

COLORADO COMMUNITY COLLEGE SYSTEM
SYSTEM PRESIDENT'S PROCEDURE
SEXUAL MISCONDUCT PROCEDURE

SP 3-120a

EFFECTIVE: May 9, 2012
REVISED: July 11, 2013
REVISED: October 1, 2014
REVISED: January 20, 2015

REFERENCE: Board Policy (BP) 3-120 Affirmative Action/Anti-Discrimination; BP 4-120 Prohibition of Discrimination or Harassment; System President's Procedure (SP) 3-120a and SP 4-120a Sexual Misconduct Procedure; SP 3-50b and SP 4-31a Civil Rights Grievance and Investigation Process for Employees and Students

APPROVED:

Nancy J. McCallin, Ph.D.
System President

Application

This procedure applies to all Administrators/Professional Technical employees, Faculty, Adjunct Instructors, Classified employees, hourly employees, which would include student hourly and workstudys (CCCS employees), students, authorized volunteers, guests, and visitors within the Colorado Community College System (CCCS).

Basis

The System and College communities have the right to be free from sexual violence. All members of the System and College communities are expected to conduct themselves in a manner that does not infringe upon the rights of others. CCCS believes in a zero tolerance policy for sex/gender-based misconduct. When an allegation of misconduct is brought to an appropriate administrator's attention, and a respondent is found to have violated this procedure, serious sanctions will be implemented to reasonably ensure that such actions are never repeated. This procedure has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This procedure is intended to define the System and College's expectations and to establish a mechanism for determining when those expectations have been violated.

When a complainant(s) and respondent(s) are CCCS employees, authorized volunteers, guests or visitors, the System and Colleges will comply with Title VII of the Civil Rights

Act of 1964. When a complainant(s) and/or respondent(s) is a student, the System and Colleges will comply with Title IX of the Education Amendments of 1972 (Title IX). For all individuals who this procedure applies to, the System and Colleges will adhere to its obligations under the Violence Against Women Reauthorization Act (VAWA) of 2013.

Definitions

ADA, Title VI and Title VII/Equal Opportunity Coordinator(s) (EO Coordinator) is the employee designated by the System and College President to oversee all civil rights complaints, including sexual misconduct, when employees are both the complainant and the respondent. The Presidents may also designate a “Deputy” EO and Title IX Coordinator.

The EO Coordinator’s responsibilities include, but need not be limited to:

- Contact for government inquiries;
- Point person for all civil rights complaints involving employees as complainant and respondent;
- Creator and implementer of appropriate procedures;
- Assurance of 1st Amendment protection;
- Prevention and remediation of stalking;
- Prevention and remediation of intimate partner and relationship violence;
- Prevention and remediation of bullying and cyberbullying;
- Oversight and coordination of prompt and equitable grievance procedures;
- Coordinator of the interaction of multiple student and employee grievance processes;
- Supervisor of investigations;
- Compliance auditor; and
- Trainer or convener of broad training requirements for CCCS employees, boards, investigators and appeals officers.

Complainant(s) is a person who is subject to the alleged sex misconduct or related retaliation. For purposed of this procedure, a complainant can be a CCCS Employee(s), student(s), authorized volunteer(s), guest(s), or visitor(s).

Disciplinary Authority is the individual with authority, or delegated authority, to impose discipline upon a respondent.

Jurisdiction applies to behaviors that take place on the campus, at System or College sponsored events, and may also apply off-campus and to actions online when the Title IX/EO Coordinator determines that the off-campus conduct affects a substantial System or College interest. A substantial System or College interest is defined to include:

- Any action that constitutes criminal offense as defined by federal or Colorado law. This includes, but is not limited to, single or repeat violations of any local, state or federal law committed in the municipality where the System or College is located;

- Any situation where it appears that the accused individual may present a danger or threat to the health or safety of self or others;
- Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational interests of the System or College.

Any online postings or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc occurring completely outside of the System or College's control (e.g., not on System or College networks), websites or between System or College email accounts) will only be subject to this procedure when those online behaviors can be shown to cause a substantial on-campus disruption. Otherwise, such communications are considered speech protected by the 1st Amendment to the Constitution.

Off-Campus discriminatory or harassing speech by employees may be regulated by the System or College only when such speech is made in an employee's official or work-related capacity.

Offensive conduct that does not rise to the level of discrimination or harassment may not result in the imposition of discipline under the System President's Procedures, but will be addressed through civil confrontation, remedial actions, education and/or effective conflict resolution mechanisms.

Respondent is a person whose alleged conduct is the subject of a complaint. For purposes of this procedure, a respondent can be a CCCS Employee(s), authorized volunteer(s), guest(s), visitor(s), or student(s).

Sexual Misconduct offenses¹ include, but are not limited to:

- Sexual Harassment
- Non-Consensual Sexual Contact (or attempts to commit same)
- Non-Consensual Sexual Intercourse (or attempts to commit same)
- Sexual Exploitation

¹ CCCS has elected to use the term "Sexual Misconduct" to comply with its federal obligations pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, and the Violence Against Women Reauthorization Act (VAWA) of 2013. The term "sexual misconduct" is intended to include incidences that may rise to the level of Sexual Assault, as defined by C.R.S. 18-3-402, or Sexual Assault on a Child, as defined by C.R.S. 18-3-405, and/or applicable local jurisdictional crimes. The decision to investigate and sanction an incident under this procedure does not constitute a determination that the incident is a criminal offense. The decision to criminally charge an incident as a "sexual assault", and/or applicable local jurisdictional crimes, is a determination for law enforcement.

Sexual Harassment is:

- unwelcome, sexual or gender-based verbal, written, online and/or physical conduct that is,
- sufficiently severe, persistent, or pervasive that it has the effect of unreasonably interfering with, denying or limiting someone the ability to participate in or benefit from the System or College's educational program and/or activities, or work activities, and
- the unwelcome behavior is based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

There are three types of Sexual Harassment:

1. Quid pro quo sexual harassment exists when there are:
 - unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature, and
 - submission to or rejection of such conduct results in adverse educational or employment action; or
 - affects the terms or conditions of education or employment, or activities with the System or College.
2. Hostile Environment includes any situation in which there is harassing conduct that is sufficiently severe, persistent, or pervasive that it alters the conditions of employment or limits, interferes with or denies educational benefits or opportunities, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint.

The determination of whether an environment is "hostile" can be based on the following circumstances:

- the frequency of the conduct;
 - the nature and severity of the conduct;
 - whether the conduct was physically threatening;
 - whether the conduct was humiliating;
 - the effect of the conduct on the alleged victim's mental or emotional state;
 - whether the conduct was directed at more than one person;
 - whether the conduct arose in the context of other discriminatory conduct;
 - whether the conduct unreasonably interfered with the alleged victim's educational or work performance;
 - whether a statement is a mere utterance of an epithet which engenders offense in an employee or student, or offends by mere discourtesy or rudeness; and
 - whether the speech or conduct deserves the protections of the 1st Amendment.
3. Retaliatory harassment is any adverse employment or educational action taken against a person because of the person's perceived participation in a complaint or investigation of discrimination or sexual misconduct.

Examples of Sexual Harassment include, but are not limited to:

- An attempt to coerce an unwilling person into a sexual relationship.
- To repeatedly subject a person to egregious, unwelcome sexual attention.
- To punish a refusal to comply with a sexual based request.
- To condition a benefit on submitting to sexual advances.
- Sexual violence which is defined as threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person.
- Violence between those in an intimate relationship which includes romantic relationships, dating², domestic³ or relationship violence.
- Stalking⁴, defined as a course of conduct directed at a specific person on the basis of actual or perceived membership in a protected class that is unwelcome and would cause a reasonable person to feel fear;
- Gender-based bullying which is defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person,

² Colorado law does not define “dating violence”; therefore the System and College will use the definition set forth in the Violence Against Women Reauthorization Act (VAWA) of 2013. Dating Violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

³ Colorado law, C.R.S. 18-6-800.3, defines “domestic violence” as an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. Domestic violence also includes any other crime against a person, or against property, including an animal or any municipal ordinance violation against a person, or against property, including an animal, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship. This definition is applicable to criminal prosecutions, and it will also be used as the definition for this procedure.

⁴ Colorado Law, C.R.S. 18-3-602, defines “stalking”, which is applicable to criminal prosecutions, but defers from the definition used in this procedure, is defined as a person commits stalking if directly, or indirectly through another person, the person knowingly:

- Makes a credible threat to another person and, in connection with the threat, repeatedly follows, approaches, contacts, or places under surveillance that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship; or
- Makes a credible threat to another person and, in connection with the threat, repeatedly makes any form of communication with that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship, regardless of whether a conversation ensues; or
- Repeatedly follows, approaches, contacts, places under surveillance, or makes any form of communication with another person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship in a manner that would cause a reasonable person to suffer serious emotional distress and does cause that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship to suffer serious emotional distress. For purposes of this paragraph (c), a victim need not show that he or she received professional treatment or counseling to show that he or she suffered serious emotional distress.

physically or mentally (excluding speech or conduct otherwise protected by the 1st Amendment).

- Gender expression/stereotyping which is defined as simplistic generalizations about gender attributes, differences, and roles of individuals and/or groups. Stereotypes rarely communicate accurate information about others. When people automatically apply gender assumptions to others regardless of evidence to the contrary, they are perpetuating gender stereotyping.
- Hazing⁵ which is defined as acts likely to cause physical or psychological harm or social ostracism to any person within the System or College community on the basis of gender, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity.
- Discrimination which is defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of gender.
- Intimidation that is gender-based which is defined as implied threats or acts that cause a reasonable fear of harm in another.

While a particular interaction must be offensive to both a reasonable person and to the complainant to be defined as harassment, CCCS employees and other persons of authority should be sensitive to questions about mutuality of consent that may be raised and to the conflict of interests that are inherent in personal relationships that result from professional and educational interactions. Harassment is particularly damaging when it exploits the educational dependence and trust between students and faculty/staff. When the authority and power inherent in faculty/staff relationships with students, whether overtly, implicitly, or through misinterpretation, is abused in any way, there is potentially great damage to the individual student, to the accused individual, and to the climate of the institution.

It is the policy of the State Board for Community Colleges and Occupational Education that none of its employees or its Board members shall engage in any activity or relationship that places them in a conflict of interest between their official activities and any other interest or obligation. Conflict of interest requires all employees to disqualify themselves from participating in a decision when a personal interest is present; therefore, SP 3-70a, Conflict of Interest-Relationships, requires all employees involved in an amorous relationship to excuse themselves from any authority or evaluative role with respect to the other person. Please refer to SP 3-70a for more information and disclosure requirements. <https://www.cccs.edu/wp-content/uploads/2013/09/SP3-70a.pdf>

⁵ Colorado law, C.R.S. 18-9-124, "hazing", which is applicable to criminal prosecutions, but defers from the definition used in this procedure, is defined as any activity by which a person recklessly endangers the health or safety of or causes a risk of bodily injury to an individual for purposes of initiation or admission into or affiliation with any student organization; except that "hazing" does not include customary athletic events or other similar contests or competitions, or authorized training activities conducted by members of the armed forces of the state of Colorado or the United States.

Non-consensual sexual contact is:

- any intentional sexual touching,
- however slight,
- with any object,
- by any individual upon any individual,
- that is without consent and/or by force

Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

Non-consensual sexual intercourse is:

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

Consent⁶ must be clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity. Also, in order to give effective consent, one must be of legal age. Further, consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Previous relationships or prior consent cannot imply consent to future sexual acts.

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcomes resistance or produces consent.

Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

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

⁶ The state definition of “Consent” regarding “Unlawful Sexual Behavior”, C.R.S. 18-3-401, for criminal prosecutions, but defers from the definition used in this procedure, means cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A current or previous relationship shall not be sufficient to constitute consent. Submission under the influence of fear shall not constitute consent.

Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent. Incapacitation could result from mental disability, sleep, involuntary physical restraint, or from the ingestion of rape drugs. Possession, use and/or distribution of any of these substances, including, but not limited to Rohypnol, Ketomine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another person is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org/> Having sex with someone whom you know to be, or should know to be, incapacitated (mentally or physically) is a violation of this procedure.

Use of alcohol or other drugs will never function as a defense to a violation of this procedure.

Sexual exploitation occurs when anyone takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses.

Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy
- Prostituting another person
- Non-consensual video or audio-taping of sexual activity
- Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex)
- Engaging in voyeurism
- Knowingly transmitting a sexually transmitted infection (STI) or human immunodeficiency virus (HIV) to another person
- Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation
- Viewing or possessing child or adult pornography at work or on System or College owned property
- Sexting

Title IX Coordinator(s)⁷ is the employee designated by the System and the College President to oversee all civil rights complaints, including sexual misconduct, when students are complainants and/or respondents. The Title IX Coordinator's responsibilities include, but need not be limited to:

- Contact for government inquiries⁸;

⁷ The System and Colleges may designate one employee to be the Title IX Coordinator as well as the EO Coordinator or they may designate two separate employees.

⁸ Colleges are required to notify the U.S. Department of Education of their designated Title IX Coordinator, including contact information. Please cc CCCS Legal Affairs to the notice.

- Point person for all civil rights complaints involving a student as complainant and/or respondent;
- Creator and implementer of appropriate procedures;
- Assurance of 1st Amendment protection;
- Prevention and remediation of stalking;
- Prevention and remediation of intimate partner and relationship violence;
- Prevention and remediation of bullying and cyberbullying;
- Oversight and coordination of prompt and equitable grievance procedures;
- Coordinator of the interaction of multiple student and employee grievance processes;
- Supervisor of investigations;
- Compliance auditor; and
- Trainer or convener of broad training requirements for CCCS employees, boards, investigators and appeals officers.

Procedure⁹

The System President delegates to each College President the responsibility to ensure this procedure is implemented at their College. The System President will be responsible to ensure this procedure is implemented at the System office.

Reporting an Incident of Sexual Misconduct

The System and the Colleges do not permit sexual misconduct. The System and Colleges can respond to a complaint only if it is aware of the allegations made. Further, the System and Colleges can more effectively investigate the sooner the allegation is brought to its attention.

Any person who believes they have been subjected to sexual misconduct should file a grievance pursuant to SP 3-50b and SP 4-31a, Civil Rights Grievance and Investigation Process. <https://www.cccs.edu/wp-content/uploads/2013/09/SP-3-50b.pdf> or <https://www.cccs.edu/wp-content/uploads/2013/09/SP-4-31a.pdf>

Confidentiality and Reporting Incident(s) of Sexual Misconduct Violations

CCCS employees and officials affiliated with the System and Colleges, depending on their roles within CCCS, have varying reporting responsibilities and abilities to maintain confidentiality. In order to make informed choices, one should be aware of confidentiality and mandatory reporting requirements when consulting System and College resources.

On campus, some resources may maintain confidentiality, offering options and advice without any obligation to inform an outside agency or individual unless you have

⁹ CCCS has adopted, parts of the National Center for Higher Education Risk Management (NCHERM) Group and the Association of Title IX Administrators (ATIXA) policy, "The NCHERM Group/ATIXA Model Policy and Procedure for Civil Rights Equity Grievance Resolution For All Faculty, Students and Employees". Use and Adaptation of this model with citations to the NCHERM Group/ATIXA is permitted through a license to the Colorado Community College System. All other rights reserved © 2014. The NCHERM Group, LLC/ATIXA.

requested information to be shared. Other resources exist for you to report crimes and policy violations and these resources will take action when you report victimization to them. Most resources on campus fall in the middle of the two extremes; neither the College, nor the law, requires them to divulge private information that is shared with them, except in rare circumstances. The following describes the reporting options at the System and Colleges.

Further, any person has the right to file a police report. Should a complainant want to do so, and needs further assistance, please contact the Title IX and/or EO Coordinator, or the College designee in charge with overseeing the Clery Reporting obligations. Each College must publish and notify the College community of who this individual is.

Employee's Obligation To Report

CCCS employees, unless deemed a confidential resource by law, have an ethical obligation to report any incidences they are aware of concerning sexual misconduct. If the employee is unsure, s/he may direct their questions to the Title IX and/or EO Coordinator at the System or at the Colleges. Failure to report will be considered a violation of BP 3-70, Colorado Community College System Code of Ethics, and may result in discipline, up to and including termination.

All CCCS employees receiving reports of potential sexual misconduct violations are expected to promptly contact the Title IX and/or EO Coordinator, within 24 hours of becoming aware of a report or incident. In all cases, the System and the Colleges' Title IX and/or EO Coordinator will give consideration to the victim in how the grievance is pursued, but reserves the right, when necessary to protect the community, to investigate and pursue a resolution when an alleged victim chooses not to initiate or participate in a formal grievance.

To Report a Complaint Confidentially¹⁰

If one desires that details of the incident be kept confidential, they should speak with mental health counselors, either on or off campus, campus health service providers, or off-campus rape crisis resources who can maintain confidentiality.

The System and Colleges will provide on and/or off-campus mental health counselors free of charge. In addition, another confidential resource you may speak to off-campus, are members of the clergy and chaplains. If you speak to a confidential resource that is endorsed by the College, these individuals are asked to submit anonymous statistical information to the College for Clery Act purposes unless they believe it would be harmful to their client, patient, or parishioner.

¹⁰ The System and the Colleges are expected to establish on and/or off-campus mental health resources. These resources must be publicized for the System and College community.

If you are unsure of someone's duties and ability to maintain privacy, ask them before talking to them. They will be able to explain and help a reporting party to make decisions about who is in the best position to help.

Clery Act-Federal Statistical Reporting Obligations

Certain campus officials have a duty to report criminal misconduct for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reporters include: student affairs/student conduct officers, campus law enforcement, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.

Clery Act-Federal Timely Warning Reporting Obligations

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

For more information on Clery Act reporting requirements please contact the College's designee in charge with overseeing the Clery Reporting obligations. Each College must publish and notify the College community of who this individual is.

Filing a Complaint

All complaints shall be made as promptly as possible after the occurrence. A delay in reporting may be reasonable under some circumstances; however, an unreasonable delay in reporting is an appropriate consideration in evaluating the merits of a complaint or report.

The System and the Colleges must include a web link to the Civil Rights Incident Report Form, as attached to SP 3-50b and SP 4-31a, Civil Rights Grievance and Investigation Process, to initiate a sexual misconduct allegation.

<https://www.cccs.edu/wp-content/uploads/2013/09/SP-3-50b.pdf>
or <https://www.cccs.edu/wp-content/uploads/2013/09/SP-4-31a.pdf>

If you do not want to make a report through the online form, please report all concerns or complaints relating to sexual misconduct to the Title IX/EO Coordinator(s) at the

System or the Colleges. The System and the Colleges are required to publish the name, title, address, phone number, and email of the Title IX and EO Coordinator(s).

External Complaints

Students with complaints of this nature also have the right to file a formal complaint with the United States Department Education:

Office for Civil Rights (OCR)
U.S. Department of Education
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582
Telephone: (303) 844-5695
Facsimile: (303) 844-4303
Email: OCR.Denver@ed.gov
Web: <http://www.ed.gov/ocr>

For employees with complaints of this nature also have the right to file a formal complaint with the Colorado Department of Regulatory Agencies

Colorado Civil Rights Division
1560 Broadway #1050
Denver, CO 80202
Telephone: (303) 894-2997
Facsimile: (303) 894-7830
Web: <http://www.dora.state.co.us/civil-rights/index.htm>

Or

United States Equal Employment Opportunity Commission
303 E. 17th Avenue
Suite 410
Denver, CO 80203
Telephone: (800) 669-4000
Facsimile: (303) 866-1085
Web: <http://www.eeoc.gov/field/denver/index.cfm>

All other grievances where the complainant is a student(s) and the basis of the complaint is not based on federal or state civil rights laws will be addressed pursuant to SP 4-31, Student Grievance Procedure.

<https://www.cccs.edu/wp-content/uploads/2012/08/SP4-31Rev07112013.pdf>

All other grievances by an employee(s) and the basis of the complaint is not based on federal or state civil rights laws will be addressed pursuant to SP 3-50a, Employee Grievances. <https://www.cccs.edu/wp-content/uploads/2013/09/SP-3-50a.pdf>

Education and Prevention Programs

The College engages in comprehensive educational programming to prevent domestic violence, dating violence, sexual assault and stalking. Educational programming

consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and faculty that:

- Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- Defines what behavior constitutes domestic violence, dating violence, sexual assault, and stalking pursuant to Colorado law;
- Defines what behavior and actions constitute consent to sexual activity in the State of Colorado;
- Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander;
- Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks; and
- Provides information on the procedures the college will adhere to after a sex offense occurs.

Retaliatory Acts

If any person who reports an incident of sexual misconduct or any person who testifies, assists or participates in a proceeding, investigation or hearing relating to such allegation of sexual misconduct, feels they are being subjected to retaliatory acts may report such incidences to the EO or Title IX Coordinator.

It is a violation of this procedure to engage in retaliatory acts against any person who reports an incident of sexual misconduct, or any person who testifies, assists or participates in a proceeding, investigation or hearing relating to such allegation of sexual misconduct. Such act will be subject to discipline, up to and including expulsion for students, termination for CCCS employees, and dismissal for authorized volunteers, guests or visitors.

Revising this Procedure

This procedure defines and prohibits sexual misconduct. If statutory provisions, regulatory guidance, or court interpretations change or conflict with this procedure, the procedure can be deemed amended as of the time of the decision, ruling or legislative enactment to assure continued compliance.

CCCS reserves the right to change any provision or requirement of this procedure at any time and the change shall become effective immediately.