

**The Office of
Student Conduct & Community Standards**

COLORADO STATE UNIVERSITY PUEBLO
STUDENT PLEDGE

I will be ACCOUNTABLE for my actions

I will support and promote CIVIC RESPONSIBILITY

I will be an advocate for FREEDOM OF EXPRESSION

*I will demonstrate INCLUSIVENESS and an appreciation for
diversity*

I will be INNOVATIVE

I will act with INTEGRITY and mutual respect

I will be SUPPORTIVE of the opportunities made available to me

*I will pursue EXCELLENCE in learning and all academic
endeavors*

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Colorado State University Pueblo

Student Code of Conduct

I. PURPOSE

Colorado State University Pueblo strives to achieve a campus community in which individuals demonstrate respect for others, for themselves, and for the University; uphold high standards of personal and academic integrity; are accepting of differences and gain an appreciation for living in a diverse environment; understand the impact of their behavior both upon the University and the larger community; and freely accept the responsibility for and the consequences of their conduct.

To that end, while recognizing that freedom of expression and academic inquiry are inherent to the educational environment, the University expects all members of its community to embody respect, a sense of community, integrity, and a commitment to responsibility.

Upon admission to the University, students share in the obligation to protect the educational and developmental mission of the University through a commitment of respect to the University, themselves, and one another. Additionally, students will retain their individual rights while accepting the responsibility to respect the rights of others and the standard set forth by the University within this Code.

The learning outcomes of the *Student Code of Conduct* are that the student, through their experience in the student conduct process, will be able to:

- Recognize the policy that they allegedly violated
- Explain the impact that their behavior has on them and the University community
- Identify ways they and the community can be positively impacted through social and restorative justice

It should be noted, this *Code* exists as an educational opportunity for students to gain personal and academic development during their time at CSU Pueblo. This *Code* is not meant to serve as a punitive measure; rather, it is to serve as a means to protect the rights of the community and the individual students. If, at any time, a student is unable to share their responsibility in upholding this *Code*, they may be asked to part ways with the University.

II. DEFINITIONS

- **Assistant Dean** for the purposes of this Code means the Assistant Dean of Student Life.
- **Conduct Administrator** means any person given the authority to hold a conduct meeting as designated by the Director of Student Conduct and Community Standards or Assistant Dean.
- **Consent** related to sexual activity is consent that is informed, knowing, and voluntary. Consent is active, not passive, and requires cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. Silence, in and of itself, cannot be interpreted as consent. Sexual activity with someone known, or who should be known, to be mentally or physically incapacitated by alcohol or other drug use, unconscious or in a state of blackout, or otherwise unable to give consent, is not valid consent. A person is considered to be incapable of giving consent when the person lacks the cognitive ability to make an important life decision, and this measure applies even when the same persons have engaged with one another in consensual sex in the past.
- **Director** in this Code means only the Director of Student Conduct and Community Standards.
- **Faculty** members include any person hired by the University to conduct classroom or teaching activities, or who are otherwise considered by the University to be members of its faculty.

- **Members of the University community** include students, faculty, staff, administration, and student organizations, inclusive of Extended Studies.
- **Student Organizations** for the purposes of this document, includes student groups requiring limited membership such as athletics and club sports, as well as student government and Registered Student Organizations recognized by the Office of Student Engagement and Leadership. This term also includes fraternities and sororities that are recognized by the University, even if such organizations are independently chartered.
- **Students** include all persons enrolled in courses at the University, either full- or part-time, pursuing undergraduate, graduate, continuing education or professional studies, as well as persons who are not officially enrolled for a particular term but who have a continuing relationship with the University.
- **The Code** means this document, the *Student Code of Conduct*.
- **University** means Colorado State University Pueblo including all campuses, Extended Studies, etc.
- **University officials** include any person employed by the University to perform assigned administrative or professional responsibilities.
- **University premises** include all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets, vacant land, driveways, roadways, and sidewalks), including the Phoenix Tower location, and Fort Carson, (inclusive of Colorado Springs and Extended Studies).

III. POLICY

A. Student Rights & Responsibilities

Throughout their involvement in the student conduct process, all students have the following rights and responsibilities as outlined below.

1. **The Right to Fair Treatment.** All students have the right to expect a fair and impartial process in which it is the responsibility of the University to show that a violation has occurred before any sanctions are imposed, with the exception of interim actions. This includes the right to object to any conduct administrator based upon a demonstrable and significant bias.
2. **The Right to Privacy.** Students have the right to privacy with respect to all disciplinary action and records, subject to exceptions outlined in the Family Educational Rights and Privacy Act (FERPA).
3. **The Right to Written Notice.** Students have the right to proper written notification of allegations of misconduct, any conduct meeting occurring based on their behavior, and the right to written notification of the results of such meetings.
 - a. Written notification of a conduct meeting shall include the date, time and location of the meeting, the person or group conducting the meeting, the alleged violations committed, and a description of the allegations to be considered.
 - b. Written notification of a decision shall include a specific finding of fact, the violations committed (if any), the sanctions imposed (if any), and the process by which an appeal may be filed.
 - c. Written notice to the student will be provided via electronic mail (e-mail) through a student's university email account. **Students have the responsibility to check their student university email to receive notifications.**

- d. Students have the ability to review information 72 hours prior to the scheduled conduct meeting.

4. The Right to participate in a Conduct Meeting. A conduct meeting is defined as a meeting in which there is an investigation of the allegations. Students have the right to be heard and to discuss the allegations brought forth against them. Students have the right to review and to respond to all information and/or documentation used by a conduct administrator to reach a decision, and the right to provide information, witnesses, and/or documentation of their own to the conduct administrator. These rights should not be construed to allow direct cross-examination of witnesses.

Students who choose not to participate in the conduct process have the right to do so, but the process will continue in their absence to determine if a violation occurred.

- a. Students have the responsibility to arrange for the presentation of any witnesses who may have information pertaining directly to the allegation at the time of the conduct meeting. Disciplinary proceedings will not be rescheduled to accommodate witnesses. Character witnesses may not be considered relevant to an investigation.

5. The Right to an Advisor. Students have the right to the presence of a single advisor of their choice throughout the disciplinary process to assist them with their conduct proceedings. Advisors may freely consult with the students they advise, provided they do not disrupt the proceedings. Advisors may not examine witnesses nor advocate in this advisory role.

- a. Students have the responsibility to arrange for the presence of their chosen advisor. Disciplinary proceedings will not be rescheduled to accommodate an advisor.
- b. An advisor can be an attorney, parent/guardian, faculty or staff member (one who is not or cannot be considered a witness to the event or persons involved in this administrative process), or a trusted friend.
- c. Advisors cannot be a person considered a witness to the alleged violation.

6. The Right to Appeal. Students have the right to request an appeal of a conduct administrator's decision. Students have the responsibility to comply with all sanctions imposed, even during an appeal, until those sanctions have been modified or overturned as a result of an appeal.

B. Jurisdiction

The *Student Code of Conduct* and the student conduct process applies to the conduct of individual students, both undergraduate and graduate, and all student organizations. For the purposes of student conduct, the University considers an individual to be a student when the student has initially enrolled for classes and thereafter as long as the student has a continuing educational interest in the University. The University may take jurisdiction over a student once admitted to the University, if the alleged act committed prior to enrollment is egregious enough that, if found responsible, suspension or expulsion would be warranted.

The University retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated, for any misconduct that occurred prior to the leave, withdrawal or graduation and thereafter as long as the student has a continuing educational interest in the University. If sanctions are assigned and not completed by the deadline imposed, a hold will be placed on the student's account which can affect their ability to enroll, add/drop courses, obtain official transcripts, and/or graduate. All sanctions must be satisfied prior to re-enrollment eligibility.

This *Code* applies to all conduct that occurs on University premises and at University-sponsored activities occurring away from campus, as well as to any off-campus conduct that adversely affects the University community and/or the pursuit of the University's educational mission. The decision whether to extend jurisdiction in a specific off-campus incident shall be made at the discretion of the Director or Assistant Dean.

The Director is not required to take jurisdiction over a student who has allegedly violated the policies or guidelines of an individual academic program or who has allegedly committed a violation of academic policies as outlined in the *Catalog*. Academic programs may have separate codes of conduct and rules and policies that apply to the program that are separate and apart from the *Student Code of Conduct*. In those situations, when the Director does not take jurisdiction, and the student does not have the rights articulated within this *Code* in relation to individual program violations. Pursuant to specific student codes within programs, a student may be dismissed from a program without the involvement of the Director; however, an individual program may not suspend or expel a student from the University.

The *Student Code of Conduct* may be applied to behavior conducted online, via e-mail or other electronic means. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations.

C. Standards of Conduct

The underlying philosophy of the disciplinary process is an educational and restorative one; however, the University reserves the right to take corrective action when appropriate. In enforcing reasonable expectations of its students, the University must maintain a careful balance between the needs of each individual and the rights of others to pursue their goals in a safe and welcoming environment.

1. **Abusive Conduct.** Physical abuse, verbal abuse, threats, intimidation, coercion, and/or other conduct which threatens the mental or physical well-being of any person.
2. **Academic Dishonesty.** Any form of cheating that results in students giving or receiving unauthorized assistance in an academic exercise or receiving credit for work which is not their own.
 - a. Cheating: intentionally using or attempting to use unauthorized materials, information, or study aids in any academic exercise. The term academic exercise includes all forms of work submitted for credit or hours.
 - b. Fabrication: intentional or unauthorized falsification or invention of any information or citation in an academic exercise; or of documentation meant to excuse or justify adjustments related to attendance or completion of work (exams, exercises, etc.).
 - c. Facilitating Academic Dishonesty: intentionally or knowingly helping or attempting to help another commit academic dishonesty.
 - d. Plagiarism: the deliberate adoption or reproduction of ideas, words, or statements of another person as one's own without acknowledgment.
 - e. Unauthorized Collaboration: intentionally sharing information or working together in an academic exercise when such actions are not approved by the course instructor.
3. **Alcohol Misuse.**
 - a. Violation of the University's published Alcohol and Other Drug Policy or the Residence Life and Housing Handbook, if applicable.
 - b. Alcoholic beverages may not be used by, possessed by, or distributed to any person under twenty-one years of age.
 - c. Public intoxication or appearing in a public place believed to be under the influence of alcohol to the degree that the person is likely to endanger themselves

- or another person or property.
- d. Possession, use or distribution of an alcoholic beverage in violation of any state or local law.
4. **Animal Endangerment.** Threatening or endangering the health and safety of an animal is prohibited unless done for the safety of self or others.
 5. **Bullying and Cyberbullying.** Repeated and/or inappropriate behaviors that intentionally intimidate, harm, shame, humiliate, demean, or degrade another person physically or emotionally.
 6. **Discrimination.** Discrimination means conduct that is based upon a Reporting Party/Complainant's protected characteristic(s) and that:
 - a. Excludes a Reporting Party/Complainant from participation in;
 - b. Denies a Reporting Party/Complainant the benefits of;
 - c. Treats a Reporting Party/Complainant differently from others in; or
 - d. Otherwise adversely affects a term or condition of a Reporting Party/Complainant's employment, education, or living environment, or participation in a University program or activity. Discrimination also includes failing to provide reasonable accommodation, consistent with state and federal law, to individuals with disabilities.
 7. **Dishonesty.**
 - a. Providing false or misleading information to any University official, faculty member, office, or public official through omission of information, forged, altered, or misrepresented documents or records.
 - b. Initiating a report that is false to intentionally harm another individual.
 - c. Forgery, alteration, or misuse of any University document, record, key, or instrument of identification and/or access to University facilities; including, but not limited to, transference of items issued by Residence Life and Housing and/or parking.
 8. **Disorderly Conduct.**
 - a. Conduct that is disorderly, lewd, indecent, or otherwise breaches the peace on University premises or at University-sponsored or supervised functions that occur off-campus; including, but not limited to fighting, violent or threatening behavior, unreasonable or excessive noise, use of obscene language or gestures, or behavior that causes a hazardous condition to exist.
 - b. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.
 - c. Conduct of, or participation in an on-campus or off-campus activity that unreasonably interferes with the rights of others to peaceably assemble or to exercise the right of free speech, disrupts the normal functioning of the University, damages property, or endangers the health or safety other members of the University community or disrupts the educational mission of the University. This includes, but is not limited to, leading or inciting others to disrupt scheduled and/or normal operations within any campus building or area.
 9. **Disruptive Behavior.**
 - a. Substantial disruption or interference with any classroom activity. Classroom disruption may include, but not be limited to: non-approved use of electronic devices; cursing or shouting at others in such a way as to be disruptive or other violations of an instructor's expectations for classroom conduct, and any conduct specified in the syllabi.
 - b. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, and/or other University activities, including functions on or off-

campus, or of other authorized activities that occur on University premises.

10. Drug Misuse.

- a. Violation of the University's published Alcohol and Other Drug Policy or the Residence Life and Housing Handbook, if applicable.
- b. Use or possession of marijuana on University premises, even if permitted by State law, is prohibited.
- c. Abuse, misuse, sale or distribution of prescription medications is prohibited. This includes possession, distribution, sharing or use of another's prescription medication or medication used for something other than the prescribed purpose.
- d. Use, possession, manufacturing, sale, delivery or distribution of any controlled substance, narcotic, paraphernalia, or counterfeit substance as defined under state and local law.
- e. Smoking, vaping, or tobacco use is prohibited.

11. Endangerment.

- a. Initiating any false report, warning, or threat of fire, explosion, or other emergency.
- b. Unauthorized use, abuse, or interference with fire safety equipment, or other items intended for use in an emergency.
- c. Bomb threats or similar threats involving dangerous devices or substances.
- d. Behavior which constitutes a significant fire hazard.
- e. Possession of any explosive device or material, including but not limited to, firecrackers, cherry bombs, bottle rockets, dynamite, or chemical, believed to pose a threat.
- f. Any other conduct which endangers the health or safety of any person.

12. Harassment.

- a. Conduct directed at another person that is severe, pervasive, or persistent, and that is intended to or is reasonably likely to create an intimidating, hostile or demeaning environment which interferes with the person's ability to study, work, or participate in daily activity. This conduct may occur through any means, including but not limited to e-mail, social media, and other technological forms of communication.
- b. Unauthorized use of electronic or other devices to make an audio or video recording of any person or persons without their knowledge, or without their effective consent when such a recording is made in a location where there is a reasonable expectation of privacy.

13. Hazing. Any act which is meant to discomfort, harass, ridicule, or embarrass; endangers the mental or physical health or safety of a person; or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, any University team or organization, even if performed with the consent of the victim(s). Members of the team or organization who are aware of hazing and fail to report it to the University are also in violation of this policy.

14. Housing Violation. Failure to follow Residence Life and Housing policies, rules, and regulations and/or a breach of the housing agreement.

15. Intimate Partner Violence.

- a. **Dating Violence** means an act or threatened act of violence upon a Reporting Party/Complainant by a Responding Party who has been in a social relationship of a romantic or intimate nature with the Reporting Party/Complainant. This includes, but is not limited to, threats, sexual or physical abuse, property damage, and violence or threat of violence to one's self, animals, or to the family members of the romantic or intimate partner when used as a method of coercion, control, punishment, intimidation or

revenge. Whether there was a romantic or intimate relationship will be gauged by the length of the relationship, the type of relationship, and frequency of interaction between the persons involved in the relationship. Dating Violence does not include acts covered under the definition of Domestic Violence.

- b. Domestic Violence includes felony or misdemeanor crimes 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 or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

16. Misuse of Technology.

- a. Unauthorized access to University technology resources, such as through the use of another person's identification and/or password.
- b. Accessing, modifying, or transferring electronic files belonging to another person, or to the University, without authorization.
- c. Use of University technology resources in violation of copyright laws.
- d. Unauthorized use of electronic or other devices to make an audio or video record of any person while on University premises without that person's prior knowledge, or without that person's effective consent.
- e. Any act in violation of University policies on the use of technology resources.
- f. Violation of any federal, state or local laws through the use of University technology resources, including University provided email.

17. Non-Compliance with Directives.

- a. Failure to comply with directions of University officials including student staff, conduct administrators, or public officials acting in the performance of their duties, and/or failure to identify oneself to these persons when requested to do so.
- b. Failure to abide by authorized signs and placards posted on University premises and at University sponsored programs.
- c. Failure to comply with assigned disciplinary sanctions.

18. Prohibited Animals. Animals are prohibited in campus buildings, athletic facilities, and at University events, with the exception of service animals or other animals permitted by University policy or by Colorado State law. Animals must be on a leash when in a public area. Failure to leash an animal can be considered a violation of this *Code*.

19. Property Violations.

- a. Attempted or actual theft of University property, or other personal or public property.
- b. Any act causing, likely to cause or intended to cause damage, defacement, or destruction of University property, or other personal or public property without the consent of the lawful owner.

20. Protected Class Harassment. Subjectively unwelcome conduct based upon an individual's actual or perceived Protected Characteristics where either:

- a. Enduring the unwelcome conduct is made either explicitly or implicitly a condition of a Reporting Party/Complainant's continued employment or academic standing; or
- b. The conduct is so severe, pervasive, and/or objectively offensive that the conduct unreasonably interferes with the Reporting Party/Complainant's employment,

academic pursuits, or participation in University activities (i.e. the conduct creates an objectively hostile environment). Generally, a single inappropriate joke or offensive epithet does not create a “hostile environment;” however, being subjected to such conduct repeatedly may constitute a “hostile environment.” In determining whether the alleged conduct warrants corrective action, all relevant circumstances, including the context in which the conduct occurred, will be considered. The existence of a “hostile environment” will be determined on the basis of what is reasonable to persons of ordinary sensitivity and not on the particular sensitivity or reaction of an individual.

21. Retaliation. Intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by the conduct process, Title IX or its implementing regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy.

22. Sexual Misconduct.

a. **Sexual Assault**

An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. The definition of “sexual assault” includes rape, fondling, incest, and statutory rape.

b. **Non-Consensual Sexual Contact**

Intentional sexual contact or touching, however slight, by a Responding Party of a Reporting Party/Complainant’s Intimate Body Parts (or any materials such as clothing, covering the immediate area of the Intimate Body Parts) without the Reporting Party/Complainant’s Consent and/or by force; or Intentional sexual contact or touching, however slight, of a Reporting Party/Complainant with a Responding Party’s Intimate Body Parts (or any materials such as clothing, covering the immediate area of the Intimate Body Parts) without the Reporting Party/Complainant’s Consent and/or by force.

c. **Non-Consensual Sexual Intercourse**

Oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the contact or penetration, without the Reporting Party/Complainant’s Consent and/or by force; or penetration, no matter how slight, of a person’s vagina or anus with any body part or object without the Reporting Party/Complainant’s Consent and/or by force.

d. **Sexual Exploitation**

Conduct involving a Responding Party taking, or attempting to take, non-consensual or abusive sexual advantage of a Reporting Party/Complainant when such conduct would not otherwise be defined as Non-Consensual Sexual Contact, Non-Consensual Sexual Intercourse, or Sexual Harassment including, but not limited to:

Producing, distributing, receiving, or possessing illegal pornography, regardless of whether or not the illegal pornography is physical or digital;

Engaging in sexual voyeurism or knowingly allowing another individual to engage in sexual voyeurism, either in person or through electronic means;

Producing, creating, distributing, intentionally receiving, or possessing pictures/videos of a sexual nature, or otherwise creating a record or recording of a sexual nature without the Consent of all of the parties depicted in the materials or exceeding the boundaries of that Consent;

Benefiting, promoting, or earning money from the prostitution of another individual; or

Intentionally exposing one's genitals in non-consensual circumstances or inducing another to expose their genitals in non-consensual circumstances.

e. **Sexual Harassment.**

Conduct on the basis of sex that satisfies one or more of the following:

An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;

Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's Education Program or Activity; or

Sexual assault as defined in 20 U.S.C. § 1092(f)(6)(A)(v), dating violence as defined in 34 U.S.C. § 12291(a)(1), domestic violence as defined in 34 U.S.C. § 12291(a)(8), or stalking as defined in 34 U.S.C. 12291(a)(30).

23. Stalking. The term "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.

24. Violation of Community Standards.

- a. Violation of any University policy, rule, or regulation not otherwise specified in this *Code*.
- b. Violation of any federal, state, or local law or ordinance.
- c. Failure to report any violations of this *Code*, University policy, and/or laws involving a campus community member.
- d. Failure to report any serious health or safety risk on campus to appropriate law enforcement and/or University officials.

25. Weapons Violations.

- a. Possession of a deadly weapon or firearm on University property or at University sanctioned events or activities without proper licensure or permit or otherwise in violation of state law.
- b. Possession of a firearm in University housing, including Walking Stick Apartments, even with a concealed carry permit.
- c. Knives with blades larger than 3.5 inches, except hunting and fishing knives being used for that purpose, bludgeons, explosives, bombs, incendiary devices; dangerous chemicals, substances, or materials, or other items that are prohibited by Colorado State law.
- d. Use of any item, even if legally possessed, in a manner that harms another person, or is used to threaten another person, causes, or would cause, a reasonable person to be fearful, is prohibited.

IV. PROCEDURE

A. Relationship to Civil Litigation or Criminal Charges

Disciplinary action by the University is not intended to replace or conflict with other lawful means of accountability, including but not limited to, criminal charges and/or civil litigation. Regardless of whether criminal charges are filed for the alleged behavior, the University may pursue disciplinary action under this *Code* as it deems appropriate. Such action may not normally be waived or postponed solely due to concurrent criminal or civil proceedings, nor shall the reduction or dismissal of criminal charges be taken as sufficient reason to defer disciplinary action. In exceptional circumstances, the University may deem it appropriate to delay formal disciplinary action due to the existence of external legal proceedings. Such decisions shall be made at the discretion of the Director or Assistant Dean.

B. Student Organizations

As an essential part of the University community, Student Organizations are expected to conduct their activities at all times in a manner that reflects the values, mission, and goals of Colorado State University Pueblo as well as expectations defined in the Student Organization Handbook. Student Organizations are subject to this *Code* in the same manner as individual students. Alleged violations on the part of Student Organizations shall be investigated by the Office of Student Conduct in conjunction with the appropriate University offices or departments. Any incidence of misconduct may result in disciplinary action against a Student Organization as a whole, as well as against one or more individual members.

Actions may be considered violations of this *Code* when those actions take place at organization-sponsored or co-sponsored events, whether sponsorship is formally linked to the organization, or believed to be related to the organization; when parties involved have received the consent or encouragement of the organization or the organization's leaders or administrators; or when those actions were known or should have been known to the membership or its administrators and they did not prevent the violations occurrence.

Meetings for Student Organizations follow the same general student conduct procedures as individual students.

C. Academic Complaints/Violations

Students found in violation of the *Academic Integrity Policy* found in the *Catalog* https://www.csupueblo.edu/catalog/_doc/Catalog2018-2019.pdf may be reported to the Office of Student Conduct by the academic department or faculty member finding the violation. While the student may face consequences within their academic department or course, students are also held subject to a violation of this *Code* and can be charged in addition to any action imposed by a faculty member or academic department. Students found in repeated violation of the academic integrity policy are subject to suspension from CSU-Pueblo at the discretion of the Director.

D. Sexual Misconduct Complaints/Violations

Students found in violation of the *Title IX, Sexual Harassment and Gender Discrimination Policy* will be held accountable as stated in the policies and procedures provided within that policy. The process for investigations of allegations of violation of the policy are found on the Office of Human Resources and Institutional Equity webpage: <https://www.csupueblo.edu/institutional-equity/>. Any student found in violation of that Policy is subject to sanctioning by the Director, or designee. Allegations that fall under the definition of Sexual harassment as defined by the *Title IX, Sexual Harassment and Gender Discrimination Policy* but fall outside of the jurisdiction/applicability of that policy may follow the process prescribed by that policy as opposed to the process outlined in the Student Code of Conduct.

E. Reporting Process

Any person may file a report (*Reporting Party/Complainant*) with the Office of Student Conduct alleging student misconduct of another student (*Responding Party*). The University may serve as the Reporting Party/Complainant in any action. Once a report has been received, the University retains the right to proceed with the disciplinary process, even if a Reporting Party/Complainant later chooses to retract, rescind, or recant any or all of the report and/or chooses not to cooperate.

The Office of Student Conduct may share or refer a report to other offices, agencies, and/or jurisdictions as appropriate (e.g. the Office of Equal Opportunity, Affirmative Action and Title IX, Department of Residence Life & Housing, Pueblo County Sheriff's Office, Pueblo Police Department, etc.).

There is no time limit on reporting violations of the Student Code of Conduct; however, the longer someone waits to report an offense, the harder it becomes for University officials to obtain information and witness statements, and to make determinations regarding alleged violations.

Though anonymous reports are permitted, doing so may limit the University's ability to investigate and to respond to a report. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of Student Conduct, the Pueblo County Sheriff's Office at CSU Pueblo, and/or the Title IX

office.

F. The Conduct Process

1. Report Review & Investigation

Once a report has been filed with the Office of Student Conduct, it shall be resolved in one of the following ways at the discretion of the Director:

- If a report is unable to be verified or to be evidenced at the time it is filed, no further action shall be taken. The University may resume action on any report should further relevant information become available to substantiate the original report.
- Further investigation may be conducted by the Director, or designee, if it is determined that the report may be substantive.

2. Interim Actions

All students have the right to continue their education free from the threat of harassment, abuse, retribution, and/or violence. The University may take whatever immediate measures it deems necessary in order to protect the safety, security, and/or integrity of a student, the University, and/or any member(s) of the community.

The Director, or designee, may impose restrictions and/or separate a student from the community pending the completion of a campus meeting on the alleged violation(s) of the Student Code of Conduct when a student

- represents a threat of serious harm to others,
 - is facing allegations of serious criminal activity,
 - to preserve the integrity of an investigation,
 - to preserve University property and/or to prevent disruption of, or interference with, the normal operations of the University.
- a. **No Contact Orders**-A No Contact Order (NCO) is a directive to refrain from any intentional contact, direct or indirect, with one or more designated persons or group(s) through any means, including personal contact, electronic, telephone, or third parties. All parties issued an NCO are held responsible for following the directive regardless whether they are the Reporting Party/Complainant or Responding Party. Violating a No Contact Order can result in suspension from CSU Pueblo for either party.
 - b. **Interim Suspension**-During an interim suspension, students may be denied access to University premises and/or all University activities or privileges for which the student might otherwise be eligible, as may be deemed appropriate. Whenever an interim suspension is imposed, a conduct meeting shall be conducted in a timely manner. Students who have been suspended on an interim basis and whose suspension upon meeting or appeal is found to have been unwarranted, shall be provided full opportunity to re-establish their academic and student standing to the extent possible within the abilities of the University, including the opportunity to take examinations, make up class assignments, or otherwise complete course assignments missed due to the Interim Suspension. Students who have been suspended on an interim basis and then found to be in violation of the Code do not have the right to any refund or reimbursement for tuition, fees, room and board or any other expense associated with attending the university. Any reimbursable funds made available to a student found not responsible will be determined on a case by case basis.
 - c. **No Trespass**-A student may be issued a directive stating they are not permitted on campus or in particular parts of campus. In the event of a No Trespass, a student will be given specific parameters of their inability to be in a certain area of campus until a specified time. Students issued a No Trespass from certain areas of campus paid for by student fees do not have the

- right to any refund in student fees.
- d. **Temporary Removal**-The University reserves the right to temporarily remove a student from a classroom or on-campus housing in the event that it is deemed necessary to protect the health and safety of the campus or the integrity of an investigation. All measures will be made to prevent the disturbance of a student's academic studies when possible.

3. **Conduct Meetings**

- a. Students will be notified of an allegation being reported against them through a letter they receive via their student e-mail. This letter will detail the time/location of the meeting, and allegations made as stated in section III of this *Code*.
- b. Students are required to contact the Office of Student Conduct within five (5) business days of the letter being sent.
- c. The purpose of a Meeting is to evaluate the information presented to the Office of Student Conduct. Students are responsible for bringing any information they may have to this meeting as well.
- d. Students will have the opportunity prior to this meeting to see all of the information related to their alleged violation of the *Code*.
- e. This meeting will be held to determine whether any of the standards of conduct outlined in this *Code* may have been violated, and, if so, what sanctions are to be imposed to remedy the situation or prevent a reoccurrence.

Students are not required to participate in a conduct meeting; but failure to participate does not waive a student of responsibility. If a violation is found, a student is still subject to the sanctions imposed.

4. **Information.** The Reporting Party/Complainant(s) and the Responding Party(s) may provide information to the conduct administrator(s) for consideration, including witness statements, emails, photographs, etc.
5. **Standard of Proof.** Determinations shall be made on the basis of a preponderance of the evidence, i.e. whether it is more likely than not that the Responding Party(s) committed the alleged violation(s). Formal rules of process, procedure, and/or technical rules of evidence, such as those applied in civil or criminal courts, are not utilized in student conduct meetings.
6. **Witnesses.**
 - a. Students from either Reporting or Responding Party(s) may provide any witnesses with knowledge of relevant, first-hand information to the case.
 - b. Character witnesses may be considered in the event a Responding Party is found responsible. Character witnesses will be used solely to determine sanctions and character witness information must be provided in writing to the conduct administrator prior to, or during, the conduct meeting.
 - c. There is no limit to how many witness statements can be submitted, but the impact of witness statements on the conclusion of a case is at the discretion of the conduct administrator.
7. **Conduct Administrators.** Administrators may be persons or groups designated by the University and trained by the Director to conduct meetings. The exact process by which each of these administrators convene, consider evidence, and determine sanctions is determined in consultation with the Director or Assistant Dean. A *Panel* of staff and faculty from the campus community may conduct meetings in place of a single administrator in the event of a conflict with any administrator, at the discretion of the Director, or at the request of a student, when possible.
8. **Decisions.** Decisions made as a result of any meeting shall be provided in writing to the Responding Party(s) and sent via their student e-mail account. Responding Party(s) are responsible for checking their e-mail and receiving the outcome. If, for any reason, a

student's University e-mail account is not in working order and the email is returned, the conduct administrator may make the decision to either send the response to a personal e-mail account verified by the student, or via US Mail to the address on file in the student's University account.

At any time the Conduct Administrator may institute additional procedures, or modify any stated timelines, in the interest of assuring due process for all parties involved.

G. Appeals

A student may request an appeal of a decision made by any conduct administrator in any instance not specified as final, such as, in the case of an Appeal Committee. All sanctions determined by the original conduct administrator remain in effect during the appeal process.

A student may appeal on one of the four following grounds:

- A procedural error occurred that significantly impacted the outcome of the initial meeting.
- The information presented in the initial meeting was insufficient to establish a preponderance or "more likely than not" standard that a violation occurred.
- The sanction(s) imposed in the initial meeting were substantially disproportionate to the severity of the violation(s) committed.
- New and significant information is now available, sufficient enough to alter the decision, which was not known at the time of the initial disciplinary meeting. (Failure to provide information or to participate in a meeting or investigation, even when resulting from concern over pending criminal or civil proceedings, does not make information "unavailable" at the time of the meeting.)

Any party submitting an appeal request must do so in writing via the *Conduct Appeal* form found on their decision letter, or on the OSCCS website (https://www.csupueblo.edu/student-affairs/_doc/appeal-form.pdf) no later than five (5) business days following the day the student was notified of the decision of the original conduct administrator. A student has been notified of the decision of the original conduct administrator at the day and time the decision was e-mailed to the student. A business day is considered Monday through Friday between the hours of 8am-5pm, excluding University closure days.

Neither students nor conduct administrators present directly to the panel, therefore all information regarding the appeal must be provided in writing. Students are permitted to submit one appeal form. Any additional information not provided in the original appeal form will not be considered during the appeal. It is strongly advised that a student not complete the appeal form until they have all information needed.

Once the appeal is received by the Assistant Dean, or designee, they will conduct an initial review to determine if the request for appeal is timely.

All parties will be informed via their student university email account of

- the acceptance their appeal (when timely submitted),
- the members of the Appeal Committee to determine any conflicts of interest, and
- the Appeal Committee's anticipated timeline. Any conflicts or concerns with the timeline must be expressed by the students within two (2) business days.

If the appeal is not timely and cannot be accepted, they will be notified by the Assistant Dean, or designee, that their appeal cannot be accepted. If the request for appeal is not timely (not within the five (5) day timeframe allotted) the original finding and sanction will stand and the decision is final with no further right to appeal.

If the request for appeal is timely, the Assistant Dean, or designee, will:

- Inform the original conduct administrator of the appeal and provide the Conduct Appeal form to the conduct administrator. The conduct administrator will respond within three (3) business days and provide the response to the Assistant Dean, or designee.
- Then, refer the case to an Appeal Committee to review *only* the specific grounds requested in the Conduct Appeal form. The Panel will be provided access to the case information so that a decision may be made.

An appeal being granted does not give the opportunity for a case to be reheard. Rather, the appeal is used to determine if:

- one or more of the four grounds for an appeal has been satisfied and
- what, if anything, should occur based on their findings

The Appeal Committee will resolve the appeal in one of the following ways:

- Uphold the decision of the original conduct administrator; or
- Return the case to the original conduct administrator with specific findings or recommendations, including but not limited to: re-hearing of the matter, consideration of additional evidence, and/or modification of sanctions;
- Refer the case to a new conduct administrator for review; or
- Dismiss the case on the grounds that no reasonable party could have found the Responding Party responsible for the allegation(s) submitted.

The Appeal Committee will provide detailed findings, recommendations, and rationale for their decision. The decision will be provided to the Assistant Dean, or designee, who will forward the decision, along with any instructions, to the party and the conduct administrator. If the decision includes a recommendation for suspension or expulsion, the decision must be reviewed and approved by the Dean of Students. If the Dean of Students does not agree with the recommendation to suspend or expel the student, then the Dean of Students must provide rationale for that decision and any sanctions or actions that must be taken by the Student. Any finding made during the appeal process, including any decision made by the Dean of Students, will be considered final and no longer eligible for appeal.

H. Disciplinary Actions

1. Findings

- a. A student may be found responsible for a violation when there is enough evidence for a conduct administrator to believe the student engaged in the alleged conduct violation.
- b. A student may be found not responsible when not enough evidence exists to find the student responsible for a violation.
- c. An educational conversation may be had with a student when a policy violation may exist but it is determined by the conduct administrator that a conversation would be more appropriate than a sanction to remedy the behavior.

2. Student Standing/University Status

- a. A **warning** is given to notify a student that past behavior has been inconsistent with the expectations of the University. A warning has no immediate effect upon a student's standing at the University. However, once given a warning, students should expect more serious sanctions to result from any subsequent violations.
- b. **Probation** serves to notify a student that further transgressions must be avoided

for a specified period in order for the student to remain a part the University community. During a student's probationary period, that student is *not in good disciplinary standing* with the University; as a result, certain co-curricular activities may be prohibited at the discretion of the Director, eligibility for participation in certain activities including study abroad programs, attending conferences, maintaining office in any student organization, or representing the University at official functions, events or intercollegiate competition as a player, manager or student coach, may be restricted. Lack of good standing can also be a considering factor in a student's employment with the University. Any further violations while on probation can result in a student's suspension or dismissal from the University.

- c. **Deferred suspension** is when the suspension will be automatically enforced if the student fails to complete any assigned sanctions by the deadline and/or for any subsequent violations of the *Code*. If the student is found responsible for any subsequent violations of the *Code*, the student will be automatically suspended from the University in addition to the other sanctions imposed for the subsequent violation. During a student's deferred suspension period, that student *is not in good disciplinary standing* with the University; as a result, certain co-curricular activities will be prohibited by the Director, eligibility for participation in certain activities including study abroad programs, attending conferences, maintaining office in any student organization, or representing the University at official functions, events or intercollegiate competition as a player, manager or student coach, will be restricted. Lack of good standing will also be a considering factor in a student's employment with the University.
- d. A student who has been **suspended** from the University may not participate in any University activities, academic or otherwise, for a specific period, and may be restricted from University premises. This sanction will be noted as a Suspension on the student's official academic transcript and the student will be withdrawn from all courses. A suspended student who wishes to re-enroll must apply for re-entry to the University and must also petition the Director, who shall determine whether any and all requirements for readmission have been satisfactorily completed.
- e. **Expulsion** is permanent separation and removal from the University. A student who has been expelled from the University is permanently prohibited from participating in any University activities, academic or otherwise, and will be restricted from all University premises and activities. This sanction will be noted as Expelled on the student's official academic transcript and the student will be withdrawn from all courses.

3. Sanctions

If found responsible for violating the standards held within this *Code*, a student may be asked to complete certain actions to remedy their behavior or prevent its reoccurrence. In considering the appropriate sanction for a particular incidence of misconduct, any or all of the following factors may be considered:

- The circumstances surrounding the misconduct, including the Responding Party's intent when committing the offense, including any aggravating and mitigating factors involved.
- The actual and potential consequences of the misconduct, including the egregious nature of the action.
- The precedent established by the University for similar misconduct.
- The previous disciplinary history of the student, if any. It is the student's responsibility to review his or her conduct record, and the student may be deemed to have knowledge of his or

her record of previous conduct violations and sanctions, whether or not the student chooses to review the record.

- The student's attitude throughout the process.

Sanctions are not limited to the information contained here (see sanction guidelines table), but can include one or more of the following:

Assessment/ Consultation	Student may be required to complete a psychiatric assessment, mental health assessment, or consultation to ensure their ability to participate in the campus community.
Coach/University Employer Referral	A student's coach or University employer may be notified of the incident, if applicable.
Community Service/Activity	Requirement that services be offered for a specified period to an appropriate non-profit community agency and/or to a university office.
Educational Assignment	A student is required to complete a specified educational assignment related to the violation committed. Such educational assignments may include completion of a workshop or seminar, class, report, paper, project, writing a letter of apology, seeking academic counseling or substance abuse screening, alcohol or drug program and/or consultation, counseling consultation, psychological or psychiatric evaluation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible.
Educational Fund Payment	Reasonable fees may be imposed.
Loss of Privileges	A limitation is placed upon selected privileges for a specific period of time. Loss of privileges may include, but may not be limited to, denial of the right to represent the university, a denial of the use of campus facilities or access to areas of campus, or denial from participation in co-curricular activities. Should a student hold a leadership position on campus, that status may be revoked.
Medical Amnesty	CSU-Pueblo encourages all students to call for help when any sign of alcohol poisoning or drug overdose is observed. Students who call for help to assist a friend or themselves and the student in need of assistance may be eligible for medical amnesty. Students who are provided medical amnesty will not be subject to disciplinary sanctions; however, educational sanctions may be applied. Receipt of medical amnesty is at the discretion of the Director, or designee.
Residence Hall Transfer or Removal	A student is required to transfer residence halls or leave the residence halls for a specified or indefinite period of time.

Restitution	Reimbursement for damage or loss of property or expenses of others as a result of the misconduct.
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V. IMPLEMENTATION & APPROVAL

A. Interpretation & Revision

Under the authority of the President, any question of interpretation or application of the Student Code of Conduct shall be referred to the Assistant Dean for final determination. The Student Code of Conduct shall be reviewed a minimum of every three years under the direction of the Assistant Dean, in consultation with the Office of General Counsel and subject to the approval of the University President and Board of Governors.

B. Disciplinary Records & Notice

The Office of Student Conduct shall maintain records of all disciplinary action in accordance with university policies and federal legislation. All conduct records are maintained by the University for seven (7) years from the time of their creation, except those that result in separation from the University (suspension or expulsion) which are kept indefinitely unless appealed. Appeals to have a violation removed from a student record after seven years must be done so in writing to the Director. Criteria to apply for an appeal are as follows: no further violations for the past seven years, finding may not include violent offenses such as sexual assault or threats of violence.

- 1. Parental Notification.** The University may notify the parents or guardians of any student under the age of twenty-one who has been found in violation of University alcohol and/or drug policies. The University may also notify the parents or guardians of any student who has been found in violation of University policies related to the health and safety of the campus community.
- 2. Public Notification.** The University does not normally make disciplinary records public, even in cases where such notification is permitted by law. However, the community may be notified of the University's response to behavior that had a significant impact on the safety and security of the campus. Victim names will not be released.

VI. CONTACT INFORMATION

S. Nicole Ferguson, M.Ed.
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719-549-2092
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Assistant Dean for Student Life
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Appendix A

Policies of CSU Pueblo

University Policy



Policy Title: Alcohol and Other Drug Policy

Category: Student Affairs

Owner: Vice President for Enrollment Management, Communications and Student Affairs

Policy ID#: 12-002-01

Contact:
Student Conduct

Effective Date:
8/8/2013

POLICY PURPOSE:

CSU-Pueblo recognizes the dangers, effects and consequences that alcohol and other drugs have on the success of students. Health Education and Promotion (HEP) believes that student health and safety is a fundamental step in developing and sustaining an environment that enhances academic and student success.

CSU-Pueblo students, student organizations, Greek organizations, athletic teams, club sports teams, and their visitors must comply with all local, state, and federal laws concerning alcohol and other drugs.

CSU-Pueblo will not tolerate the excessive, inappropriate, or illegal use or abuse of alcohol or other drugs on or off campus property. CSU-Pueblo adjudicates off-campus cases that are judged to impact the University's educational mission and/or the health and safety of members of the community.

POLICY APPLIES TO (Persons affected by):

All Students

EXEMPTIONS:

Under certain circumstances, registered student organizations or university-sponsored functions, may be granted an exemption from the alcohol-free event policy

DEFINITIONS:

Alcohol- any substance which is or contains ethyl alcohol that is designed for the purpose of human consumption

AOD- alcohol and/or other drug is referred to by this acronym

BAC- blood alcohol content is referred to by this acronym. BAC is the percentage of alcohol in the bloodstream: under the laws of most states, a BAC of 0.08 is the legal definition of intoxication.

Binge Drinking- is a pattern of drinking that brings blood alcohol concentration (BAC) levels to 0.08 g/dL. This typically occurs after 4 drinks for women and 5 drinks for men—in about 2 hours.

Cannabis- a tall plant with a stiff upright stem, divided serrated leaves, and glandular hairs. It is used to produce hemp fiber and as a psychotropic drug. Can cause short-term effects such as slow reflexes; increase in forgetfulness; alters judgment of space and distance; aggravate pre-existing heart and/or mental health

problems; long-term health effects include permanent damage to lungs, reproductive organs and brain function; can interfere with physical, psychological, social development of young users.

Illicit Substances- Please refer to: <https://www.dea diversion.usdoj.gov/schedules/> for a complete list of all scheduled controlled substances.

Medical Amnesty- An exception or pardon from disciplinary sanctions when a student calls for medical help for themselves and/or others.

Medicinal- refers to the medical use of cannabis or to medical cannabis dispensaries.

Possession- is an act where a student has or holds any amount of an alcoholic beverage anywhere on his or her person

Smoking- means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, e-cigarette, water pipe, or device used to inhale substances other than prescribed medications.

Standard Drink-

- One 12 oz. beer containing 5% alcohol
- One 5 oz. glass of wine containing 12% alcohol
- One 1.5 oz. shot of liquor containing 40% alcohol

Tetrahydrocannabinol (THC)- is the main cannabinoid found in the cannabis plant and is responsible for the majority of the plant's psychoactive properties.

Tobacco Products- means all forms of tobacco and imitation tobacco products, including but not limited to cigarettes, cigars, pipes, water pipes (hookah), electronic/e-cigarettes, vape pens and smokeless or "spit" tobacco, and specific nicotine products.

POLICY STATEMENT:

Alcohol

Underage Possession or Consumption

If you are under age 21, you cannot purchase, possess, or consume alcohol.

Providing Alcohol to Minors

No student, regardless of age, shall provide alcohol to anyone under age 21.

Public Intoxication

Being intoxicated by alcohol in a public space and being a danger to yourself or others is prohibited.

Severe Intoxication

Being intoxicated by alcohol to a level that requires, or appears to require, medical attention or supervision by others, is prohibited.

Drinking Games

Possession or use of drinking devices that dispense alcohol, such as funnels, luges, keg taps, etc. is prohibited. The promotion, possession, or playing of alcohol drinking games that encourages binge drinking is prohibited.

Drinking Paraphernalia

Possession of empty or full alcohol containers that include but are not limited to: shot glasses, wine bottles, beer cans, wine glasses, etc. is prohibited.

Alcohol in University Housing

Possession and consumption of alcohol for Residential Students is further detailed in the *Residence Life and Housing Handbook*. Please refer to this handbook for University Housing specific alcohol policies.

Irresponsible Serving of Alcohol

Students must practice responsible serving procedures. Irresponsible serving procedures include but are not limited to: providing alcohol to intoxicated individuals, providing alcohol to minors, allowing such individuals to drive, or creating environments for binge drinking.

Driving While Ability Impaired or Driving Under the Influence

Students are required to follow the laws of the State of Colorado regarding alcohol and/or drugs and driving. Students receiving citations for DWAI or DUI may also be sanctioned by the University.

Marijuana

Possession, Use, or Sale of Marijuana

Pursuant to Federal law, possession, use, or sale of marijuana in any form (flower, wax, oil, edibles, etc.) is prohibited on campus. Marijuana possession, use or sale is also prohibited at University sponsored events, even if held off-campus.

Medical Marijuana

Students and guests who have been issued a Medical Marijuana Identification Card by the State of Colorado, or have a license from another state, may NOT possess, use, or sell marijuana on University property, including in University housing areas. Medical Marijuana possession, use or sale is also prohibited at University sponsored events, even if held off-campus.

Advertisement and Promotion

Marijuana industry promotions, advertising, marketing, and distribution are prohibited on any campus-owned or campus-leased grounds/facilities.

Smoking Paraphernalia

Possession of used or unused marijuana paraphernalia that includes but is not limited to: pipes, water pipes, bong, vaporizers, blunts/wrappers/papers, etc. is prohibited.

**This policy is in accordance with the Controlled Substances Act and the Drug-Free Schools and Communities Act

Tobacco

Tobacco and Vape Free Campus

Tobacco use and smoking to include, cigarettes, e-cigarettes, vape pens, and chewing tobacco is prohibited in all campus buildings and on all campus grounds whether the property is owned or leased by CSU-Pueblo, and in all campus-owned vehicles. Please refer to the University's *Smoking and Tobacco Policy* for more information.

Illicit Drugs

Possession, Use, or Sale of Illicit Substances

Possession, use, or sale of illicit substances is prohibited. Illicit substances include scheduled amphetamines, anabolic steroids, cocaine, hallucinogens, heroin, inhalants, marijuana, methamphetamines, tranquilizers, etc.

Prescription Medication

Students or guests who have been prescribed medications (including scheduled drugs) may only use those medications as prescribed by their treating physician. Any other use or unauthorized sale is prohibited. All

prescription medication must remain in the original labeled packaging to the individual that it was prescribed to. Possession or use of prescription medication that has not been prescribed by the student's treating physician is prohibited.

Medical Amnesty

Medical Amnesty

CSU-Pueblo encourages all students to call for help when any sign of alcohol poisoning or drug overdose is observed. Students who call for help to assist a friend or themselves may be eligible for medical amnesty. Students who are provided medical amnesty shall not be subject to disciplinary sanctions; however, educational sanctions may be applied. Receipt of medical amnesty is at the discretion of the Director of Student Conduct.

Below is a list of situations where medical amnesty may be claimed:

If a student calls for medical assistance for another student or themselves because of severe alcohol intoxication, overdose, or physical injury by calling 911 or the Pueblo County Sheriff's Department (719-549-2373), the individual initiating the call and the student needing medical assistance may be able to claim medical amnesty.

If a student calls for medical assistance because of his/her own severe alcohol intoxication, overdose, or physical injury by calling 911 or the Pueblo County Sheriff's Department (719-549-2373), the individual initiating the call may be able to claim medical amnesty.

If a representative of an organization hosting an event calls for medical attention for an individual present at their event and works cooperatively with responders, the individual initiating the call, the organization, and the student needing medical assistance may be able to claim medical amnesty, if the situation is an isolated event.

Failure to Respond to an Alcohol or Drug-Related Emergency: Students who fail to call for medical assistance in an alcohol or drug-related emergency may be subject to disciplinary action and may receive enhanced sanctions.

PROCEDURE:

Violations of this Alcohol and Other Drug Policy shall be sanctioned in accordance with the Student Code of Conduct and the Alcohol and Other Drug Sanction Table. The University may sanction violations of standards that occurred off-campus and have or may have threatened to cause an impact on the University's activities, or on the health, safety, or security of the University, its members, or the community. The decision whether to adjudicate a specific off-campus incident shall be made at the discretion of the Director of Student Conduct.

RELATED LAWS, POLICIES & PROCEDURES:

AOD Sanction Table

Smoking and Tobacco Policy

Student Code of Conduct

Residence Life and Housing Handbook

Alcohol & Other Drug Sanction Guideline Table

*These guidelines are to be used in charging students for the below listed violations. CSU-Pueblo reserves the right to alter these guidelines as needed.

		Fine and Restitution	Service/ Activity	Coach/Employer Referral	Parental Notification	Educational Sanction	AOD Assessment	Probation With or Without Restriction	Residence Hall Status	University Status
<ul style="list-style-type: none"> Any alcohol specific violation in accordance with the AOD policy 	Any First Offense	\$50 and restitution if any	10 hrs	✓		✓	E-CheckUp +\$20 fee	1 year from the date charged		
	Any Second Offense	\$100 and restitution if any	20 hrs	✓	✓	✓	Choices	Until Graduation	Removal possible	
	Any Third Offense	\$200 and restitution if any	40 hrs	✓	✓	✓	AOD AX	Probation Restriction/ Activities Prohibited	Removal	Suspension Possible (Deferred)
<ul style="list-style-type: none"> Possession of marijuana / marijuana paraphernalia Use of marijuana (even if of age) Smoking in a campus building 	Any First Offense	\$50 and restitution if any	10 hrs	✓		✓	E-CheckUp +\$20 fee	1 year from date charged		
	Any Second Offense	\$100 and restitution if any	20 hrs	✓	✓	✓	Choices	Until Graduation	Removal possible	
	Any Third Offense	\$200 and restitution if any	40 hrs	✓	✓	✓	AOD AX	Probation Restriction/ Activities Prohibited	Removal	Suspension Possible (Deferred)
<ul style="list-style-type: none"> Any of the above violations with associated legal charges 	Any First Offense	\$100 and restitution if any	20 hrs	✓	✓	✓	Choices	1 year from the date charged	Removal possible	
	Any Second Offense	\$200 and restitution if any	40 hrs	✓	✓	✓	AOD AX	Probation Restriction Until Graduation/ Activities Prohibited	Removal	Suspension possible (Deferred)
	Any Third Offense	\$400 and restitution if any		✓	✓	✓				Suspension or Expulsion
<ul style="list-style-type: none"> Possession or use of illegal substances (not marijuana) Sale or distribution of illegal substances (including marijuana) Improper use of prescription drugs 	Any First Offense	\$200 and restitution if any	40 hrs	✓	✓	✓	AOD AX	Probation Restriction Until Graduation/ Activities Prohibited	Removal	Suspension Possible (Deferred)
	Any Second Offense	\$400 and restitution if any		✓	✓	✓				Suspension or Expulsion

Appendix B

**POLICIES OF COLORADO STATE UNIVERSITY PUEBLO
UNIVERSITY POLICY FORM**

Policy Title: Title IX, Sexual Harassment and Gender Discrimination	Policy ID #: Category: Select a Category: Contact(s):
<input type="checkbox"/> Draft	<input checked="" type="checkbox"/> Final
<input checked="" type="checkbox"/> New Policy <input type="checkbox"/> Revision of Existing Policy	Effective Date: August 6, 2020

A. POLICY PURPOSE:

In 1972 the Federal Education Amendments, known as Title IX, were signed into law. The law states “no person in the [United States](#) shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to [discrimination](#) under any education program or activity receiving Federal financial assistance. The Department of Education promulgated new regulations under Title IX in May 2020. This policy addresses the requirements of the new regulations and the University’s response to Sexual Harassment and Gender Discrimination.

B. POLICY APPLIES TO (Persons affected by):

Students, Employees and Campus Community Members.

C. DEFINITIONS:

1. Actual Knowledge - Notice of Sexual Harassment or allegations of Sexual Harassment to the University’s Title IX Coordinator or any Official With Authority.
2. Campus Community Members - Individuals who have applied for admission, or those who visit campus or work on campus that are not students or employees of the University.
3. Complainant - An individual who, at the time of filing a Formal Complaint, is participating in or attempting to participate in an Education Program or Activity and who is alleged to be the victim of conduct that could constitute Sexual Harassment.
4. Consent to sexual activity is consent that is informed, knowing and voluntary. Consent is active, not passive, and requires cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. Silence, in and of itself, cannot be interpreted as consent. Sexual activity with someone known, or who should be known, to be mentally or physically incapacitated by alcohol or other drug use, unconscious or in a state of blackout, or otherwise unable to give consent, is not valid consent. A person is considered to be incapable of giving consent when the person lacks the cognitive ability to make an important life decision, and this measure applies even when the same persons have engaged with one another in consensual sex in the past.
5. Dating Violence - The term “dating violence means violence committed by a person:
 - a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship.
 - ii. The type of relationship.
 - iii. The frequency of interaction between the persons involved in the relationship.
6. Deliberate Indifference - A response to Sexual Harassment by the University that is clearly

unreasonable in light of the known circumstances.

7. Domestic Violence - The term “[domestic violence](#)” includes felony or misdemeanor crimes 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 or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or [youth](#) victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.
8. Education Program or Activity - The term “education program or activity” includes locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.
9. Employee - An individual employed by the University and receiving compensation.
10. Formal Complaint - A document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the University investigate the allegation of Sexual Harassment.
11. Gender Discrimination - (Also referred to as Sex Discrimination) Discrimination based on a person’s gender, gender identity or sexual orientation.
12. Official with Authority - (“OWA”) Any official of the University who has authority to institute corrective measures on behalf of the University and in turn has the obligation to report alleged Sexual Harassment and alleged Retaliation to the Title IX Coordinator.
13. Party – The Complainant or Respondent.
14. Respondent - An individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment and/or Gender Discrimination.
15. Retaliation - Intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy.
16. Sexual Assault - An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. The definition of “sexual assault” includes rape, fondling, incest, and statutory rape.
17. Sexual Harassment - Conduct on the basis of sex that satisfies one or more of the following:
 - a. An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct;
 - b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s Education Program or Activity; or
 - c. Sexual assault as defined in 20 U.S.C. § 1092(f)(6)(A)(v), dating violence as defined in 34 U.S.C. § 12291(a)(1), domestic violence as defined in 34 U.S.C. § 12291(a)(8), or stalking as defined in 34 U.S.C. 12291(a)(30).
18. Stalking – The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - a. Fear for his or her safety or the safety of others; or
 - b. Suffer substantial emotional distress.
19. Student – A person who is enrolled in courses offered by the University either full-time, part-time, pursuing undergraduate, graduate, professional or continuing education. These classes may be offered on the Pueblo campus, at another location or online, or a combination of these.
20. Supportive Measures - Non-disciplinary, non-punitive individualized services offered, as appropriate, to the Complainant or Respondent before or after the filing of a formal complaint or where no formal complaint has been filed.
21. Title IX Coordinator - Interim Title IX Coordinator Kat Abernathy, Executive Director of Human Resources and Institutional Equity, Admin Bldg #307, 719-549- 2256, Kat.abernathy@csupueblo.edu. Information regarding the Title IX Coordinator will be updated regularly. For the purpose of this Policy,

actions to be taken by the Title IX Coordinator may be completed by the Title IX Coordinator's designee.

22. University – Refers to Colorado State University Pueblo.

D. POLICY STATEMENT:

CSU Pueblo is committed to providing an environment free of sexual harassment and gender discrimination for its students and staff. CSU Pueblo does not discriminate on the basis of sex in the education programs and activities that it operates and is prohibited from such discrimination pursuant to Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681-88) and implementing regulations (34 C.F.R. Part 106). This prohibition extends to admissions and employment.

CSU Pueblo prohibits Sexual Harassment and Gender Discrimination by and against Students and/or Employees. When the University has actual knowledge of Sexual Harassment in an Education Program or Activity of the University against a person in the United

States, it will respond promptly in a manner that is not Deliberately Indifferent. Such allegations shall be investigated and properly handled up to and including dismissal from the University and termination of employment. CSU Pueblo will provide an opportunity to informally resolve issues of Sexual Harassment and Gender Discrimination and will provide an opportunity to resolve matters through a formal grievance process that will include a live hearing. An opportunity to appeal any decision will be afforded to both parties.

Any Title IX complaint will be handled by the procedures promulgated with this Policy. This includes a Title IX complaint that also alleges violations of other University policies.

E. POLICY PROVISIONS:

1. **Jurisdiction**

The provisions of this Policy apply to all reported instances of alleged Sexual Harassment that occur while the Complainant is in the United States and is participating in, or attempting to participate in, an Education Program or Activity of the University. The University may apply similar procedures to allegations of Sexual Harassment that occur outside of the United States or outside of an Education Program or Activity.

2. **Reports of Alleged Sexual Harassment**

At any time, any person may report Sex Discrimination, including Sexual Harassment (whether or not the person reporting is the person alleged to be the victim of Sex Discrimination), in person, by mail, by telephone, or by electronic mail to the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Any Official With Authority who receives a report of alleged Sexual Harassment must promptly report the alleged Sexual Harassment to the Title IX Coordinator. Upon receiving a report of alleged Sexual Harassment, the Title IX Coordinator will promptly 1) Inform the Complainant of the method for filing a Formal Complaint; 2) Inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint; and 3) Offer Supportive Measures to the Complainant, the Respondent, or both.

3. **Supportive Measures**

The Title IX Coordinator will ensure that Supportive Measures are offered to the Complainant and/or the Respondent as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent. Supportive Measures may be offered before or after the filing of a Formal Complaint, or where no Formal Complaint has been filed.

The purpose of Supportive Measures is to restore or preserve equal access to the University's Education Program or Activity without unreasonably burdening the other Party. Supportive Measures include measures designed to protect the safety of all Parties or the Institution's educational environment, as well as measures designed to deter Sexual Harassment.

Supportive Measures may include, but are not limited to:

- a. Counseling
- b. Extensions of deadlines or other course-related adjustments
- c. Modifications of work or class schedules
- d. Campus escort services
- e. Mutual restrictions on contact between the Parties
- f. Changes in work or housing locations
- g. Leaves of absence
- h. Increased security and monitoring of certain areas of the campus

i. Other similar measures

Supportive Measures do not include disciplinary sanctions. The formal resolution process must be completed before disciplinary sanctions may be imposed on a Respondent. However, the University may remove a Student Respondent from its Education Program or Activity on an emergency basis if the appropriate University committee does the following:

- a. Undertakes an individualized safety and risk analysis;
- b. Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal; and
- c. Provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

The University may place a non-student employee Respondent on administrative leave during the pendency of the formal resolution process.

The University will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the Supportive Measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

4. **Process**

The University will provide a fair and equitable process that will include an opportunity for informal resolution in all matters except for an allegation of sexual harassment between a student and an employee. Informal resolution can only be undertaken if voluntary and agreed to by both parties. If the informal resolution process does not resolve the matter, or if no informal resolution occurs, then a formal resolution process (grievance process) will be followed. The university will provide a grievance procedure for students and employees consistent with the Title IX regulations, and such procedures will treat the Complainant and the Respondent equitably. The formal resolution process will include a live hearing, the right to an advisor for each party, cross examination by the advisor of the Parties and witnesses, and relevancy determination of questions asked during the hearing. Upon a finding after the hearing, the Parties will have the right to appeal. The burden of proof is on the University to prove by a preponderance of the evidence that a violation of this policy has occurred.

5. **Training**

All training materials of Employees and Students will be published on the University webpage.

6. **Retention of records**

All records relevant to proceedings under this policy shall be retained by the University for seven (7) years.

7. **Retaliation**

Retaliation against a Complainant, Respondent, or any person involved in the investigation will not be tolerated. Those found to have retaliated against any individual will be disciplined according to the applicable disciplinary procedures based on their status at the University.

E. RESPONSIBILITIES:

The Title IX Coordinator is responsible for this policy.

F. RELATED LAWS, POLICIES & PROCEDURES:

Title IX Procedures
Student Code of Conduct
Faculty Handbook