



Be Boulder.



University of Colorado **Boulder**

Recognizing, Responding to & Reporting Sexual Misconduct, Discrimination & Harassment

Office of Institutional Equity and Compliance
(OIEC)

Policies Addressed by OIEC

- Sexual Misconduct, Intimate Partner Abuse and Stalking Policy
- Protected-Class Discrimination and Harassment Policy
- Amorous Relationships Policy

How University Policy Applies

- Applies to all students, staff, faculty, volunteers and affiliates
- Applies to behaviors on or off campus
- Applies to incidents that happened before someone came to CU

Role of OIEC

To prevent and address sexual misconduct and protected class discrimination and harassment at CU Boulder by:

- Assessing campus culture
- Educating our community
- Addressing complaints under our policies

What are the protected classes?

Race

Color

National Origin

Sex

Sexual Orientation

Gender

Gender Identity

Gender Expression

Age

Pregnancy

Disability

Religion

Creed

Veteran Status

Political Affiliation/Philosophy

What is Sexual Misconduct?

- Non-consensual sexual contact
- Non-consensual sexual penetration
- Sexual Exploitation
- Sexual Harassment
- Intimate Partner Abuse
- Stalking

Obligation to Report

- Any responsible employee who witnesses or receives a written or oral complaint of discrimination, harassment, sexual misconduct, or related retaliation, must promptly report it to OIEC
- A responsible employee is any employee who has the authority to hire, fire, promote, discipline, grade, formally advise or direct faculty, staff, or students

Who has this obligation?

- Faculty and Instructors
- Deans, Directors, Supervisors and Administrators
- Academic Advisors
- Teaching, Research and Lab Assistants
- Residential Hall Staff
- Athletic Trainers, Coaches and Support Staff

What to Report

- Any incident that could be a potential policy violation
- Even when the individual disclosing wishes to maintain privacy
- Even when an incident is disclosed or occurs within a private or personal context or setting
- Even when a responsible employee does not oversee the individual who is adversely affected
- Regardless of when or where the incident occurred

What Happens When Someone Reports?

- OIEC will outreach to the Complainant
 - Offer confidential resources
 - Provide information about our process and options
 - Consider remedial and protective measures
- Complainant has the choice to proceed or not (with exceptions)
 - Consider “override” factors
 - Formal and informal resolution process
- No limitation on appointing authority’s ability to take immediate action

Why is Reporting Important?

- Ensure safety and access to support
- Understand the nature and scope of the concerns
- Implement protective measures
- Take steps to stop the behavior
- Ensure health and safety for the campus community
- Identify trends and patterns of problems

Case Studies

How Might You Respond?

How Might You Respond?

An instructor who is teaching at CU for the first time this semester tells you about something that happened during a recent course discussion. The instructor explains that while discussing social gender norms in the context of a historical novel, a female-identifying student indicated that she feels uncomfortable by CU's move towards multi-gender restrooms and that she does not feel "safe" when men and women have access to the same bathroom space. The faculty member tells you that a heated classroom debate quickly "spiraled out of control" including one student calling another student a "right wing bigot" and another student referring to a transgender student in the class as a "gender bending idiot." The instructor is asking for your advice on next steps.

How Might You Respond?

A student comes to you and asks for your assistance in allowing him to drop a lab long after the drop/add period. He tells you that he does not want to “get anyone in trouble” but his TA keeps asking him to socialize outside of class which is making him feel uncomfortable. The student tells you that he is not sure of the TA’s intentions but noted that the TA has asked for his personal phone number, has reached out to him on several different social media outlets, and often tries to walk him out of class while making conversation. The student says he needs some extra help in the class but wants to avoid seeing the TA during office hours. He says he is embarrassed to talk to the course faculty member about this, particularly because he senses that the faculty member and the TA are close friends.

How Do I Make a Report to OIEC?

Phone: 303-492-2127

Email: cureport@Colorado.edu

Web-Based Reporting Form:
www.colorado.edu/institutionalequity (“Report an Incident” tab)

DON'T IGNORE IT.

If it seems messed up, it is messed up.
Learn ways to help in a sketchy situation.

Find out how to address harassment, discriminatory actions,
unwanted sexual behavior, abusive relationships and stalking.

colorado.edu/dontignoreit



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Don't Ignore It

UNIVERSITY OF COLORADO BOULDER

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[What to Report](#)

[Get Support](#)

[How to Help](#)

There are options...

For seeking confidential support, reporting concerns, and gaining skills for helping as friends and bystanders. Don't ignore harassment, discriminatory actions, unwanted sexual behavior, abusive relationships, and stalking.

CU Boulder is committed to creating a welcoming and non-discriminatory campus community, and preventing and addressing sexual misconduct and harassment or discrimination based on protected class identity.

Campus Support Resources

Confidential Resources:

- Office of Victim Assistance (OVA)
- Counseling and Psychiatric Services (CAPS)
- Ombuds & Faculty Ombuds
- Faculty and Staff Assistance Program (FSAP)
- Student Legal Services
- Medical Providers (physicians and nurses)

Non-Confidential Resources:

- OIEC - Title IX & ADA Coordinator
- Faculty Relations
- Employee Relations
- Disability Services
- Office of Student Conduct and Conflict Resolution
- Student Support and Case Management (SSCM)
- Students of Concern Team
- Behavioral Intervention Team
- CU Police Department

Office of Institutional Equity and Compliance

Website: www.colorado.edu/oiec

Phone: 303-492-2127

Email: cureport@colorado.edu

Location: 3100 Marine Street
Administrative and Research Center, Second Floor
Boulder, CO 80309

Questions?



Understanding the Obligation to Report at CU Boulder

Who is obligated to report incidents of sexual misconduct and protected class discrimination and/or harassment?

All employees who have the authority to hire, fire, promote, discipline, evaluate, grade, formally advise, or direct faculty, staff or students are considered "responsible employees" and are required to report to OIEC.

This includes all faculty and instructors, athletic trainers and coaches, academic advisors, managers, supervisors, TA's, resident advisors (RA's), and anyone who oversees academic or non-academic university programs.

This means:

- A responsible employee who becomes aware of sexual misconduct, (including sexual assault, exploitation and harassment, intimate partner abuse, and stalking), or protected class discrimination or harassment involving *any member* of the CU community must promptly report it to OIEC.
- This applies whether the member of our community is the person who was subjected to the misconduct or the person who committed the misconduct.
- This applies regardless of where or when an incident occurred, including if it occurred off campus and/or before they were a member of the campus community.
- This applies regardless of how the information was conveyed to a responsible employee (whether spoken, written, or through a third party).

When in doubt, contact OIEC for further guidance at 303-492-2127 or report an incident at cureport@colorado.edu.

What are the goals of the obligation to report?

- Ensure that the person impacted by behavior prohibited by university policy is safe and receives support.
- Understand the nature and scope of the concerns.
- To get the behavior to stop.



What do I do if a student or an employee asks to speak to me confidentially?

- Explain your obligation to report if someone discloses a potential policy violation. Here is an example of what you could say:
 - “As someone who is required to relay these kinds of concerns to the university, I have to make Institutional Equity and Compliance (OIEC) aware of what you told me. You are not obligated to talk to them or engage in an investigative process if that is not what you want. They will reach out to you to make sure you are aware of your options, including confidential resources, so that you can get the support you may need.”
- Give someone a chance to consider talking to a confidential resource before they disclose anything. Here is an example of what you could say:
 - “Before you tell me what’s bothering you, I need to let you know (or remind you) that if it relates to behaviors that would violate our campus policies on discrimination, harassment, or sexual misconduct, I have to make OIEC aware of the situation. The university takes these concerns seriously. You would not be obligated to talk to OIEC or engage in an investigative process if that is not what you want. I’m glad that you came to me to talk about what’s going on, and if you would rather talk to someone who is completely confidential I can connect you with those resources.”
- Refer to confidential resources. More information on resources can be found at <http://www.colorado.edu/dontignoreit/get-support>
- If the individual shares that they were affected by behaviors related to the Sexual Misconduct (including sexual assault, harassment, exploitation, intimate partner abuse, or stalking) or the Protected Class Discrimination and Harassment policies, contact OIEC at 303-492-2127 or send an Email to cureport@colorado.edu in order to fulfill the obligation to report.
- Visit <https://www.colorado.edu/oiec/> for more information about university policy and OIEC processes and procedures.



Discrimination & Harassment Policy

Protected class

Protected class refers to a set of factors or characteristics that have historically been the basis of discrimination and harassment in the United States. Protected class categories are based on Federal, State, and Regent Law and include race, color, national origin, sex, gender, gender identity, gender expression, sexual orientation, disability, pregnancy, veteran status, age, religion, creed, political affiliation, and political philosophy.

Discrimination

Discrimination occurs when an individual suffers an adverse consequence based on a protected class. An adverse consequence may include being denied a promotion or pay raise, being denied tenure, or receiving an undeserved poor rating on a performance evaluation.

Hostile Environment Harassment

Harassment of a sexual nature or based on protected class is verbal or physical conduct that unreasonably interferes with an individual's work or academic performance and creates an intimidating or hostile work or educational environment. Typically, one incident is not sufficient to be a policy violation.

Quid Pro Quo Harassment (“this for that”)

A person in authority (administrator, dean, chair, professor, advisor, manager, supervisor, coach, etc.) demands sexual favors from a subordinate as a term or condition of education or employment (promotion, salary increase, tenure, grant money, lab space, etc.). One incident is sufficient to be considered a violation of policy.



Conflict of Interest in Amorous Relationships Policy

Defined as two individuals who mutually and consensually understand their relationship to be romantic and/or sexual in nature. This policy only pertains to relationships in which one individual has **evaluative authority** over the other person.

The policy prohibits any type of amorous relationship where one individual possesses evaluative authority over the other, **unless three conditions** are met:

1. The amorous relationship must be reported to the unit head in person.
2. The evaluative relationship must be terminated.
3. The relationship must be reported to the Office of Institutional Equity and Compliance (OIEC).

The reporting obligation lasts for up to **7 years** after an amorous relationship has ended.



Protected Class Definitions

Race

Federal civil rights laws do not define race. However, individuals may self-identify within certain ethnic and racial categories, including multiracial. All racial categories are protected under university policy.

Color

Refers to the pigmentation of one's skin. An individual can make an allegation of color discrimination or color harassment against someone of the same race or color.

National Origin

Refers to a person's (or a person's ancestors') place of origin or to the physical, cultural, or linguistic characteristics of an ethnic group.

Sex and Gender

Sex refers to the anatomy and biology that determines whether one is male, female, and/or intersex. Gender refers to the social constructs surrounding gender roles.

Pregnancy

Individuals who are pregnant, just gave birth to a child, or suffer a medical condition as a result of pregnancy or childbirth are all protected.

Veteran Status

Refers to anyone who serves or who has served in any branch of the United States armed forces, including students in the Reserve Officer Training Corps (ROTC). Volunteers for military duty must be treated the same as those who are ordered to active duty.

Political Affiliation

Refers to a person's membership or association with others in commonality of political purpose and support.

Gender Identity

Refers to an innate sense of one's own gender, or an internal sense of who one is, regardless of anatomy.

Gender Expression

Refers to how a person represents or expresses one's gender to others through external appearance, characteristics, or behaviors typically associated with a specific gender.

Sexual Orientation

Refers to the physical or emotional attraction toward a certain sex or gender. Additionally, individuals are protected from discrimination or harassment based on a perception of an individual's sexual orientation, even if that perception is mistaken.

Disability

Refers to a physical or mental impairment that substantially limits one or more major life activities of an individual. The policy also protects individuals who are regarded as having a disability or who have a record of a disability.

Age

Refers to discriminating against individuals because of their age. Students are protected from age discrimination in academic situations like admissions decisions and residence hall assignments, regardless of their age. An employee must be 40 years or older to fall within the protected category.

Religion/Creed

Refers to religious, moral, or ethical beliefs that are sincerely held and includes all aspects of religious observance and practice.

Political Philosophy

Refers to a person's belief or endorsement of any system of thought pertaining to public policy or the administration of governmental functions.

The university prohibits all forms of protected class discrimination and harassment. Complete descriptions of all prohibited conduct are on the [policies page of the OIEC website](#).



Sexual Misconduct Policy

Sexual misconduct is unwelcome behavior of a sexual nature or abuse in a sexual or dating relationship. It covers a variety of behaviors that are prohibited under university policy. Many of the behaviors included in our policy are also violations of Colorado law.

It may include:

- attempts to touch someone in a sexual way
- words, statements, or physical conduct of a sexual nature
- engaging in sexual activity that is not consensual
- behaviors that threaten or intimidate a current or former dating partner
- photographing or observing someone when they are naked or engaged in sexual activity

It may occur:

- between individuals of the same or opposite gender
- between students, faculty, staff, and administrators
- when one individual holds a position of real or perceived authority over the other
- anywhere on or off campus

What behaviors are sexual misconduct?

The following language is included in our policy to clearly define what behaviors are prohibited. This list is to familiarize you with the range of behaviors considered sexual misconduct.

Sexual assault (non-consensual sexual intercourse)

Any sexual intercourse, however slight, with any object, by any person upon another person that is without affirmative consent and/or by force. This includes vaginal or anal penetration and any contact between a mouth and genitals, no matter how slight.

Sexual assault (non-consensual sexual contact)

Any intentional sexual touching, however slight, with any object, by any person upon another person that is without affirmative consent and/or by force.



Sexual exploitation

Taking non-consensual or abusive sexual advantage of another person without any physical contact. Examples include non-consensual recording of sexual activity, invasion of sexual privacy, or photographing/videoing another person's intimate parts without their consent.

Intimate partner abuse

Any act of violence or threatened act of violence against a person with whom the individual is or has been involved in a sexual, dating, or partnered relationship. This includes threats, assault, property damage, and violence or threat of violence to one's self or to the family members of the partner when used as a method of coercion, control, punishment, intimidation or revenge.

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for one's safety or the safety of others or (b) suffer substantial emotional distress, including causing a person to respond by altering their activities.

Sexual harassment

Unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature. For example, a "hostile environment" may be created if the conduct is so "severe or pervasive" that it creates an intimidating, offensive, or hostile educational or living environment.



Affirmative Consent

CU-Boulder has an affirmative consent standard. This means:

- Consent for sexual activity must be **clear, knowing, and voluntary**.
- Consent must be clearly established through words or actions.
- A previous sexual encounter or sexual relationship does not mean that consent has been given for future sexual activity.
- Consent to some forms of sexual activity does not automatically imply consent to other forms of sexual activity.
- A person who does not want to consent to sex is not required to resist.
- Silence, previous sexual relationships or the existence of a current relationship do not imply consent.
- Consent cannot be implied by the way someone is dressed or physical appearance and is not inferred from the giving or acceptance of gifts, money or other items.
- Consent can be withdrawn at any time during sexual activity and need not be a verbal withdrawal, as long as it is conveyed clearly.
- A person under the age of 15 cannot legally consent to sex with someone who is 4 or more years older than they are. A person who is 15 or 16 cannot legally consent to sex with someone who is more than 10 years old.
- Engaging in sexual activity with a person who you know or can reasonably recognize to be incapacitated and unable to give consent, violates university policy.