meeting with the investigator, decision maker or appeal officer, an attorney acting as a lawyer may not serve as the student's or employee's advocate or formally represent the student or employee. These procedures are entirely administrative in nature and are not considered legal proceedings. No audio or video recording of any kind may be used unless specifically authorized by the investigator, nor is formal legal representation allowed. The investigator may remove an advisor or anyone disrupting the meeting. These rights and guidelines extend to both a complainant and respondent.