

education programs and activities in a manner consistent with applicable federal law and regulations.

B. Equal Opportunity

The University also provides equal opportunity in employment, educational activities, and other programs to all employees, students, and applicants. The University prohibits discrimination against in

E. Application

This policy applies to students, employees, and third parties and extends to all University activities, both on and off-campus.

For purposes of this policy and the Comprehensive Discrimination and Harassment Procedures and Title IX Sexual Harassment Procedures (collectively, the Procedures), Students are defined as any individual registered for or auditing classes at the University; enrolled in any University program; or on University premises for any purpose related to the same regardless if the class, program, or other education activity is credit earning or part of a degree or non-degree program (“Students”). An individual is considered a Student under this definition if they have completed the immediately preceding term and are enrolled for a subsequent term or program; and if they are representing the University between terms or programs; or, if they are not officially enrolled for a particular term, they have a continuing relationship with the University.

University employees are defined under this policy and the Procedures as all full-time and part-time faculty, University staff, Student employees, wage (including temporary employees), professional research staff, and post-doctoral fellows (“Employees”).

Third parties are defined under this policy and the Procedures as consisting of contractors, vendors, visitors, applicants, or other third parties (“Third Parties”).

III. PROHIBITED CONDUCT UNDER THIS POLICY

The following conduct, collectively referred to as “Prohibited Conduct,” is prohibited under this policy:

A. Title IX Prohibited Conduct

Title IX Prohibited Conduct¹ includes the following specifically defined forms of alleged conduct where the conduct occurred in the United States and in the University’s education program or activity. The University’s education program or activity includes the locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the Title IX Prohibited Conduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University. Th000256.6

b. Sodomy

Sodomy means (1) oral or anal sexual intercourse with another person, (2) without the Consent of that person, including instances where that person is unable to give Consent because of their age or because of their temporary or permanent mental or physical incapacity.

c. Sexual Assault with an Object

Sexual Assault with an Object is (1) the use of an object or instrument to penetrate, (2) however slightly, (3) the genital or anal opening of the body of another person, (4) without that person's Consent, including instances where that person is unable to give Consent because of their age or because of their temporary or permanent mental or physical incapacity.

d. Fondling

Fondling is (1) the touching of the private body part of another person (buttocks, genitals, breasts) (2) for the purpose of sexual gratification, (3) without the Consent of that person, including instances where that person is unable to give Consent because of their age or because of their temporary or permanent mental or physical incapacity.

e. Incest

Incest is (1) nonforcible sexual intercourse (2) between persons who are related to each other wit-5(e)0 1 144n.-27d12 0 62 0 60.00 8 Tc[e.]11 449.28

- i. Incapacitation which means that an individual is impaired to such a level that they lack the ability to make informed, rational judgments

4. Dating Violence

Dating Violence² is conduct defined as an act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the other individual and where the existence of such a relationship is determined based on consideration of the (1) length of the relationship, (2) type of relationship, and (3) frequency of interaction between the persons involved in the relationship.

5. Domestic Violence

Domestic Violence is a felony or misdemeanor crime of violence by a current or former spouse or intimate partner of the victim, by a person with whom the individual shares a child in common, by a person who is cohabitating with or has cohabitated with the individual as a spouse or intimate partner, by a person similarly situated to a spouse of the individual under the domestic or family violence laws of the State of Colorado, 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 State of Colorado.

6. Stalking

Stalking³ is engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for their safety or the safety of others or (2) suffer substanti-3(u)-3(0 [G])T5u)-3(b)42yu-3(ir)stress())T&TQq0.00

Physical violence means that a person is exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, strangling, and brandishing or using any weapon.

8. Stalking

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for their safety or the safety of others or (2) suffer substantial emotional distress.

a. Course of conduct means two or more acts, including, but not limited

a.

- b. Another person from reporting allegations of Prohibited Conduct; or
- c. Another person from participating in any process under this policy.

IV. RECORDS

The University will not store records related to the investigation of any allegations of discrimination, harassment, and/or gender-based violence in personnel files of employees reporting alleged discrimination, harassment, and/or gender-based violence, and instead the University will retain such records in a separate secure location.

V. PROCESS OVERVIEW

The Associate Vice Chancellor for Equal Opportunity and Title IX shall develop and publish procedures that describe the rights and obligations under the policy as well as clarify definitions and scope within this policy. The Associate Vice Chancellor for Equal Opportunity and Title IX submits recommendations for substantive changes to the Provost and Executive Vice Chancellor and the Senior Vice Chancellor for Business and Financial Affairs for their review and approval.

VI. DEFINITIONS

Complainant means an individual who is alleged to have experienced Prohibited Conduct as defined in this policy.

Education Program or Activity is the locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the Title IX Prohibited Conduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.

Respondent means an individual who is alleged to have engaged in Prohibited Conduct as defined in this policy.

United States means the physical geography of the United States of America and its territories.

Revision Effective Date	Purpose