

University of Colorado's Prohibition against Sexual Misconduct- Student Information Guide

Sexual Misconduct, as defined below, is a form of sex discrimination. The University of Colorado ("University") is committed to providing an environment where all individuals can achieve their academic and professional aspirations free from sex discrimination or related retaliation.

Further, it is critical to this commitment that anyone who believes they may have been the target of or has experienced *Sexual Misconduct* in the context of University educational programs, activities or employment, to feel free to report their concerns for appropriate investigation and response, without fear of *retaliation*.

To foster a climate that encourages prevention and reporting of *Sexual Misconduct*, the University will provide prevention efforts, educate the community, respond to all reports promptly, provide interim protection measures to address safety and recognize the inherent dignity of all individuals involved.

The following information is intended to allow you to better understand the University's policies, reporting and the process.

What is Sexual Misconduct?

Sexual Misconduct includes Sexual Assault (non-consensual intercourse or contact), Sexual Harassment, Sexual Exploitation, Intimate Partner Abuse (domestic or dating violence) and Stalking. The University provides campus procedures for resolving reported incidents. The Office of Institutional Equity and Compliance (OIEC) is responsible for enforcing the University's Sexual Misconduct Policy and related procedures (see below in Resources and Reporting).

Any student who engages in Sexual Misconduct can be removed from athletic programs, suspended or expelled from the University, and/or prosecuted criminally.

Examples of Sexual Misconduct include:

- displays of unwelcome, sexually suggestive materials or content
- unwelcome sexual jokes or innuendos;
- unwelcome touching/sexual touching;
- unwelcome flirting or advances;
- pressuring for sex;
- repeated requests for unwelcome dates;
- persistent email or social network communications that makes someone fear for their safety;

- requiring sexual favors in exchange for a grade, a favor or some other benefit;
- non-consensual sexual contact;
- non-consensual sexual intercourse; or
- violence or threatened violence against a person with whom someone has a sexual or dating relationship.

When the University “knows or reasonably should know” about Sexual Misconduct, we are required “to take immediate action to eliminate it, prevent its recurrence and address its effects.” Unlike a criminal investigation, the University must promptly investigate any report; a typical investigation takes up to 60 days unless there are extenuating circumstances which warrant a lengthier investigation. If there is also a criminal investigation, the University does not have to delay in taking full action while the criminal investigation is ongoing.

Consent

Sexual activity requires consent. Consent for sexual activity is clear, knowing, voluntary, mutually understandable words or actions which indicate a willingness to participate in mutually agreeable sexual activity throughout a sexual encounter. Consent cannot be inferred from the absence of a “no”; a clear “yes,” verbal or through actions, is necessary. Consent to some sexual acts does not imply consent to others, nor does past consent to a given act imply present or future consent. Consent must be ongoing throughout a sexual encounter and can be revoked at any time.

Consent cannot be obtained by threat, coercion, or force. Agreement under such circumstances does not constitute consent. Consent cannot be obtained from someone who is asleep or otherwise mentally or physically incapacitated, whether due to alcohol, drugs, or some other condition. A person is mentally or physically impaired when that person lacks the ability to make or act on decisions to engage in sexual activity. Engaging in sexual activity with a person whom you know—or reasonably should know—to be impaired constitutes sexual misconduct.

Consent can only be accurately gauged through direct communication about the decision to engage in sexual activity. Presumptions based upon contextual factors (such as clothing, alcohol consumption, or dancing) are unwarranted, and should not be considered as consent. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and gauging consent, and you are thus urged to seek consent by talking and asking questions. Talking with sexual partners about desires and limits serves as the basis for positive sexual experiences shaped by mutual willingness and respect.

Before the parties can consent to sexual contact with each other, each must understand what the other will accept. If a person indicates not wanting to proceed further it is **not acceptable** to continue that sexual encounter or to try and persuade, pressure or threaten that person to continue.

Recruiting

The conduct that the University expects from student-athletes is the same conduct that they must demand of any recruit who visits the University for an official or unofficial visit. It is absolutely inappropriate for any University athlete to make any type of sexual activity available to recruits during a recruiting visit. This includes, but is not limited to, sex with students or others outside the University community, hiring of strippers for private parties, or attendance at strip clubs.

Student-athletes are responsible for the behavior of any recruit under their supervision and must not allow the recruit to engage in any form of Sexual Misconduct as described above.

Resources & Reporting

- How to file a report with the University (this link also has information on other resources)
 - <http://www.colorado.edu/institutionalequity/reporting-options>
 - Call: (303) 492-2127
 - Email: cureport@colorado.edu
 - Report directly to the Title IX Coordinator for the University: Valerie Simons, (303) 492-5359, valerie.simons@colorado.edu
- Office of Institutional Equity and Compliance
 - For more information on the applicable process, policies and procedures regarding Sexual Misconduct
 - <http://www.colorado.edu/institutionalequity/303-492-2127>
- Office of Victim Assistance
 - Free and **confidential counseling** and advocacy, can help you know your options and rights
 - <http://CUvictimassistance.com>
 - 303-492-8855

University Policies

University of Colorado Sexual Misconduct Policy: <https://www.cu.edu/ope/efficiency-and-effectiveness/presidents-task-force-efficiency/aps-5014-sexual-harassment-policy>

Office of Institutional Equity Process and Procedures 2015-16:

http://www.colorado.edu/institutionalequity/sites/default/files/attached-files/oiec_process_and_procedures_2015-2016_final_7_1_15.pdf