



**COLORADO STATE UNIVERSITY**  
**PUEBLO**

**2024 Annual Security and Fire Safety Report**

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## Colorado State University Pueblo Non-Discrimination Statement

### Equal Opportunity/Affirmative Action Commitment & Notice of Non-Discrimination

Colorado State University Pueblo is committed to equal educational and employment opportunities and to the elimination of all forms of discrimination, protected class harassment, sexual misconduct, intimate partner violence stalking, and retaliation. Furthermore, CSU Pueblo is committed to maintaining respectful, safe, and non-threatening educational, working, and living environments. In furtherance of this commitment, CSU Pueblo does not discriminate on the basis of age, citizenship, creed, color, disability, gender, gender expression, gender identity, genetic information, national origin or ancestry, pregnancy, race, religion, sex, sexual orientation, veteran status, or because an individual has inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. CSU Pueblo is an affirmative action/equal opportunity institution. It encourages diversity and provides equal opportunity in education, employment, all of its programs and activities, and the use of its facilities. The University takes affirmative action to employ qualified women, racial/ethnic minorities, protected veterans, and individuals with disabilities.

CSU Pueblo complies with the Equal Pay Act, Titles IV, VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments, the Americans with Disabilities Act, as amended, Section 503/504 of the Rehabilitation Act, the Age Discrimination Act, Age Discrimination in Employment Act, the Vietnam Era Veterans' Readjustment Assistance Act, the Pregnancy Discrimination Act, Executive Order 11246, as amended, Violence Against Women Reauthorization Act of 2013, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the Genetic Information Non-discrimination Act of 2008, and all civil rights laws of the State of Colorado.

The Director of Institutional Equity/Title IX has been designated by the President as the person with overall responsibility for the implementation and maintenance of the University's affirmative action programs. Director of Institutional Equity/Title IX has also been designated as the University's Director of Institutional Equity & Title IX Coordinator, Americans with Disabilities Act (ADA) Coordinator, and Section 504 of the Rehabilitation Act of 1973 Coordinator. As such, the Director of Institutional Equity/Title IX is responsible for addressing compliance with all federal, state, and local laws pertaining to nondiscrimination, civil rights, access, and equity. For any inquiries or concerns regarding discrimination, protected class harassment, or sexual misconduct, please contact Shelby Serena ([shelby.serena@csupueblo.edu](mailto:shelby.serena@csupueblo.edu)), Director of Institutional Equity/Director of Institutional Equity & Title IX Coordinator at (719) 549-2210, Buell Communications Center, Office 107.

Students seeking disability resources and accommodation or who have other related concerns, should contact Justin Hiniker ([dro@csupueblo.edu](mailto:dro@csupueblo.edu)), Director of Student Advocacy, Access and Support at (719) 549-2648, Occhiato Student Center, Suite 104.

Employees seeking disability resources and accommodations or who have other related concerns, should contact Shelby Serena ([shelby.serena@csupueblo.edu](mailto:shelby.serena@csupueblo.edu)), Director of Institutional Equity & Director of Institutional Equity & Title IX Coordinator at (719) 549-2210, Buell Communications Center, Office 107.

Please visit: [CSUPueblo.edu/institutional-equity](https://www.csupueblo.edu/institutional-equity) for more information.



## Message from Colorado State University Pueblo President

Dear Pack Family/Pack Familia,



I am pleased to announce the release of our Annual Security and Fire Safety Report (ASFSR) for CSU Pueblo. This document is crucial for our community's safety and is required by the Clery Act - a federal law that aims to provide transparency around campus crime policy and statistics.

The ASFSR includes crime statistics for the past three years, covering incidents on campus, in certain off-campus buildings, and on adjacent public property. It also outlines our policies on campus safety, fire safety, and security, including procedures for crime reporting, prevention of sexual and gender violence, and emergency response.

Key features of the report include:

- Institutional policies
- Safety and crime prevention information
- Procedures for reporting suspicious activities
- Important tips to help you stay safe

I want to thank Sheriff Lucero and the Pueblo County Sheriff's Office for their ongoing partnership in providing law enforcement services and prevention activities on our campus.

It's essential that every member of our community familiarizes themselves with this report. By doing so, we collectively contribute to maintaining a safe environment for teaching, learning, and working.

The ASFSR is available on our website in PDF format, or you can request a physical copy from the Office of Campus Safety and Emergency Management

I encourage everyone to review this document thoroughly. Your awareness and vigilance play a crucial role in our shared responsibility for campus safety.

Stay safe, stay informed, and as always, Go Pack!

A handwritten signature in blue ink, which appears to read "Armando Valdez". The signature is fluid and cursive.

Armando Valdez, President

## Emergency Information

### EMERGENCY

DIAL 911

### ON-CAMPUS

CSU Pueblo Sheriff's Office  
Lower Level of Administration Building  
(719) 549-2373

### OFF-CAMPUS

City of Pueblo Police Department  
(719) 553-2502  
Dispatch for Reporting

### Stay Informed – Daily Crime Log

The Pueblo County Sheriff's Office at Colorado State University Pueblo Crime Log contains information on recent crimes and incidents that have occurred on the Colorado State University Pueblo Campus; visit:

[csupueblo.edu/campus-safety/sheriffs-office/index.html](https://csupueblo.edu/campus-safety/sheriffs-office/index.html)

## Message from the Pueblo County Sheriff | David J. Lucero



The Pueblo County Sheriff's Office is proud to serve as the law enforcement agency at CSU Pueblo. The Sheriff's Office works in partnership with the campus community to provide a safe and secure environment for students, faculty, staff and visitors.

The safety and well-being of the campus is our top priority. Our deputies strive daily to serve through collaborative inter-action, education and cooperation, while building trust and compliance with the campus community and demonstrating respect and compassion for all.

The Pueblo County Sheriff's Office at CSU Pueblo promotes a safe a secure learning environment while providing proactive customer and police-related services de- signed to increase visibility and reduce crime on campus.

If you have questions or concerns about campus safety, contact Lt. Guadagnoli at the CSU Pueblo Campus Sheriff's Office at 719-549-2373. For more information on the Sheriff's Office visit:

<https://www.pueblosheriff.com/>



## Introduction

The information in this report is provided to educate current students, prospective students, faculty, and staff about safety and security policies, procedures, and statistics for Colorado State University Pueblo (CSU Pueblo). The University believes that a well-informed campus community is better prepared to deal with crime and emergency situations. The University encourages campus community members to become actively involved with the safety and security of students, faculty, and staff.

In 1990, the Higher Education Act of 1965 (HEA) was amended to include the Crime Awareness and Campus Security Act of 1990 (Title II of Public Law 101- 542). This amendment required all postsecondary institutions participating in Title IV student financial aid programs to disclose campus crime statistics and security information. In 1998, the act was renamed the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act in memory of Jeanne Clery, a university student who was killed in her dorm room in 1986. More commonly known as the Clery Act, this law requires colleges and universities to:

- Collect, classify, and count crime reports and statistics
- Issue campus alerts
- Publish an annual security report
- Submit crime statistics to the Department of Education
- Maintain a daily crime log
- Disclose missing student notification procedures
- Provide fire safety information

## Preparing the Annual Report

This report is compiled by the CSU Pueblo Safety Team that is comprised of campus law enforcement, administrators, and staff members who are responsible for and/or directly involved with safety and security of the campus:

- Pueblo County Sheriff's Office at CSU Pueblo
- Vice President of Student Affairs
- Dean of Students
- Deputy General Counsel
- Sr. Director of Marketing, Communications, & Community Relations and Public Information Officer
- Assistant Dean of Student Life
- Director of Campus Safety & Emergency Management
- Director of Human Resources - Employee Relations and Director of Institutional Equity/Director of Institutional Equity & Title IX Coordinator
- Senior Facilities Director - Physical Plant Management and Senior Facilities Director - Physical Plant Operations

The Pueblo County Sheriff's Office at CSU Pueblo, in conjunction with the CSU Pueblo Director of Campus Safety and Emergency Management, prepared the annual disclosure of crime statistics report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The report is prepared in cooperation with the Division of Student Affairs, including the Office of Residence Life and Housing, the Office of Student Conduct and Community Standards and Office of Institutional Equity/Title IX. Campus fire, crime, arrest, and disciplinary referral statistics include those reported to the Pueblo County Sheriff's Office at CSU Pueblo and to University Campus Security Authorities.

## Law Enforcement Qualifications & Authority

Law enforcement services at CSU Pueblo are provided by the Pueblo County Sheriff's Office. The Sheriff's Office is staffed with experienced State-Certified peace officers who are current in Colorado Peace Officer Standards and Training (P.O.S.T.) procedures. All of these officers have the authority to make an arrest. Additionally, the Pueblo County Sheriff's Office provides law enforcement and emergency services to unincorporated Pueblo County. This connection to the community means that campus law enforcement is up to date with developments in the community allowing them to better serve the campus. Deputies assigned to CSU Pueblo actively monitor off-campus crime, as it relates to the campus, students, faculty, and staff.

## Law Enforcement Partnerships

CSU Pueblo has a contractual and collaborative agreement with the Pueblo County Sheriff's Office to provide all law enforcement services on campus. This partnership allows CSU Pueblo to have access to all services that are available to the larger community, including emergency management, search and rescue teams, investigations unit, high-tech crimes unit, and SWAT teams. Because CSU Pueblo is adjacent to State of Colorado Highway property and City of Pueblo residential and commercial property, the Sheriff's Office and CSU Pueblo work closely with the Colorado State Patrol (CSP) and the Pueblo City Police Department (PPD) to address any issues, emergencies, or community service needs that may involve both CSU Pueblo and CSP and/or PPD geographical areas of jurisdiction.

This report is posted on the CSU Pueblo website and copies are retained in the offices of:

- Admissions
- Human Resources
- Facilities Management
- Office of Student Affairs
- Office of the General Counsel
- Marketing, Communications and Community Relations
- Office of Campus Safety and Emergency Management



[CSUPueblo.edu/campus-safety/](https://www.csupueblo.edu/campus-safety/)



## Take Safety Precautions

Students, faculty, and staff should take the following precautions to prevent circumventing policies designed to protect the safety of self and others:

- Do not prop doors open or allow strangers into campus buildings that have been secured.
- Do not lend keys or leave them unattended.
- Do not give codes to anyone.
- Keep your valuables secured and out of sight.
- Notify the Sheriff's Office of any suspicious activities or individuals.

## Reporting a Crime

Victims and witnesses may report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. Reports should be made immediately to the Pueblo County Sheriff's Office (PCSO), located at CSU Pueblo office with accurate, timely information. They will respond to all reports and make appropriate referrals to the Pueblo County District Attorney's Office, appropriate University Administrators, and/or the CSU Pueblo Office of Student Conduct and Community Standards. The PCSO at CSU Pueblo is housed in Administration 118. Students may call (719) 549-2373 for general safety and security information or contact individual Sheriff's Office staff.

For all off-campus emergencies, calls should be directed to the local law enforcement agency. Students enrolled in any CSU Pueblo classes held in Colorado Springs should contact the Colorado Springs Police Department or the El Paso County Sheriff's Office to report a crime. If attending classes at Ft. Carson Army Base, contact the appropriate Ft. Carson law enforcement authorities to report a crime. Students who reside in the City of Pueblo should direct their emergency calls to 911 or to the Pueblo City Police Department (719) 553-2502. For students at the Sturm Collaboration Campus, you should contact the Arapahoe Community Campus Police at (303)797-5800. For students at the Walsenburg Campus, you should contact Huerfano County Sheriff's Office at (719)738-1044.

## Confidential Crime Reporting

A victim or witness of a crime who wishes to remain anonymous may call the CSU Pueblo Tip Line at (719) 549-2376. The Tip Line is a voice message system only; and therefore, immediate action will not be taken. Witnesses of crimes also may report to Pueblo Crime Stoppers at (719) 542-7867 (STOP). Victims and witnesses can also anonymously report a crime to a Campus Security Authority (CSA), law enforcement or the Office of Institutional Equity.

## Reporting a Crime to a Campus Security Authority (CSA)

For the purpose of a timely warning, the University encourages students and employees to promptly report any fire or criminal activity directly to the Pueblo County Sheriff's Office at CSU Pueblo. However, students and employees may report a fire or crime to a Campus Security Authority (CSA) who is responsible for forwarding non-identifying information to the Clery Coordinator for inclusion in the annual Security Report, regardless of whether the victim chooses to file a report with law enforcement.

## WHO IS A CAMPUS SECURITY AUTHORITY?

- Pueblo County Sheriff's Office at CSU Pueblo
- Director of Campus Safety and Emergency Management
- Parking Operations Staff
- Vice President of Enrollment Management and Extended Studies
- Vice President of Student Affairs
- Dean of Students
- Assistant Dean Student Engagement and Leadership
- Office of Student Engagement and Leadership Staff
- Office of Human Resources and Institutional Equity Staff
- Student Organization Advisors
- Associate Dean of Holistic Well-Being Operations
- Residence Life Area Coordinators
- Resident Assistants
- All Athletics Department Staff
- All Athletics Department Volunteers
- Site Manager, University Tower Location at Colorado Springs
- Satellite Campus Sites Manager
- Assistant Provost for Student Success and Staff

- Pack Center Academic Success Coaches
- Director of Student Advocacy, Access, and Support
- Thunderwolf Recreation Professional and Student Staff
- Director of Student Support Services (SSS)
- Senior Facilities Director - Physical Plant Management and Senior Facilities Director - Physical Plan Operations
- Auxiliary Services Professional and Student Staff
- Career Center Professional Staff
- Director of Student Financial Services
- Financial Aid Counselors
- Assistant Dean for Student Support and Advocacy
- Hasan School of Business Academic Advisors
- Assistant Director of CAMP and Inclusive Excellence
- Assistant Director of Inclusion and Global Initiatives & NSE Coordinator
- Director of Center for Honors and Leadership
- Director, Tutoring and Student Academic Support
- Director, MAPS Center for STEM Support and Director of MAPS Foundry

## Declination to Notify Authorities

All victims have a right to decline notification to authorities. However, Campus Security Authorities are required to report any crime brought to their attention to Campus Law Enforcement or the Director of Campus Safety and Emergency Management.

### *Exemption from Reporting*

*Licensed professional mental health counselors and pastoral counselors (employed by religious organizations to provide confidential counseling) who are working within the scope of their license or religious assignment at the time they receive the crime report are exempt from reporting under the Clery Act.*

## Secure Access to Campus Facilities

Preserving a safe and secure environment is the responsibility of everyone on campus. Employees have the responsibility to secure their work area, and students have the responsibility to lock their residence hall rooms and apartments, as well as secure their personal property.

Most campus buildings and facilities are accessible to the public during normal business hours Monday through Friday, excluding holidays. Certain facilities may be opened by facilities personnel for designated hours on weekends and evenings. Buildings may be secured at different times based upon class schedule, special events, and computer lab hours.

## Secure Access to Residential Facilities

All residence halls are secured using a card access system. Residence halls are accessible to the campus community and visitors from 8 a.m. to 5 p.m. Monday through Friday. Residence Halls have restricted access on weekends from 5 p.m. on Friday to 8 a.m. on Monday. During those hours, any visitors must be accompanied by a hall resident, and the resident must provide proper identification and access card. Visitors must sign in at the front desk. Access to the residence halls, after business hours, may be made available for campus programming. Campus apartments are secured by lock and key and are not available for community access at any time.

## Security Considerations in Building Maintenance

Although maintenance requests are prioritized based upon need, budget, and emerging conditions, safety and security issues that are observed may be a cause for quicker response and handling. If a student, faculty, staff, or visitor notices a potentially dangerous or hazardous condition concerning maintenance, they should immediately contact the University Physical Plant at

(719) 549-2211. The University conducts a semi-annual nighttime review of outdoor lighting and responds by installing or repairing lighting as needed.

The University requires all contractors who work in campus-owned residences to agree to and follow the policies and procedures set forth in the Special Contract Conditions for Construction Projects in Occupied Student Housing Facilities at Colorado State University Pueblo. Contractors are required to adhere to special contract conditions for projects that involve construction within or adjacent to student housing facilities, defined as residence halls and apartments. The contractor, all workers, subcontractors, deliverymen, and anyone else coming on to the work site must be informed of the requirements to respect the students' privacy and enjoyment of their residences. The work must be done in a manner that maintains the security of the students' residences, limits contact with the residents, provides advance notice of any work that may affect the residents, and limits communications about the project to those persons designated by CSU Pueblo.

*CSU Pueblo does not officially recognize any non-campus locations of student organizations or non-campus housing facilities.*

## Timely Warning & Emergency Notification

### *Timely Warning*

Under the Clery Act (20 U.S.C. state § 1092), CSU Pueblo, through designated personnel, is responsible for issuing a "timely warning" if a crime has been reported and CSU Pueblo determines there is a serious or continuing threat to the campus community. In addition, CSU Pueblo is required to send an "emergency notification" if there is an immediate threat to the health or safety of students or employees occurring on campus.

### ***The decision to issue a timely warning or an emergency notification:***

- Will be decided on a case-by-case basis in compliance with the Clery Act and after consideration of available facts.
- May depend on the nature of the crime, the continuing danger to the campus community, and the possible risk of compromising law enforcement efforts.
- Will depend upon the particular health or safety threat. CSU Pueblo will, without delay, take into account the safety of the community, determine the content of the notification, and will determine whether to initiate the notification system.

## Emergency Notification

*The emergency notification system will be immediately activated when University authorized representatives become aware of and confirm a critical incident or other emergency situation that potentially affects the health and/or safety of the campus community.*

*The University, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.*

*Law enforcement and University officials will assist those preparing the emergency notification with determining what segment or segments of the campus community should receive the notification. Generally, campus community members in the immediate area of the dangerous situation (i.e. the building, adjacent buildings, or surrounding area) will receive the emergency notification first. The University may issue subsequent notifications to a wider group of community members. In addition to the emergency notification that may be issued via the University mass notification system, the University will post applicable messages about the dangerous condition on the University website and social media outlets to help ensure the rest of the campus is aware of the situation and the steps they should take to maintain personal and campus safety. The University will not disclose the identity of any victim related to the situation prompting the notice.*

*If the emergency affects a significant portion of or the entire campus, University officials will distribute the notification to the entire campus community. With the assistance of the Pueblo County Sheriff's Office, the University will determine the content of the notification. The University has developed a wide range of template messages addressing several different emergency situations. The communications officers (or others issuing the alert) will select the template message most appropriate to the on-going situation and modify it to address the specifics of the present incident.*

## How to sign up for the Emergency Alert System

HOW DO STUDENTS REGISTER FOR EMERGENCY ALERTS? Enrollment in this program is not automatic. Participation in this program is voluntary. Students must register for the service and will be responsible for updating their personal cell phone numbers in the event their contact information changes. It may take up to 72 hours for a cell phone number to become active in the Emergency Notification System.

- Sign on to your PAWS Account
- Click the "Emergency Text" Tab
- Respond to prompts each time you register

HOW DOES THE SYSTEM WORK? In the event of an emergency, a scheduled testing of the emergency system, or an unexpected closing of the University, a text message will be sent to all enrolled cell phones.

Each text message will begin with the message "\*CSU Pueblo ALERT!\*" and will follow with the nature of the alert and any additional information. The text message will be brief, and you will be instructed to check the main CSU Pueblo website or other media outlets for more information. You will receive messages within a few minutes of their transmission as long as your cell phone is turned on. The University will test the system each semester by sending a test message.

DOES IT COST? The service is free, but you may be charged your cellular service provider's standard rates. If you have verified the registered cell phone number is correct and you do not receive the once a semester test message, you will need to check with your carrier to make sure your number is not blocked from receiving subscription text messaging from short codes.

FACULTY AND STAFF REGISTER THROUGH THE FACULTY & STAFF PORTAL

## MORE INFORMATION CAN BE FOUND ONLINE AT:

[CSUPueblo.edu/campus-safety/csu-pueblo-alert.html](https://www.csupueblo.edu/campus-safety/csu-pueblo-alert.html)

**Contractors, Guests, Visitors and Parents SMS Text-In Option**

**Text PackAlert to 67283**



## Crime Prevention

CSU Pueblo believes that crime prevention and awareness can aid in anticipating and minimizing potential dangers to our campus community. CSU Pueblo provides information and training towards these efforts for students, employees and university partners through the following programs.

Program Title	Program Description	Program Frequency	Target Group
911 Phone Service	Every campus phone is directly connected to the Pueblo County sheriff's Office Communications Center.	Continuous	Students, Faculty, Staff, and Campus Community
Spok EA Console Sentry	This system is an enhanced 911 solution that provides information about the location of the caller, to include the building and room number in which they are located. Campus law enforcement, safety personnel and telecommunications personnel receive a desktop and email notification when a 911 call is made from a campus landline phone.	Continuous	Students, Faculty, Staff, and University Partners
Camera System	CSU Pueblo has deployed just over 300 cameras that monitor buildings, parking areas and outdoor spaces.	Continuous	Students, Faculty, Staff, and Campus Community
Card Access System	CSU Pueblo has deployed a card access system in residence halls and many of our other buildings. The system enhances the security of these buildings by controlling access.	Continuous	Students, Faculty, Staff, and Campus Community
New Hire Orientation	The Director of Campus Safety & Emergency Management provides an overview of the mission and services of the Parking and Safety Office and the partnership with the Pueblo County Sheriff's Office.	Continuous	Employees
New Student Orientation	The Director of Campus Safety & Emergency Management, in partnership with the Pueblo County Sheriff's Office, participates in New Student Orientation, Family Orientation, and Discover Days for interested students and parents.	Beginning of Fall and Spring Semesters	Students and Parents
Residence Life and Housing Staff Training	The Director of Campus Safety & Emergency Management, in partnership with the Pueblo County Sheriff's Office, provides training to all Residence Life professional and student staff. This training includes safety tips, resources and crime reporting procedures.	Beginning of Fall Semester	Students and Employees
Operation Identification	This program involves the registering of valuable items with the Pueblo County Sheriff's Office at Colorado State University Pueblo. The Sheriff's Office keeps the record on file to be used for identification purposes should items be stolen or lost.	Continuous	Students, Faculty, and Staff
Active Shooter/Assailant Response Training	Director of Campus Safety and Emergency Management or Certified trainer from the Pueblo County Sheriff's Office presents information on situations that can occur on campus, in the workplace or in public.	Offered on Demand	Students, Faculty, Staff, and University Partners
Lighting Survey	Facilities personnel or building proctors/supervisors regularly survey outdoor lighting and address any concerns. Call (719)549-2211 to report lighting issues.	Continuous	Students, Faculty, Staff, and University Partners
Campus Safe Walk	A member of the CSU Pueblo community may call a deputy or Parking and Safety Officer to accompany them to a specific building or their vehicle.	Continuous	Students, Faculty, Staff, and University Partners
Rave Emergency Alert System	CSU Pueblo's system for alerting students, staff, faculty and university partners in the event of an emergency or threat on campus	Used as Needed	Students, Faculty, Staff, and University Partners
Residence Hall and Building Patrol	Patrols include Sheriff's Deputies patrolling in and around campus buildings	Continuous	Students, Faculty, Staff, and University Partners
Individual or Departmental Safety Consultation	Campus members are encouraged to contact the Director of Campus Safety and Emergency Management with any safety or security concerns by visiting the office or by calling (719)549-2373.	Continuous	Students, Faculty, Staff, and University Partners
Fire Extinguisher Training	This program teaches the fundamentals of the proper use of a fire extinguisher.	Offered on Demand	Students, Faculty, and Staff

**SEX OFFENDER REGISTRY:** Information about registered sex offenders enrolled, working, or volunteering at Colorado State University Pueblo may be obtained from the Pueblo County Sheriff’s Office at CSU Pueblo in Administration 118 or (719) 549-2373. Additionally, information about registered sex offenders residing in Pueblo County is available at the Pueblo County Sheriff’s Office Annex, 920 N. Main St., Pueblo, CO 81003 (719) 583-6400, or online at [sotar.us](http://sotar.us). A list of registered sex offenders residing in the City of Pueblo can be found at the Pueblo Police Department’s website, [police.pueblo.us/p2c/sexoffenders.aspx](http://police.pueblo.us/p2c/sexoffenders.aspx). These lists include only those persons who have been required by law to register and who are in compliance with the sex offender registration laws.



PUEBLO POLICE

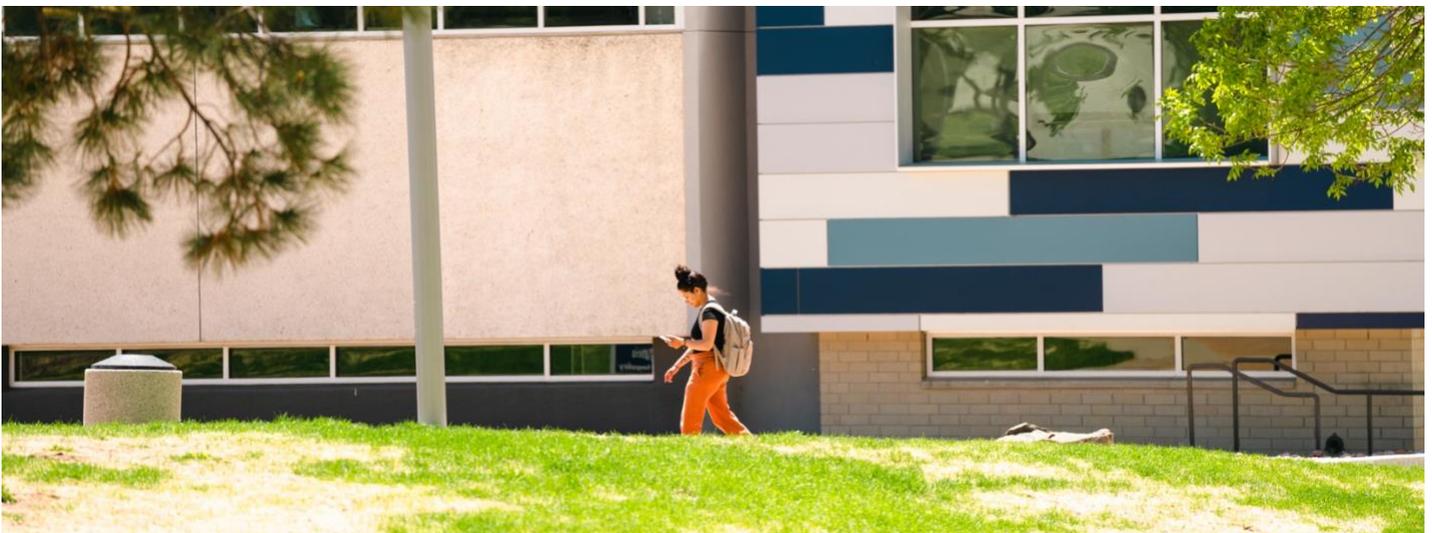


SOTAR

**OPERATION ID:** Allows students, faculty, or staff to register valuable items with the Pueblo County Sheriff’s Office at Colorado State University Pueblo. The Sheriff’s Office will keep the record on file to be used for identification purposes should the items be stolen. Items can be registered by obtaining a form from the Campus Sheriff’s Office or online at: [CSUPueblo.edu/campus-safety/sheriffs-office/operation-id.html](http://CSUPueblo.edu/campus-safety/sheriffs-office/operation-id.html)



Additional information regarding crime prevention services can be found in the CSU Pueblo Student Pack Guide at <https://www.csupueblo.edu/campus-life/index.html>



## Colorado State Law Definitions

The Colorado criminal law definitions of sexual assault, domestic violence, and stalking may be different from some of the definitions used in University policies. Colorado criminal law does not define dating violence. Reproduced below are the relevant sections of the Colorado Criminal Code.

### Consent – Colorado Revised Statute § 18-3-401

(1.5) “Consent” for sexual activity 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.

### Sexual Assault – Colorado Revised Statute § 18-3-402

1. Any actor who knowingly inflicts sexual intrusion or sexual penetration on a victim commits sexual assault if:
  - a. The actor causes submission of the victim by means of sufficient consequences reasonably calculated to cause submission against the victim’s will; or
  - b. The actor knows that the victim is incapable of appraising the nature of the victim’s conduct; or
  - c. The actor knows that the victim submits erroneously, believing the actor to be the victim’s spouse; or
  - d. At the time of the commission of the act, the victim is less than fifteen years of age and the actor is at least four years older than the victim and is not the spouse of the victim; or
  - e. At the time of the commission of the act, the victim is at least fifteen years of age but less than seventeen years of age and the actor is at least ten years older than the victim and is not the spouse of the victim; or
  - f. The victim is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the victim and uses this position of authority to coerce the victim to submit, unless the act is incident to a lawful search; or
  - g. The actor, while purporting to offer a medical service, engages in treatment or examination of a victim for other than bona fide medical purposes or in a manner substantially inconsistent with reasonable medical practices; or
  - h. The victim is physically helpless and the actor knows the victim is physically helpless and the victim has not consented.

### Unlawful Sexual Contact – Colorado Revised Statute § 18-3-404

1. Any actor who knowingly subjects a victim to any sexual contact commits unlawful sexual contact if:
  - a. The actor knows that the victim does not consent; or
  - b. The actor knows that the victim is incapable of appraising the nature of the victim’s conduct; or
  - c. The victim is physically helpless, and the actor knows that the victim is physically helpless and the victim has not consented; or
  - d. The actor has substantially impaired the victim’s power to appraise or control the victim’s conduct by employing, without the victim’s consent, any drug, intoxicant, or other means for the purpose of causing submission; or
  - e. Repealed.
  - f. The victim is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the victim and uses this position of authority, unless incident to a lawful search, to coerce the victim to submit; or
  - g. The actor engages in treatment or examination of a victim for other than bona fide medical purposes or in a manner substantially inconsistent with reasonable medical practices.

(1.5) Any person who knowingly, with or without sexual contact, induces or coerces a child by any of the means set forth in section 18-3-402 to expose intimate parts or to engage in any sexual contact, intrusion, or penetration with another person, for the purpose of the actor’s own sexual gratification, commits unlawful sexual contact. For the purposes of this subsection (1.5), the term “child” means any person under the age of eighteen years.

## Domestic Violence – Colorado Revised Statute § 18-6-800.3 (1)-(2)

Domestic violence means an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. Intimate relationship means a relationship between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time. 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. (Note: in Colorado, “dating violence” is included with the broader definition of domestic violence).

## Stalking – Colorado Revised Statute § 18-3-602 (1)(a)-(c)

A person commits stalking if directly, or indirectly through another person, the person knowingly:

- a. 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
- b. 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
- c. 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.

## Rights of Victims and the Institution’s Responsibilities for Orders of Protection, “No Contact” Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the Institution.

CSU Pueblo complies with Colorado law in recognizing orders of protection by registering them with the Pueblo County Sheriff’s Office at CSU Pueblo, and by assisting petitioners in the event of violations of such order.

Any person who obtains an order of protection from any valid jurisdiction should provide a copy to the Pueblo County Sheriff’s Office at CSU Pueblo. A complainant may then meet with CSU Pueblo’s Director of Campus Safety and Emergency Management and the Pueblo County Sheriff’s Office at CSU Pueblo to develop a Safety Plan to reduce risk of harm while on campus or coming and going from campus.

CSU Pueblo can issue an institutional No Contact order on behalf of a complainant or a respondent, but cannot apply, on behalf of the complainant nor the respondent, for a legal order of protection, no contact order or restraining order from any legal applicable jurisdiction.

If the University receives a report that such an institutional no contact order has been violated, the University will initiate disciplinary proceedings appropriate to the status of the accused violator (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact order.

## SEX-BASED HARASSMENT – including Sexual Assault, Domestic Violence, Dating Violence and Stalking

CSU Pueblo is committed to equal educational and employment opportunities, and to the elimination of all forms of Sex-Based Harassment, including sexual assault, domestic violence, dating violence and stalking. Furthermore, CSU Pueblo is committed to maintaining respectful, safe, and nonthreatening educational, working, and living environments. CSU Pueblo prohibits any conduct that constitutes Sex-Based Harassment, including sexual assault, domestic violence, dating violence and stalking.

## Definitions

### WHAT IS SEX-BASED HARASSMENT UNDER CSU PUEBLO POLICY?

**Sex-Based Harassment** – A form of Sex Discrimination, this means Harassment on the basis of a person’s sex including, but not limited to:

*Quid Pro Quo Harassment:* An employee, agent, or other person authorized by the University to provide an aid, benefit, or service under an Education Program or Activity of the University, explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct.

*Hostile Environment Harassment:* Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from a university Education Program or Activity.

*Specific Offenses:* Sexual Assault, Intimate Partner Violence and Sexual Exploitation are all considered Sex-Based Harassment – NOTE - Sexual Exploitation is not a Clery reportable crime.

*Intimate Partner Violence:* Collectively refers to Dating Violence, Domestic Violence, or Stalking

### WHAT IS DOMESTIC VIOLENCE UNDER CSU PUEBLO POLICY?

**Domestic Violence** – means committing a felony or misdemeanor crime under the law of the jurisdiction where it occurred, by a person who:

Is a current or former spouse or intimate partner of the victim under the domestic violence laws of Colorado, or a person similarly situated to a spouse of the victim;

Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

Shares a child in common with the victim; or

Commits acts against a youth or adult victim who is protected from those acts under the domestic violence laws of Colorado.

### WHAT IS DATING VIOLENCE UNDER THE CSU PUEBLO POLICY?

**Dating Violence** - The term “dating violence” means an act or threatened act of violence upon a person who has been in a social relationship of a romantic or intimate nature with the victim. 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.

### WHAT IS STALKING UNDER CSU PUEBLO POLICY?

**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 the person’s safety or the safety of others or suffer substantial emotional distress; or Directly, or indirectly through another person, or by electronic means, knowingly making a credible threat to another person and, in connection with the threat, repeatedly following, approaching, contacting, placing under surveillance, or communicating with that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship.

### WHAT IS SEXUAL ASSAULT UNDER CSU PUEBLO POLICY?

**Sexual Assault-**

Non-consensual sexual contact, and any offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, which include forcible rape, forcible sodomy, sexual assault with an object, forcible fondling, incest, and statutory rape.

## WHAT TO DO IF THIS HAS OCCURRED TO YOU OR SOMEONE YOU KNOW?

At any time, any person may report Sex-Based Harassment, which includes Sexual Assault, Domestic Violence, Dating Violence and Stalking (whether or not the person reporting is the person alleged to be the victim of Sex-Based Harassment), in person, by mail, by telephone, or by electronic mail to the Director of Compliance/Director of Institutional Equity & Title IX Coordinator, or by any other means that results in the Director of Compliance/Director of Institutional Equity & Title IX Coordinator receiving the person's verbal or written report.

Any official with authority who receives a report of alleged Sex-Based Harassment must promptly report the alleged Sex-Based Harassment to the Director of Institutional Equity/Director of Institutional Equity & Title IX Coordinator. Upon receiving a report of alleged Sex-Based Harassment, the Director of Institutional Equity/Director of Institutional Equity & 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.

## Reporting an Allegation to Law Enforcement

If an individual wishes to report an allegation or concern to law enforcement, and the alleged incident occurred on the University's Pueblo Campus, the individual can report to:

**Pueblo County Sheriff's Office, at the following:**  
**Pueblo County Sheriff's Office**  
**Administration Building 118**  
**(719) 549-2373 – non-emergency number**

If an individual wishes to report an allegation or concern to law enforcement, and the alleged incident occurred off of the University's Pueblo campus but in the City of Pueblo, including the privately owned property surrounding the University's campus, the individual can report to the City of Pueblo Police Department at the following:

**Pueblo Police Department**  
**200 South Main Street**  
**Pueblo, Colorado 81003**  
**(719) 553-2538 – non-emergency number**

If an individual wishes to report an allegation or concern to law enforcement, and the alleged incident occurred at the CSU Pueblo, Pikes Peak State College location, the individual can report to the Pikes Peak State College Campus Police at the following:

**Pikes Peak State College Campus Police**  
**(719) 502-2900 – non-emergency number**

If an individual wishes to report an allegation or concern to law enforcement, and the alleged incident occurred at the CSU Pueblo, Sturm Collaboration Campus location, the individual can report to the Arapahoe Community College Campus Police at the following:

**Arapahoe Community College Campus Police**  
**(303)797-5800- non-emergency number**

If an individual wishes to report an allegation or concern to law enforcement, and the alleged incident occurred at the CSU Pueblo, Walsenburg Campus, the individual can report to the Huerfano Sheriff's Office at the following:

**Huerfano County Sheriff's Office**  
**(719)738-1044- non-emergency number**



Contact information for law enforcement agencies in other jurisdictions where the University has physical operations can be found under the reporting tab on the Human Resources and Institutional Equity's webpage at [CSUPueblo.edu/hr](https://www.csupueblo.edu/hr).

## Preserving evidence

It is important to preserve evidence if a student or employee has been a victim of any of these crimes. The preservation of evidence will help prove the crime occurred and also may help obtain a restraining order from the Courts, if necessary. The student or employee should preserve any text messages, pictures, voice messages, call logs, clothing, or other items that may have been involved in the crimes. If they have text messages or electronic communications, they should take a “screen capture” or print out a copy of the electronic evidence in case the device becomes damaged or destroyed. When saving text messages or any electronic communications, they should remember to save it in a format that shows the timestamp for the communication. All items should be given to law enforcement.

An individual who wishes to make a report to law enforcement regarding an alleged sexual assault may ask to have a forensic examination by a trained medical professional, such as a Sexual Assault Nurse Examiner (“SANE”) for the purposes of preserving evidence. It is important for the preservation of evidence for a person to refrain from showering, washing clothes or placing them in a plastic bag, or otherwise altering the physical status until after they have contacted law enforcement or had an exam.

Colorado law allows for an individual to have undergone a forensic exam without any identifying information being turned over to law enforcement.

If a student or employee contacts the Juniper Southern Colorado, the Center also will assist with reporting the crime. The Juniper Southern Colorado, (719)549-0549, will provide an advocate to accompany the student or employee to the hospital and also will inform them of additional resources. The Rape Crisis Center operates a 24-hour hotline for services. A Community Organization for Victim Assistance (ACOVA), (719)583-6250, can also provide an advocate to assist an individual with reporting an allegation to law enforcement or accompanying the individual to the hospital for a forensic exam. Parkview Medical Center, 400 W. 16th St., Pueblo, CO 81003, provides Sexual Assault Nurse Examiners (SANE) who can conduct the appropriate and necessary examination to preserve evidence and provide medical assistance.

### IMPORTANT INFORMATION TO KNOW:

#### **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 Sex-Based 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(s) equitably. The formal resolution process may occur through the investigation process or may include a live hearing if a student is the Complainant or Respondent. At a live hearing, the Parties will have the right to an advisor, there may be cross examination by the advisor of the Parties and witnesses, and relevancy determination of questions asked during the hearing will occur by the Decision Maker. Upon a finding through the investigation process or 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.

## Supportive Measures

The Director of Institutional Equity & Title IX Coordinator will ensure that Supportive Measures are offered to the Complainant and/or the Respondent(s) as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent(s). These include information about an individual's right to file criminal charges, as well as the availability of counseling, health, mental health, victim advocacy, and other services on and/or off the campus, and additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, and working accommodations, if reasonably available. CSU Pueblo will make such accommodations, if the victim requests them and if they are reasonable, regardless of whether the victim chooses to report the crime to campus or local law enforcement. Either Party may seek a reversal or modification of a Supportive Measure applicable to them.

The purpose of Supportive Measures is to restore or preserve equal access to the University's Education Program or Activity without unreasonably burdening any 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 Sex-Based 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(s). However, the University may remove a Student Respondent(s) 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 Sex-Based Harassment justifies removal; and
- c. Provides the Respondent(s) with notice and an opportunity to challenge the decision immediately following the removal.

The University may place a non-student employee Respondent(s) 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(s), to the extent that maintaining such confidentiality would not impair the ability of the University to provide the Supportive Measures. Director of Institutional Equity & Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Also, the University will abide by the terms of a validly issued protection order. ACOVA (whose contact information is below) can assist you with requesting a protection order through the county courts. Information on protection orders and ACOVA's protection order clinic is also available on ACOVA's website at <https://www.pueblosheriff.com/173/Victim-Assistance---Protection-Orders>.



## Important Tips to Preserve Evidence

Hospital staff can collect evidence, check for injuries, and address the possibility of exposure to sexually transmitted infections. If clothing has been changed since the assault, the clothing worn at the time of the assault should be brought to the hospital in a clean, sanitary container such as a clean paper grocery bag or wrapped in a clean sheet (plastic containers do not breathe and may render evidence useless). Otherwise, a change of clothing should be brought to the hospital, as the clothing being worn may be kept as evidence. The area where the assault occurred should remain undisturbed—leave all sheets, towels, etc. that may bear evidence for law enforcement to collect.

The private nature of information provided to the Office of Human Resources and Institutional Equity and the University regarding an allegation of Sex-Based Harassment, including sexual assault, domestic violence, dating violence or stalking will be accorded the utmost respect. Identifiable information is not shared except to investigate or resolve an allegation of prohibited conduct, in order to comply with the law, or to the extent necessary to provide accommodations or supportive measures. Accommodations or supportive measures related to living arrangements, class modifications, employment duties, and other situations will be discussed only with necessary personnel at the University and with the goal of keeping the information as private as possible given the circumstances.

The University has federal reporting obligations under the Clery Act, including the obligation to provide, publicly, statistics or timely warnings regarding certain reported crimes. The University will not include a Complainant's name or other identifying information in publicly available reports or timely warnings, as proscribed by the Clery Act.

The University recognizes that an individual may wish to further maintain their confidentiality beyond the scope described above. As such, the Director of Institutional Equity & Title IX Coordinator, or designee, will respectfully consider all requests by an alleged victim: that identifying information not be shared with the other party; that the alleged prohibited conduct not be investigated by the University; or to not participate in an investigation by the University. The University also recognizes that it has an obligation to provide a safe environment for all University Members, that the campus community be free from Sex-Based Harassment, including sexual assault, domestic violence, dating violence or stalking. A request for additional privacy may severely limit the University's ability to provide a safe environment freely from prohibited conduct, investigate the allegations, and pursue disciplinary action against an individual, if warranted. Therefore, there may be circumstances in which the University cannot honor a request for further privacy in light of the University's obligation to provide a safe and non-discriminatory environment for all University Community Members.

CSU Pueblo will, upon written request, disclose to the alleged victim of a crime of violence, or a sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim.

## Important Numbers to Report and/or Receive Services Related to Sexual Assault, Intimate Partner Violence and Stalking

### Emergency - 911

### On-Campus Services

Pueblo County Sheriff's Office	(719) 549-2373
Director of Institutional Equity & Title IX Coordinator	(719) 549-2210
Student Counseling Center	(719) 549-2838
Wolf Pack Wellness Center	(719) 549-2830

### Off-Campus Services

Pueblo Police Department	(719) 553-2502
Castle Rock Police Department	(303) 663-6100
El Paso County Sheriff's Office	(719) 520-7100
Juniper Southern Colorado (Formerly Pueblo Rape Crisis Center)	(719) 549-0549
Parkview Medical Center	(719) 584-4400
National Sexual Assault Hotline	(800) 656-4673

ACOVA  
Colorado Legal Services  
Huerfano County Sheriff's Office  
Mariposa Center for Safety (\*Formerly Pueblo YWCA)

(719) 583-6250  
(719) 545-6708  
(719) 738-1044  
(719) 545-8195

## Educational Programs for Sex-Based Harassment, including Sexual Assault, Dating Violence, Domestic Violence & Stalking Awareness

The Office of Human Resources and Institutional Equity, in conjunction with its campus and community partners, offers a variety of training and educational programs throughout the year to students, faculty, and staff regarding topics such as, but not limited to a description of the conduct prohibited by the University's Policy on Discrimination, Protected Class Harassment (Including Title IX) and Retaliation; the procedures used to address and resolve alleged violations of the University's Policy on Discrimination, Protected Class Harassment (Including Title IX) and Retaliation; the definitions of dating violence, domestic violence, sexual assault, stalking, and consent (in relation to sex-based offenses) under Colorado criminal law; descriptions of safe and positive options for bystander intervention; and information on risk reduction.

All incoming students (either first year or transfers), are required to participate in online orientation. This online orientation includes a recorded video of the University's Director of Institutional Equity & Title IX Coordinator discussing the above topics, as well as providing an overview of the Human Resources and Institutional Equity Office. Furthermore, all incoming students are required to complete online training programs covering topics to include sexual assault prevention, Sex-Based Harassment prevention and bystander intervention. Other online training programs may be added as deemed necessary by the Executive Director of Human Resources and Institutional Equity.

In addition to the online training, new student athletes receive as part of their orientation to campus, the Director of Institutional Equity & Title IX Coordinator also provides in-person training to all student athletes regarding the University's policies and procedures, prohibited conduct, bystander intervention, and risk reduction. These interactive presentations address topics such as healthy masculinity and challenge student athletes to question their perceptions around sexual misconduct, intimate partner violence, and stalking.

All faculty and staff, including student employees, are required to complete annual training online on Sex-Based discrimination including Sex-Based Harassment. This training includes information regarding how to respond when a student reports an allegation of prohibited conduct, as well as recognizing prohibited conduct when it presents itself. This training reaffirms their responsibility to report allegations of misconduct, as well as the importance of maintaining the private nature of allegations. Certain employees, including, but not limited to, coaches, athletics personnel, residence life professional staff, and residence life paraprofessional staff receive additional, focused training regarding issues related to sex-based harassment that are unique or germane to their roles on campus. Furthermore, the Director of Institutional Equity & Title IX Coordinator, upon request, may provide targeted in-person training to administrative and academic offices.

During the academic year, Juniper Southern Colorado may visit campus and provide information to the campus community regarding their services, sexual assault, and the power dynamics often underlying sexual assault.

Throughout the year, educational programs on preventing and responding to sexual assault, intimate partner violence, stalking and healthy relationships are presented in the residence halls, and educational programs and information tables are available throughout the year in various campus locations. Similarly, bystander intervention training is provided throughout the year in varied formats. Topics include generalized information and definitions, scenarios, questions, action steps, and available resources. Students are provided with examples of when and how to intervene in various situations.

For matters addressed through Formal Complaint Process, upon exhaustion of all appeals, or if no appeals are filed in a timely manner, the Director of Institutional Equity & Title IX Coordinator, or designee, shall provide simultaneous written notice to the Complainant and Respondent that the results of the Formal Complaint Process are final.

## ALCOHOL AND OTHER DRUG PREVENTION PROGRAMS

The University is dedicated to providing a safe and healthy environment for students to complete their educational goals without the burden of problematic or illegal use of alcohol or other drugs. The Alcohol and Other Drug Prevention Program works with individual students, small groups, and the campus and surrounding community to provide individually tailored, evidence-based prevention education and behavioral interventions. The Alcohol and Other Drug Policy is enforced by the Pueblo County's Sheriff's Office and the Division of Student Affairs.

The program also provides individual assessment and wellness services that help the student address alcohol and other drug use and/or abuse. Individuals can receive a free assessment, access to free education/behavioral intervention, and referral to additional options on campus and off campus.

Some students may be mandated to complete an assessment and educational intervention track with the Health and Well-Being Manager as a result of violating the Alcohol and Other Drug Policy. More information about the University's drug and alcohol education programs can be found in the 2023 Drug Free Schools and Communities Act Biennial Review notification at:

[https://www.csupueblo.edu/health-education-and-prevention/\\_doc/biennial-review.pdf](https://www.csupueblo.edu/health-education-and-prevention/_doc/biennial-review.pdf)



Health Education and Prevention (HEP) provides prevention education, healthy living, and learning opportunities in order to sustain a wellness-focused environment that further develops academics and success for students at Colorado State University Pueblo. HEP works with individual students, small groups, the campus and surrounding community to provide individually tailored, evidence-based prevention education and behavioral interventions.

### Drug-Free Workplace Statement

In 1988, Congress enacted the Drug-Free Workplace Act. This law requires employers who contract with or receive grants from federal agencies to certify that they will meet certain requirements for providing a "Drug-free workplace." Colorado State University Pueblo intends to comply with all provisions of the Act. The University has chosen to adopt the State's policy with regard to substance abuse. This policy, known as the "Substance Abuse Policy" states:

"Colorado State University Pueblo has a vital interest in maintaining a safe, healthful and efficient working environment for its employees, (students) and the public. Employees impaired by alcohol or other drugs during working hours may pose safety and health risks, not only to themselves, but to others."

Therefore, to ensure a safe working environment, it is the policy of Colorado State University Pueblo that use of alcohol, other drugs, or controlled substances during work hours is prohibited. Likewise, it is the policy of Colorado State University Pueblo that illegal possession, manufacture, use, sale, or transfer of a controlled substance on state property or during work hours by its employees is prohibited. Violations of this policy will be cause for corrective or disciplinary actions up to and including termination.

Colorado State University Pueblo has in place a drug awareness program which has been designed to inform students and employees about the dangers of drug abuse available on the HR Website at <http://www.csupueblo.edu/hr/policies>  
As a condition of employment, the employee will:

(1) abide by the terms of this statement.

(2) notify the University of any Criminal Drug Statute Conviction for a violation occurring in the workplace no later than five days after such conviction.

Employees who would like more information on counseling, rehabilitation, and/or employee assistance programs are encouraged to contact the Director of Human Resources at extension 2441. All such inquiries will be handled in the strictest confidence consistent with Federal/State/University Regulations and policies. Information is also available on the HR Website at [www.csupueblo.edu/hr](http://www.csupueblo.edu/hr).

A copy of the law, including a list of controlled substances, is available for review in the Human Resources Office. For further information, please contact this office at extension 2441.

**Call (719) 549-2121 to schedule an appointment with the Health and Well-Being Manager.**

PURSUANT TO FEDERAL LAW, THE POSSESSION, USE, OR SALE OF MARIJUANA ARE PROHIBITED ON CAMPUS. ALTHOUGH COLORADO LAW ALLOWS THE USE OF MARIJUANA, NO PERSON MAY USE OR POSSESS MARIJUANA ON CAMPUS PROPERTY. POSSESSING A MEDICAL MARIJUANA CARD/LICENSE DOES NOT CREATE AN EXCEPTION.

## Missing Student Policy

The following policy has been established to address missing student notification for university students living in university owned or leased housing and to identify procedures that University will follow if any of those students are determined to be missing for 24 hours.

All concerns of a possible missing student should be immediately reported to ANY of the following:

The Pueblo County Sheriff's Office at CSU Pueblo at (719) 549-2373

The Vice President of Student Affairs at (719) 549-2586

The Professional Staff on-call at (719) 549-2601

Upon receiving a report of a missing student, the aforementioned individual must immediately notify the Pueblo County Sheriff's Office at the University by calling (719) 549-2373.

Every student who resides in on-campus housing shall have the option to identify an individual that needs to be contacted by the University in the event that the student is determined missing. That contact information will be kept confidential and accessible only to authorized campus officials. The University may only disclose that confidential contact information to law enforcement officials for the purpose of a missing student investigation. If a missing student is under the age of 18 and is not emancipated, the University must notify the student's parent or guardian as soon as reasonably possible.

Upon receiving information that a student may be missing, the Pueblo County Sheriff's Office at the University will begin an investigation to determine whether the student is missing and may contact the student's confidential contact person as part of the investigation.

Once it has been determined that a student living in university owned or leased housing has been missing for 24 hours, the University will notify the student's confidential contact person within 24 hours; however, the University may act sooner. If the missing student is under the age of 18 and is not an emancipated individual, the University will notify the custodial parent or legal guardian as soon as reasonably possible.

## How to Be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. Individuals who observe violence or witness the conditions that perpetuate violence but are not directly involved have the choice to intervene, speak up, or do something about it.

The CSU Pueblo promotes a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. Active bystanders may not know what to do even if they want to help.

### Below are some suggestions

If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.

Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.

Speak up when someone discusses plans to take sexual advantage of another person.

Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.

Refer people to on- or off-campus resources such as this document for support in health, counseling, or legal assistance.

### Risk Reduction

While the only person responsible for a crime of violence is the one who commits the crime (and never the victim), the following is a list of some strategies that may assist in reducing one's risk (taken from Rape, Abuse, & Incest National Network, [rainn.org](http://rainn.org)):

1. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to avoid isolated areas. It is more difficult to get help if no one is around.
3. Walk with purpose. Even if you don't know where you are going, act like you do.
4. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it isn't the best place to be.
5. Try not to load yourself down with packages or bags, as this can make you appear more vulnerable.
6. Make sure your cell phone is with you and charged and that you have cash money.
7. Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
8. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
9. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
12. Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
13. Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
14. If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - a. Recognize that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - b. Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - c. Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.

- d. Make up a reason to leave, rather than stay and be uncomfortable, scared, or worse. For example you could say you need to take care of a friend or family member, or that you are not feeling well, or have to be somewhere else.
16. Make an escape plan for how to make a quick exit. Take note of other exits/entrances and whether there may be people or other emergency services nearby. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
17. If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

## Fire Safety

### Reporting a Fire

If any person sees a fire in progress, the person should immediately call 911. If a person is aware of a fire that occurred anywhere on campus, the person should report that incident to the Pueblo County Sheriff's Office at CSU Pueblo, (719) 549-2373.

### Evacuation Procedure

When an alarm sounds, all persons' should immediately begin to evacuate the building and take the following measures:

Leave the room immediately.

Close the room door.

Walk quietly and quickly to the nearest exit. Do not use the elevators.

Remain outside until the signal is given to return to their room.

All persons' are required to obey all fire regulations. A person who fails to evacuate a residence hall when an alarm sounds will be subject to disciplinary action. Residence Hall staff, CSU Pueblo Sheriff's staff, other appropriate University staff and the Pueblo Fire Department reserve the right to enter student rooms to locate the source of any potential fire or smoke hazard and to ensure that everyone has evacuated that building.

### Fire Protection Services

Fire protection for the Colorado State University Pueblo campus is provided by the Pueblo City Fire Department. All Pueblo City Firefighters carry a minimum Firefighter 1 designation. Additionally, at least one member of each engine company is certified as an EMT Paramedic. More information on the Pueblo Fire Department may be accessed at:

[pueblo.us/index.aspx?NID=235](http://pueblo.us/index.aspx?NID=235)



## Fire Suppression and Detection Systems

A fire alarm system is available in each on-campus residence hall that includes Crestone, Culebra, and Greenhorn halls. Each building and its corresponding fire alarm system contains a Siemens' main control panel and initiating and notification devices. Examples of initiating devices are: smoke detectors, heat detectors, pull stations, and fire sprinkler control valves. Examples of notification devices are: horns, strobes, and speakers. In addition to monitoring the status of these devices, it also monitors the status of field wiring, annunciators, back-up batteries, and internal operations. When a condition occurs from any one of these devices or a problem is detected within the control panel itself, the main control panel transmits a signal—alarm, trouble, or supervisory—to a Digital Alarm Communicator Transmitter located at the Heating Plant.

Fire Suppression and Detection Systems						
Building	Fire Alarm	Room Detection	Room Detection Reporting	Central Station Reporting	Automatic Sprinkler System	Stand Pipes
Culebra Hall	Yes	Yes	No	Yes	Yes	Yes
Crestone Hall	Yes	Yes	No	Yes	Yes	Yes
Greenhorn Hall	Yes	Yes	No	Yes	Yes	Yes
Walking Stick Apartments	Yes	Yes	No	Yes	No	No

### Voice Evacuation

In addition, all of CSU Pueblo's fire alarm systems serve the purpose of voice evacuation. Each individual building is equipped with a control panel that can be used to initiate building-wide voice commands. Global (campus wide) voice commands can be initiated from one of two designated buildings—the campus Sheriff's Office and the Physical Plant building. The control panel located in the Sheriff's Office serves as the master page panel, and the control panel located in the Physical Plant Building serves as a slave panel to the master page panel. Both panels have the ability to initiate campus wide voice commands, in the event of an emergency.

Smoke alarms are located in individual living quarters in Crestone, Culebra, and Greenhorn halls. Crestone, Culebra, and Greenhorn halls utilize 120VAC hardwired units with battery back-up. As noted above, these are used only for local evacuation purposes within the room and are not connected to the building fire alarm system.

### EVACUATION PROCEDURES



<https://www.csupueblo.edu/facilities-management/environmental-health-safety/fire-safety.html>

### FIRE EXTINGUISHER PROCEDURES



[csupueblo.edu/facilities-management/environmental-health-safety/fire-safety.html](https://www.csupueblo.edu/facilities-management/environmental-health-safety/fire-safety.html)

## FIRE EMERGENCY - Call 911



### Emergency Response and Evacuation Procedures

CSU Pueblo performs semiannual fire system tests and inspections in cooperation with The City of Pueblo Fire Department and Siemens. These tests help identify any deficiencies of the Fire Alarm and Mass notification systems. Each test is documented. This information includes a description, documentation if the test was announced or unannounced, the date, time, and response feedback from the evaluators. All documentation is maintained in the Office of Environmental Health and Safety.

The University, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Notification Responsibility:

- The Pueblo County Sheriff's Office at CSU Pueblo.
  - Lieutenant
  - Communications Center Officers

Colorado State University Pueblo:

- Director, Campus Safety and Emergency Management
- Sr. Director of Marketing Communications and Community Relations
- Director of Facilities Management and Environmental Health Services

<b>Fire Drills Conducted</b>	
<b>Culebra Hall</b>	2
<b>Crestone Hall</b>	2
<b>Greenhorn Hall</b>	2
<b>Walking Stick Apartments</b>	1

### Tampering with Fire and Safety Equipment

Tampering with fire and safety equipment in the residence halls or in any campus building is prohibited. Tampering includes pulling false fire alarms, discharging fire extinguishers, removing exit signs, and interfering with smoke detectors. Violators will be charged for all damages that occur as a result of tampering with fire and/or safety equipment. In addition, all violators are subject to conduct sanctions and possible criminal prosecution.

## Electrical Appliances, Smoking, and Open Flame Policies

To help ensure a safe living environment, only the following appliances are permitted in the residence halls: microwave ovens (less than 700 watts), refrigerators (no more than 4 cubic feet), coffee pots, air popcorn poppers, pop-up toasters, hair dryers, electric shavers, radios, TVs, stereos, and irons. Microwave ovens are the only cooking appliances permitted for use in student rooms. No homemade electrical appliance will be permitted. Students who plan to operate appliances in their room must provide an UL-approved power strip with a self-contained circuit breaker. Octopus plugs are not permitted. Additionally, residents must be present when using any cooking appliance or iron in student rooms or in hall kitchens.

Items NOT allowed include but are not limited to: electric heaters, oil popcorn poppers, hotplates, toaster ovens, “George Foreman” or similar type grills, open coiled or open flame appliances, deep fryers, convection ovens, and any appliances with an open heating element and torchiere lamps and neon lights. Only those halogen lights with guards will be permitted.

Candles used with a candle warmer are allowed in the residence hall. Any candles with wicks that have been burned will be confiscated. Incense and any item with an open flame or exposed heat source are potential fire hazards and are prohibited.

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.

Gasoline, kerosene, ether, oil, and any other flammable liquids are prohibited in residence halls.

## Fire Safety Education

Additionally, the following steps are taken in regard to fire safety education:

- Residence hall students are informed of evacuation procedures at the beginning of the academic year at floor meetings.
- Fire drills involving evacuation are held every semester in the residence halls.
- Residence hall advisors and staff members are trained on evacuation procedures and fire extinguisher use. CSU Pueblo schedules annual fire extinguisher training, table top exercises and Active Shooter/Assailant Response Training.

## Future Improvements in Fire Safety

CSU Pueblo is currently installing a completely new Edward’s Fire Alarm system with new panels. This will include more effective mass notification across campus. Knox Boxes will be installed on each campus building.

Fire Statistics												
Building	Fires			Fire-related Fatalities			Fire-related Injuries			Value of Property Damages		
Year	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
Culebra Hall	0	0	0	0	0	0	0	0	0	0	0	0
Crestone Hall	0	0	0	0	0	0	0	0	0	0	0	0
Greenhorn Hall	0	0	0	0	0	0	0	0	0	0	0	0
Walking Stick Apt.	1	0	0	0	0	0	0	0	0	\$200	0	0

## CATEGORIES OF CRIME STATISTICS AS REQUIRED BY CLERY ACT

### TYPES OF OFFENSE:

- a. Murder and non-negligent homicide
- b. Negligent manslaughter
- c. Sex Offenses
  - Rape
  - Fondling
  - Statutory Rape
  - Incest
- d. Robbery
- e. Aggravated Assault
- f. Burglary
- g. Motor Vehicle Theft
- h. Arson
- i. Dating Violence
- j. Domestic Violence
- k. Stalking
- l. Hate Crimes (Disclose whether any of the above-mentioned offenses, or any other crimes involving bodily injury were hate crimes.)

### HATE CRIMES\* – REPORTED BY CATEGORY OF PREJUDICE:

- a. Theft
- b. Simple Assault
- c. Intimidation
- d. Criminal Mischief/Property damage
- e. Any other crime involving bodily injury

\*Hate crime categories of prejudice include race, gender, religion, national origin, sexual orientation, gender identity, ethnicity or disability

### ARRESTS OR REFERRALS FOR DISCIPLINARY ACTION:

For illegal weapons possession and violation of drug and liquor laws.

### UNFOUNDED CRIMES:

A reported crime withheld from the statistics due to a full investigation and examination of evidence by law enforcement which determines that the crime is false or baseless.

### DEFINITIONS OF STATISTICS

#### ON-CAMPUS CRIME STATISTICS:

On-campus crime statistics reflect crimes committed anywhere on the CSU Pueblo campus. This includes the residence halls and Walking Stick Apartments.

#### RESIDENCE HALL CRIME STATISTICS:

The residence hall data is a subset of the on-campus data. This data represents only reportable criminal activity that occurred in on-campus housing.

#### NON-CAMPUS BUILDING CRIME

##### STATISTICS:

This data represents crime in non-campus buildings that are being used by the University.

#### PUBLIC PROPERTY CRIME STATISTICS:

This data represents reported crimes that occurred on public property. Public property as defined by the Clery Act is all public property that is within the same reasonably contiguous geographic area of the institution to include public streets and sidewalks.

CSU Pueblo Clery Crime Statistics	On Campus			Campus Housing			Non Campus			Public Property		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
<b>Criminal Offenses</b>												
Murder and Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offense												
Rape	2	3	0	2	3	0	0	0	0	0	0	0
Fondling	1	0	0	1	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	1	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	3	0	0	2	0	0	0	0	0	0	0
Motor Vehicle Theft	3	3	5	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
<b>Arrest or Summons</b>												
Illegal weapons	1	1	0	1	0	0	0	0	0	0	0	0
Violations of Drug Laws	5	1	2	5	0	2	0	0	0	0	0	0
Violation of Liquor Laws	3	2	0	3	2	0	0	0	0	0	0	0
<b>Referrals for Disciplinary Actions Only</b>												
Illegal Weapons	0	4	1	0	3	1	0	0	0	0	0	0
Drug Violations	16	27	34	14	7	34	0	0	0	0	0	0
Liquor Violations	28	60	92	28	60	91	0	0	0	0	0	0
<b>Hate Crimes</b>												
Murder / Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Forcible Sex Offense	0	0	0	0	0	0	0	0	0	0	0	0
Non-forcible Sex Offense	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Larceny / Theft	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0
Destruction / Damage / Vandalism of Property	0	0	0	0	0	0	0	0	0	0	0	0
<b>Violence Against Woman Act Offenses</b>												
Domestic Violence	1	1	1	0	1	1	0	0	0	0	0	0
Dating Violence	0	1	0	0	1	0	0	0	0	0	0	0
Stalking	0	4	1	0	1	0	0	0	0	0	0	0
<b>Unfounded</b>												
Unfounded Crimes	1	0	0	1	0	0	0	0	0	0	0	0

\*2021 and 2022 include statistics from our Tower location in Colorado Springs, 2023 includes statistics from our Pikes Peak State College location, which replaced our Tower location.

**Category of Bias**

Vandalism - Gender Identity

**Colorado Law Defines Consent as:**

Cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act

**Hate Crimes include any of the listed criminal offenses which are motivated by the following biases:**

Race, gender, religion, national origin, sexual orientation, gender identity, ethnicity or disability

**The following three types of incidents must be reported if they result in an arrest or summons:**

1. Liquor Law Violations; 2. Drug Law Violations; and 3. Illegal Weapons Possession

**Non-Campus Property:**

CSU Pueblo Extended Studies sites (Fort Carson, and Tower location in Colorado Springs\*, East High School), CSU Pueblo Athletics practice and competition sites (Runyon Field Sports Complex, City Park Tennis Complex, Walking Stick Golf Course, Pueblo Country Club Golf Course, Colorado State Fair Grounds, Pueblo Tennis Center) and CSU Pueblo School of Nursing instruction sites (Banner Health Facility, Colorado State University Library), Arapahoe Community College.

**Public Property:**

The portions of Walking Stick Blvd. and Desert Flower Blvd. which run through and/or adjacent to campus



## Student Alcohol and Other Drug Policy

### POLICY PURPOSE:

Colorado State University Pueblo is committed to providing an academic and social environment that supports excellence in academic and related pursuits and promotes individual responsibility, health and safety, and community welfare. Substance misuse and abuse can lead to serious health problems for individuals and harm to the community. To decrease risk factors and protect the community, CSU Pueblo provides comprehensive Alcohol and Other Drug (AOD) education, programs, and outreach for its students, staff, faculty, and community partners. The purpose of this policy is to establish safe practices and protect the University, its students and others from the adverse effects of Alcohol and Other Drug misuse.

### POLICY APPLIES TO (Persons affected by):

This policy applies to all students at the University. This policy applies in addition to the Student Code of Conduct and Residence Life & Housing Handbook.

### EXEMPTIONS:

This policy does not apply to bona fide, approved research projects utilizing Alcohol or Cannabis or its derivatives, or any other Controlled Substance in compliance with all applicable federal and state laws and regulations and university policies.

### DEFINITIONS:

**Alcohol or Alcoholic Beverage:** Any substance which contains ethyl alcohol that is designed for the purpose of human consumption.

**AOD:** Acronym for Alcohol and Other Drugs.

**Binge Drinking:** A pattern of consuming Alcohol with an intention of becoming intoxicated by heavy consumption over a short period of time, or playing drinking games (such as beer pong, chugging contests, using a funnel or other device for enhanced consumption, etc.).

**Campus:** All property, buildings and facilities of Colorado State University Pueblo, whether owned, leased or otherwise under the control of the University.

**Cannabis or Marijuana:** A plant used to produce hemp fiber and as a psychoactive drug, its parts and its derivatives containing tetrahydrocannabinol (THC).

**Controlled Substance:** As defined in Schedules I through V of Section 202 of the Controlled Substances Act, 21 U.S.C. 812, 21 CFR 1308.11-1308.15, or in Colorado Revised Statutes (C.R.S.) §18-18-102(5). These include substances that have a high potential for misuse or which, if abused, may lead to psychological or physical dependence. Among these are heroin, fentanyl and other opium derivatives, methamphetamines, marijuana, cocaine, and other mind-altering drugs.

**Drug:** A Controlled Substance, prescription drug, or other medication or substance, other than Alcohol, that has the potential to induce intoxication or other mind-altering effects.

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

**Paraphernalia:** Equipment, products, and materials that have been used or are intended to be used to cultivate, manufacture, distribute, or consume illicit drugs (including medical and recreational Marijuana and its derivatives) or to engage in Binge Drinking.

**Possession:** An act where an individual has or holds any amount of Alcohol or other Drug(s) on their person or in a place under their control.

**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:

CSU Pueblo will not tolerate the excessive, inappropriate, or illegal use or abuse of Alcohol or other Drugs on or off campus property. The University will not condone criminal activity on its property, or on property under its direct control, and will impose disciplinary sanctions up to and including expulsion of a student who violates CSU Pueblo's AOD policies, consistent with federal, state and local laws. The University may also make referrals to law enforcement authorities for criminal prosecution. CSU Pueblo has the right to adjudicate off-campus cases that are judged to impact the University's educational mission and/or the health and safety of members of the community.

The University expects that those who wish to include Alcohol as part of their activities will do so responsibly and lawfully. Responsible drinking includes making sound judgments about whether, when, and how much to drink, understanding the health issues related to the consumption of Alcohol, and avoiding excessive or Binge Drinking or any other abuse of Alcohol.

Persons planning events on Campus should be mindful of the complexities introduced into planning an event with Alcohol. Event management issues such as the provision of refreshments, management of the participants or audience, security, insurance concerns, liability of participants, protection of minors, and other factors require serious attention for any event, especially when Alcohol is served. Event organizers must fully understand the University's Alcohol and Other Drug policies and applicable laws and must manage their events accordingly. They also are expected to keep the safety and well-being of participants at the forefront of their planning and management of events. Faculty and staff members who advise students are expected to assist them in making responsible decisions about their events and to facilitate the enforcement of this policy.

Student organizations may not plan or hold events that promote or encourage the over-consumption of Alcohol or the use of Drugs. Those planning events should remember that the vast majority of events at CSU Pueblo take place without Alcohol or Drugs; that most members of the undergraduate community are not of legal drinking age; and that among those who are, many do not drink Alcoholic Beverages at all. Campus organizations that choose to plan events with Alcoholic Beverages are expected to maintain a reasonable balance in their programming between events with and those without the serving of Alcoholic Beverages, and to include and welcome non-drinking participants at every event, without exception.

Marijuana and its derivatives are Controlled Substances, and, despite state law, they remain illegal under federal law. Their use and possession on Campus and at CSU Pueblo events can put the University at risk of non-compliance with strict laws and regulations that carry severe penalties and are strictly prohibited.

### Drug-Free Schools and Communities Act (DFSCA)

The DFSCA requires CSU Pueblo to establish policies that address unlawful possession, use, or distribution of Alcohol and Drugs by students and employees. The DFSCA also requires the establishment of a drug and alcohol abuse prevention program. This policy and the CSU Pueblo's Health Education & Prevention Program address these needs for the student community, and the program is reviewed every other year, with a biennial report issued to the campus community.

### Prohibitions on Possession, Consumption and Impairment

The University prohibits:

#### 1. Underage Possession or Consumption

The possession and/or consumption of Alcohol by persons under the age of 21 is prohibited. Possession and consumption of Alcohol by Residential Students, or by anyone in the Residence Halls and Apartments, is further regulated in the Residence Life and Housing Handbook.

#### 2. Providing Alcohol to Minors

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

#### 3. Irresponsible Serving of Alcohol

When providing Alcohol to those of the legal age to drink, 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 persons to drive who have been drinking, and creating environments conducive to Binge Drinking. Students may be held responsible for the behavior of their guests who violate this policy.

#### 4. Binge Drinking

Participating in, encouraging or knowingly permitting Binge Drinking is prohibited.

#### 5. Severe Intoxication

Being intoxicated by Alcohol to a level that requires, or appears to require, medical attention or supervision by others, or poses a danger to the health or safety of oneself or others, is prohibited.

#### 6. Use During Class

Use of Alcohol or Drugs, or tobacco, during any class, whether in-person in the classroom or while attending a class online or remotely.

#### 7. Citations

Students receiving citations for Driving While Impaired (DWI) or Driving Under the Influence (DUI) may also be disciplined by the University.

#### 8. Possession, Use, or Sale of Marijuana and Other Drugs

The unlawful manufacture, distribution, dispensation, possession, or use of Drugs (including medical and recreational Marijuana and its derivatives) on property owned or controlled by the University, or as any part of any University activity, is prohibited. The possession of a medical Marijuana permit does not allow for the possession, use or storage of Marijuana anywhere on university property, including in the residence halls and university apartments.

#### 9. Paraphernalia

Possession, sale or use of Alcohol or Drug Paraphernalia on university property.

#### 10. Promotion and Advertisement

Marijuana and other Drug industry promotions, advertising, marketing, and distribution are prohibited on Campus and with campus and educational activities.

#### 11. Prescription Medication

The distribution, dispensation, or possession of prescription medication that has not been prescribed by the individual's licensed treating provider is prohibited. Individuals who have been prescribed medications (including scheduled Drugs) may only use those medications as prescribed by their treating provider. Any other use or unauthorized sale is prohibited. All prescription medication must remain in the original labeled packaging provided to the individual to whom it was prescribed.

#### Permissible Activities that May Include Alcoholic Beverages

CSU Pueblo permits the lawful use of Alcoholic Beverages at events and in connection with activities on CSU Pueblo property, when certain circumstances and conditions are present. These include:

-When the activity takes place in a licensed restaurant, bar or other premises, such as the football stadium, in the Da Brix at the Occhiato Student Center, or at a licensed off-Campus establishment.

-When the activity takes place in another location on Campus and is catered by a food service company contracted by the University, that holds the appropriate Alcoholic Beverage license, and prior approval from the responsible university department and the University President or President's delegate has been received.

-When service of Alcohol at the event is approved, in advance, by the Cabinet in accordance with the Event Scheduling and Facilities Use Policy.

#### Medical Amnesty

CSU-Pueblo encourages all members of the community to call for help when any sign of Alcohol poisoning or Drug overdose is observed. Students who call for help to assist someone or themselves may be eligible for medical amnesty. Students who are provided medical amnesty shall not be subject to disciplinary sanctions; however, students may be required to attend an Alcohol and Drug educational program. Receipt of medical amnesty is at the discretion of the Office of Student Conduct and Community Standards. Examples of substance use crisis situations where medical amnesty may be claimed include:

When 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).

When 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.

### 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 enhanced conduct sanctions and possible criminal prosecution. Whenever there are reasonable grounds to suspect that a student may be experiencing a substance use crisis, a report should be made to Pack CARES after calling emergency services.

### Violations

Students who violate the University's policies concerning Alcohol and Drugs face sanctions in accordance with the Student Conduct Code and may be subject to criminal prosecution under federal and state laws for Alcohol and Drug-related criminal offenses.

It is also a violation of this policy to: (1) Retaliate against any person for reporting suspected impairment or taking any other action under this policy, even if such action ultimately proves to be unwarranted; or (2) Knowingly make a false report of impairment against another. Such violations will be taken seriously and may result in disciplinary action.

### RELATED LAWS, POLICIES & PROCEDURES:

AOD Sanction Guideline Table

Event Scheduling and Facilities Use Policy

Pack Student Guide

Residence Life and Housing Handbook

Smoking and Tobacco Policy

Student Code of Conduct

Title IX, Sex-Based Harassment and Gender Discrimination Policy

Drug Free Workplace Act of 1988 (41 U.S.C. §701, et seq.) and the Federal Drug-Free schools and Communities Act

Amendment of 1989 (20 U.S.C. §1011i; 34 C.F.R. §86.1, et seq.). Information: US Department of Labor

Board of Governors of the CSU System: Alcohol and Drug Policy

Institute of Cannabis Research

Colorado Clean Indoor Air Act, C.R.S. 25-14-201, 25-14-203(7), 25-14-204 (1)(j), (bb), (cc), effective July 1, 2006

Executive Order D 0036 90, effective January 1, 1991

Executive Order B 2018 011, effective November 2, 2018

Marijuana Colorado State Regulations

### REFERENCES:

AOD Sanction Guideline Table 2019

### APPROVED:

Marie Humphrey, Vice President for Student Affairs



## Employee Alcohol and Other Drug Policy:

### PURPOSE

Colorado State University Pueblo (CSU Pueblo) strives to provide a safe and secure environment for its faculty, staff, volunteers, and students, and one that promotes the acquisition of knowledge and nurtures the growth of the individual. Alcohol and drug abuse can lead to serious health problems for individuals and the community, and often plays a role in other serious risks such as accidents, violence, dating and domestic violence, and sexual assaults. The following alcohol and drug policy, with its emphasis on individual and shared responsibility, is adopted in this spirit, while at the same time fostering compliance with local, state and federal laws relating to the use of Alcohol other Drugs (including, but not limited to, the Drug Free Workplace Act of 1988).

### POLICY APPLIES TO (Persons affected by)

This policy applies to all members of the university community who are subject to the jurisdiction and authority of the University with respect to matters of behavior and conduct. This includes, without limitation, faculty, administrative professionals, state classified staff, and all other employees (collectively, “employees”), affiliates, volunteers and visitors. Agents, contractors and subcontractors are subject to this policy while on university property. This policy does not apply to students, except when they are acting in the capacity of a university employee.

### EXEMPTIONS

This policy does not apply to *bona fide*, approved research projects utilizing Alcohol or Drugs in compliance with all applicable federal and state laws and regulations and university policies.

This policy does not prohibit the lawful use of Alcohol as part of a class curriculum (such as fermentation science or viticulture classes). Refer to Colo. Rev. Stat. (C.R.S.) § 18-13-122 for more information about this exemption.

### DEFINITIONS

*Alcohol or Alcoholic Beverage:* Any substance which contains ethyl alcohol that is designed for the purpose of human consumption.

*AOD:* Acronym for Alcohol and Other Drugs.

*Campus:* All property, buildings and facilities of Colorado State University Pueblo, whether owned, leased or otherwise under the control of the University.

*Cannabis or Marijuana:* A plant used to produce hemp fiber and as a psychoactive drug, its parts and its derivatives containing tetrahydrocannabinol (THC).

*Controlled Substance:* As defined in Schedules I through V of Section 202 of the Controlled Substances Act, 21 U.S.C. 812, 21 CFR 1308.11-1308.15, or in Colorado Revised Statutes (C.R.S.) §18-18-102(5). These substances have a high potential for misuse and may lead to psychological or physical dependence. Among these are heroin and other opium derivatives, methamphetamines, marijuana, cocaine, fentanyl, and other mind-altering Drugs.

*Drug:* A Controlled Substance, prescription drug, or other medication or substance, other than Alcohol, that has the potential to induce intoxication or other mind-altering effects.

*Employee:* Any person in the employ of CSU Pueblo, including but not limited to faculty, administrative professionals, state classified employees, temporary employees, student employees while acting in that capacity, and any person acting as a volunteer for CSU Pueblo.

*Illicit Drug:* Any Drug that is illegally in the possession of or is illegally being used by a person.

*Intoxicated or Impaired:* To be under the influence of Alcohol or Drugs to such an extent as to adversely affect job performance, pose a threat to safety of oneself or others, or lose control of one's faculties or behaviors.

*Possession:* Having or holding any amount of Alcohol or other Drug(s) on one's person or in a place under their control.

## **POLICY STATEMENT**

### **Drug Free Workplace:**

The Drug-Free Workplace Act of 1988 requires CSU Pueblo, as a federal contractor and grant recipient, to certify that it will provide a drug-free workplace. As a condition of employment on such contracts and grants, Employees will abide by the terms of this policy. The unlawful manufacture, distribution, dispensation, possession, use, or sale in the workplace of a controlled substance, as defined by state or federal law, is prohibited. These prohibitions cover any individual's actions which are part of any university activities, including those occurring while on university property or in the conduct of university business away from the Campus.

The University will not condone criminal activity on its property, or on property under its direct control, and will take appropriate personnel action up to and including termination of employment, exclusion from Campus, and referral to law enforcement authorities for criminal prosecution.

All CSU Pueblo Employees are subject to the State of Colorado's Universal Drug and Alcohol Policy for State Employees, in addition to this policy.

### **Prohibitions on Possession, Consumption and Impairment**

#### **The University prohibits:**

##### **1. Underage Possession or Consumption**

The possession and/or consumption of Alcohol by persons under the age of 21 is prohibited anywhere on Campus. No person, regardless of age, shall provide Alcohol to anyone under age 21.

##### **2. Irresponsible Serving of Alcohol**

When providing Alcohol to those of the legal age to drink, Employees must practice responsible serving procedures. Irresponsible serving procedures include, but are not limited to, providing Alcohol to intoxicated individuals, providing Alcohol to minors, allowing persons to drive who have been drinking, and creating environments conducive to overconsumption of Alcohol.

##### **3. Intoxication at Work**

All Employees at CSU Pueblo are required to refrain from reporting to work or being subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of Alcohol or Drugs.

An Employee who tests positive for metabolites of substances that are listed in the schedules of the Federal Controlled Substances Act and the State of Colorado Controlled Substances Act may be in violation of this policy.

This policy applies during all work hours, whenever conducting business or representing the University and while on-call or paid standby. If an Employee tests positive for Alcohol or Drugs during work hours, they may be in violation of this policy.

##### **4. Citations**

Employees receiving citations for Driving While Impaired (DWI) or Driving Under the Influence (DUI) may also be disciplined by the University.

##### **5. Possession, Use, or Sale of Marijuana**

Marijuana and its derivatives are Controlled Substances, and, despite state law, they remain illegal under federal law. Their use and possession on Campus and at CSU Pueblo events can put the University at risk of non-compliance with strict laws and regulations that carry severe penalties. All Employees are prohibited from using, possessing, or being under the influence of Marijuana on Campus, regardless of whether or not they hold a prescription for medical Marijuana.

#### 6. Drug Paraphernalia

Possession, sale or use of Drug paraphernalia on university property including, but not limited to, equipment, products, and materials that have been used or are intended to be used to cultivate, manufacture, distribute, or consume illicit drugs (including medical and recreational Marijuana and its derivatives) is prohibited.

#### 7. Promotion and Advertisement

Marijuana industry promotions, advertising, marketing, and distribution are prohibited on Campus and with campus and educational activities.

#### 8. Prescription Medication

The distribution, dispensation, or possession of prescription medication that has not been prescribed by the individual's licensed treating provider is prohibited. Individuals who have been prescribed medications (including Controlled Substances) may only use those medications as prescribed by their treating provider. Any other use or unauthorized sale is prohibited. All prescription medication must remain in the original labeled packaging provided to the individual to whom it was prescribed.

### **Alcohol at Events:**

The University expects that those who wish to include Alcohol as part of their activities will do so responsibly and lawfully. Responsible drinking includes making sound judgments about whether, when, and how much to drink, understanding the health issues related to the consumption of Alcohol, and avoiding excessive drinking or any other abuse of Alcohol. Persons planning events on Campus should be mindful of the complexities introduced into planning an event with Alcohol. Event management issues such as the provision of refreshments, management of the participants or audience, security, insurance concerns, liability of participants, protection of minors, and other factors require serious attention for any event, especially when Alcohol is served. Event organizers must fully understand the University's Alcohol and Other Drug policies and applicable laws and must manage their events accordingly. They also are expected to keep the safety and well-being of participants at the forefront of their planning and management of events.

### **Permissible Activities that May Include Alcoholic Beverages:**

CSU Pueblo permits the lawful use of Alcoholic Beverages at events and in connection with activities on CSU Pueblo property, when certain circumstances and conditions are present.

These include: When the activity takes place in a licensed restaurant, bar or other premises, such as the football stadium in the Da Brix at the Occhiato Student Center, or at a licensed off-Campus establishment.

When the activity takes place in another location on Campus and is catered by a food service company contracted by the University, that holds the appropriate liquor license, and prior approval from the responsible university department and the University President or President's delegate has been received.

When service of Alcohol at the event is approved, in advance, by the department of Facilities and Events in accordance with the Event Scheduling and Facilities Use Policy.

### **Reasonable Suspicion of Intoxication**

All Employees have an obligation to report to their supervisor if they observe another Employee appearing to be Intoxicated at work. Impairment may be marked by a person's behavior, appearance or odor, or by observing that the individual is in possession of Alcohol or Illicit Drugs at work.

A supervisor who has reason to suspect an Employee of being intoxicated at work or subject to duty should document the reasons for the suspicion using the Reasonable Suspicion of Impairment Checklist for Supervisors. If, after completing the checklist, the supervisor concludes that the Employee may be intoxicated, the Employee must immediately be suspended from work and sent home in a safe manner (taxi, rideshare, or transportation by a sober individual) and told not to return until the start of their next shift when they are no longer Intoxicated.

The supervisor must not permit the Employee to leave in an unsafe condition, for example, by driving, biking or walking, and is required to contact law enforcement (Pueblo County Sheriff's Office) if necessary to prevent this from happening.

Employees may be subject to post-accident testing when they cause or contribute to accidents that seriously damage a state vehicle, machinery, equipment, or property and/or result in an injury to the Employee or another person requiring medical attention.

### **Duty to Report Conviction**

Consistent with the Federal Drug-Free Workplace Act, any Employee who is charged or convicted of a criminal Drug violation occurring in the workplace must notify the CSU Pueblo Human Resources office in writing within five calendar days of the conviction. Federal contracting agencies will be notified within 10 days when appropriate.

### **Consequences and Personnel Actions**

Any Employee who violates this policy is subject to disciplinary action up to and including termination of employment, or referral for satisfactory participation in an appropriate evaluation or rehabilitation program.

An applicant for employment at CSU Pueblo who violates this policy is subject to withdrawal of the offer of employment.

Violators of the policy may also be referred to the appropriate authorities for prosecution.

### **Resources for Those Seeking Assistance for Substance Abuse and Dependence**

One of the goals of this policy is to encourage Employees to voluntarily seek help with Alcohol and/or Drug abuse problems. Supervisors should inform Employees about the [Colorado State Employee Assistance Program \(C-SEAP\)](#), which is available to provide professional counseling regarding substance abuse issues.

Employees may also be entitled to:

- Family Medical Leave: Employees afflicted by substance dependence may be eligible for leave under the Family and Medical Leave Act.
- Americans with Disabilities Act (ADA) Accommodation: All employees, including those who do not qualify for Family Medical Leave, may be eligible for job-protected leave or other reasonable accommodations under the ADA if they have a qualifying disability.
- Short-term Disability Insurance: Employees may be eligible to receive short-term disability insurance benefits if they are unable to work during a period of substance abuse treatment.

## TITLE IX GRIEVANCE PROCEDURES

### Overview and Applicability

Effective August 1, 2024, these Grievance Procedures (“Procedures”) will be followed by CSU Pueblo (“the University”) in responding to reports of alleged Sex Discrimination violations of the [CSU Pueblo Policy on Discrimination \(including Title IX Sex-Based Discrimination\), Protected Class Harassment and Retaliation](#) (“the Policy”). As defined in the Policy, “Sex Discrimination” is a broad category that includes Sex-Based Harassment.

### Definitions

Capitalized terms in these Procedures are defined in the Policy; additional terms may be defined within these Procedures.

### Fairness and Impartiality

All participants in the grievance process must practice fairness and impartiality in all respects. Serving impartially includes avoiding prejudgment of the facts at issue, conflicts of interest, and bias towards one Party or another, or towards Complainants or Respondents, members of one sex or another, or members of a Protected Class, generally.

### Confidentiality in Grievance Proceedings

Anonymous Reporting: Any person or Party may report conduct violating the Policy anonymously; however, the University may not be able to respond to the report effectively if the identity of the reporter is unknown.

Anonymous reports may be made to the [Office of Institutional Equity \(OIE\)](#), the [Campus Safety Office](#), or the [Pueblo County Sheriff's Office \(PCSO\)](#). PCSO will share the anonymous report with the OIE and it will be included in CSU Pueblo’s annual crime statistics if appropriate, as required by federal law.

The University is subject to confidentiality requirements as stated in the Policy. In addition, the University will protect the privacy of a Party’s medical, psychological, and similar treatment records, and university employees and representatives cannot access or use such records without first obtaining the party’s voluntary, written consent to do so (except for disclosures of evidence as required by the Grievance Procedures, and disclosures required by law).

All University employees are required to maintain confidentiality of, and not disclose to anyone, all information gained solely through the grievance process, except to the extent necessary to comply with the Policy and these Grievance Procedures. Only disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the Complaint of Sex Discrimination are authorized. This obligation continues indefinitely after the proceeding is complete. A Party is permitted to disclose such information to the extent that a restriction would impair the Party’s ability to obtain evidence, consult with certain individuals, prepare for or participate in the Grievance Procedures, or consult with their family members, confidential resources, or Advisors.

### Jurisdiction

These Procedures are followed when the University has jurisdiction over the alleged misconduct and those involved. Upon receiving a report of alleged conduct that potentially violates the Policy, the Responsible Administrator must first determine whether the University has jurisdiction over the Parties and the alleged conduct by considering:

Whether the Parties are subject to the University’s authority to impose disciplinary sanctions for the conduct alleged, or, if disciplinary sanctions cannot be imposed, take other action such as providing Supportive Measures, or modifying or terminating a contract with a third party.

Whether the alleged conduct would, if proven, constitute a violation of the Policy.

If the alleged conduct is not within the University’s jurisdiction under Title IX, the matter is typically dismissed consistent with the dismissal provisions in these Procedures. If applicable, the conduct will be referred to the appropriate University office for resolution, which may include the office of Student Conduct and Community Standards.

## The Responsible Administrator's Duties

Upon being notified of conduct that reasonably may constitute Sex Discrimination under Title IX and as to which there appears to be jurisdiction, the Responsible Administrator must:

Treat the Complainant and Respondent equitably.

Offer and coordinate Supportive Measures, as appropriate, for the Complainant. If the University has initiated Grievance Procedures or offered an informal resolution process to the Respondent, the Responsible Administrator must also offer and coordinate Supportive Measures, as appropriate, for the Respondent.

Notify the Complainant, or if the Complainant is unknown, the individual who reported the conduct, of the Title IX Grievance Procedures and the informal resolution process, if available and appropriate.

If a Complaint is made, notify the Respondent of the Title IX Grievance Procedures and the informal resolution process, if available and appropriate.

Regardless of whether a Complaint is initiated, take appropriate, prompt and effective steps to ensure that Sex Discrimination does not continue or recur within the University's Education Program or Activity, in addition to providing remedies to an individual Complainant.

Diligently follow the Title IX Grievance Procedures to their conclusion.

## Initial Assessment/Intake

Upon receipt of a report of Sex Discrimination, the OIE Intake Specialist, who reports to the Director of Institutional Equity & Title IX Coordinator/Director of OIE, will promptly contact the Complainant to discuss the allegations, the availability of and the Complainant's wishes with respect to Supportive Measures, and the process for filing a Complaint.

As part of the intake assessment, the Intake Specialist will:

Assess the nature and circumstances of the report, including whether it provides the names and/or any other information that identifies the Complainant, the Respondent, any witnesses and/or any other individuals with knowledge of the reported incident;

Assess the report to determine whether it raises a potential Policy violation;

Address immediate physical safety and emotional well-being of the Parties and others;

Notify the Complainant of their right to contact (or decline to contact) law enforcement or seek a civil protection order;

Notify the Complainant of the right to seek medical treatment;

Notify the Complainant of the importance of preservation of evidence;

Consult with the other university administrators as appropriate;

Refer the report to the CSU Pueblo Director of Campus Safety to enter the report into the university's daily crime log if required, assess the reported conduct and discern the need for a timely warning under the Clery Act;

Provide the Complainant with written information about campus and community resources;

Notify the Complainant of the right to reasonable Supportive Measures regardless of whether they choose to file a formal Complaint;

Provide the Complainant with an explanation of the procedural options, including informal resolution and formal Grievance Procedures;

Notify the Complainant of the right to be accompanied at any meeting, hearing or proceeding by an Advisor of their choice and of the option to have the University appoint an Advisor;

Assess the available information for any pattern of alleged conduct by Respondent;

Discuss the Complainant's expressed preference for the manner of resolution and any barriers to proceeding (e.g., confidentiality concerns);

Explain the University's policy prohibiting Retaliation and how to report acts of Retaliation;

If the Complainant is a minor, make the appropriate report of suspected abuse consistent with the University's [Protection of Minors Policy](#); and

Determine whether there is jurisdiction over the Parties and the conduct.

If the Responsible Administrator determines that there is jurisdiction over the Parties and the alleged conduct, the Responsible Administrator will:

Offer and coordinate Supportive Measures for the Complainant, as appropriate.

Determine whether the Complainant wishes to make a Complaint.

If a Complaint is made, notify the Respondent of the allegations made and resolution processes, including the informal resolution option, and the formal Grievance Procedures described below.

Offer and coordinate Supportive Measures for the Respondent, as appropriate.

Notify the Respondent of the right to be accompanied at any meeting, hearing or proceeding by an Advisor of their choice, and of the option to have the University appoint an Advisor;

Following the initial evaluation, the Responsible Administrator may either dismiss the Complaint if warranted, offer the Complainant an informal resolution process if appropriate, or proceed with the investigation. If the matter is assigned to an Investigator, the Responsible Administrator retains overall responsibility for the Grievance Procedure.

## Initiating a Complaint

If the Complainant (or their authorized parent or guardian or other authorized legal representative) indicates they wish to initiate a Complaint in a manner that can reasonably be construed as reflecting intent to make a Complaint and to have the University initiate an investigation, the matter will be referred to an Investigator. If the Complainant chooses not to make a Complaint, no formal or informal resolution process will commence unless the Responsible Administrator decides to initiate a Complaint as described below. The Complainant may decide to make a Complaint at a later date.

With respect to complaints of Sex Discrimination other than Sex-Based Harassment, a complaint may also be made by:

Any Student or employee; or

Any person other than a Student or employee who was participating or attempting to participate in the University's Education Program or Activity at the time of the alleged Sex Discrimination.

## University-Initiated Complaints

If the Complainant chooses not to make a Complaint, or withdraws all or some of the allegations in the Complaint, the Responsible Administrator must determine whether to initiate a Complaint on behalf of the University. The Responsible Administrator will consider relevant factors including, but not limited to:

The Complainant's request not to proceed with initiation of a Complaint.

The Complainant's reasonable safety concerns regarding initiation of a Complaint.

The risk that additional acts violating the Policy would occur if a Complaint is not initiated.

The severity of the alleged Policy violation, including whether the allegations, if established, would require the removal of a Respondent from campus or imposition of another Disciplinary Sanction to end the misconduct and prevent its recurrence.

The age and relationship of the Parties, including whether the Respondent is an employee of the University.

The scope of the alleged policy violation, including information suggesting a pattern or ongoing policy violation, or conduct alleged to have impacted multiple individuals.

The availability of evidence to assist a Decisionmaker in determining whether a policy violation occurred.

Whether the University could end the alleged conduct and prevent its recurrence without initiating Grievance Procedures.

If, after considering these and other relevant factors, the Responsible Administrator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or any other person, or that the conduct as alleged prevents the University from ensuring equal access for all in the University Community on the basis of sex to an Education Program or Activity, the Responsible Administrator may initiate a Complaint.

If the Responsible Administrator decides to initiate a Complaint, they must first notify the Complainant of the decision to do so and appropriately address the Complainant's reasonable concerns about the Complainant's safety.

If the Responsible Administrator chooses to initiate a Complaint, they do not become the Complainant. The Complainant remains the person who experienced the alleged conduct that could constitute a violation of the Policy.

Neither the Complainant nor the Respondent is ever compelled to testify or otherwise participate in a Grievance Procedure.

### Consolidation of Complaints; Collateral Misconduct

The University may consolidate Complaints of Sex Discrimination against more than one Respondent, or by more than one Complainant against one or more Respondents, when the allegations arise out of the same facts or circumstances. When more than one Complainant or more than one Respondent is involved, references in these Procedures to Party, Complainant, or Respondent include the plural, as applicable.

Collateral misconduct includes potential violations of the Policy other than Sex Discrimination (such as Protected Class Discrimination and Harassment), or of other university policies, that occur in conjunction with the allegations in the Complaint, or that arise during the investigation and adjudication process (e.g., an allegation of Retaliation). Collateral misconduct may be adjudicated along with the Sex Discrimination Complaint when it makes sense to combine all allegations and provide one resolution.

In such circumstances, the Responsible Administrator may consult with university officials who typically oversee such conduct (e.g., Human Resources, Student Conduct, Provost) to solicit their input as needed on what charges should be filed; but bringing collateral charges under these procedures is within the discretion of Responsible Administrator.

All other allegations of misconduct unrelated to incidents covered by the Policy will typically be addressed separately through procedures described in the student, faculty, and staff handbooks.

### Supportive Measures

In all cases under these Procedures, the Responsible Administrator will offer the Complainant and Respondent Supportive Measures to restore or preserve that Party's access to the University's Education Program or Activity, including measures that are designed to protect the safety of the Parties and/or the University's educational environment; and provide support during the Grievance Procedures.

The range of Supportive Measures includes, but is not limited to:

Facilitating access to counseling and medical services.

Guidance in obtaining a sexual assault forensic examination.

Assistance in arranging rescheduling of exams and assignments and extensions of deadlines.

Academic support.

Assistance in requesting long-term academic accommodations through Disability Resources and/or OIE if the individual qualifies as an individual with a disability.

Change in class schedule, including the ability to transfer course sections or withdraw from a course.

Allowing either a Complainant or a Respondent to drop a class in which both Parties are enrolled in the same section without penalty.

Changes in the Complainant's or Respondent's university work schedule or job and/or leadership assignments.

Change in campus housing.

Safety escort and other safety planning steps, such as increased security and monitoring of certain areas of the campus.

Mutual "no contact order," an administrative remedy designed to curtail contact and communications between two or more individuals.

Voluntary leave of absence.

Referral to resources to assist in obtaining a protective order.

Referral to resources to assist with any financial aid, visa or immigration concerns.

Limiting an individual's access to certain university facilities or activities.

Training and education programs related to Sex-Based Harassment.

Any other remedial measure, as appropriate, that is non-disciplinary, non-punitive, and does not unreasonably burden any Party's access to the University's Education Programs and Activities.

**Student Pregnancy:** When the OIE receives a report from a Student or the Student's parent, guardian or other legal representative that the Student is pregnant, the Director of Institutional Equity & Title IX Coordinator or designee will inform the Student that:

The Student may voluntarily participate in a separate and comparable portion of an Education Program or Activity (for example, another class section).

The Student may request reasonable modifications to the University's policies, practices or procedures as necessary to prevent Sex Discrimination on the basis of pregnancy and ensure equal access to the Education Program or Activity, based on the Student's individualized needs, after consulting with the Student. The Student may accept or decline each reasonable modification offered, and the University will implement those the Student accepts. Reasonable modifications may include, but are not limited to:

- Breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom;
- Intermittent absences to attend medical appointments;
- Access to online or distance education;
- Changes in schedule or course sequence;
- Extensions of time for coursework and rescheduling of tests and examinations;

- Allowing a student to sit or stand, or carry or keep water nearby;
- Counseling;
- Changes in physical space or supplies (for example, access to a larger desk or a footrest);
- Elevator access; or
- Other changes as reasonably necessary to prevent discrimination.

The Student is allowed to voluntarily take a leave of absence from the University or any portion of its Education Program or Activity to cover the time deemed medically necessary by the Student's licensed healthcare provider (or a longer period of time if another university policy provides for it). When the Student returns from leave, they must be reinstated to their same academic status and, to the extent practicable, to the extracurricular status that they held when the voluntary leave began.

The Student will have access a lactation space, other than a bathroom, that is clean, shielded from view, free from intrusion of others, and may be used for expressing breast milk or breastfeeding as needed.

The University will not require supporting documentation from the Student, except for what's necessary to determine the reasonable modifications to make or whether to take additional specific actions.

The Responsible Administrator will provide a Party with a timely opportunity to seek modification or reversal of the decision to provide, deny, modify, or terminate Supportive Measures applicable to them. The individual to whom the request is made will be the Director of OIE/Director of Institutional Equity & Title IX Coordinator, unless the Director implemented the Supportive Measure, in which case it will be the Dean of Students or the Senior Director of Human Resources, who will have the authority to modify or reverse the decision if they determine that the decision was inconsistent with the definition of Supportive Measures in the Policy. A Party will also have the opportunity to seek additional modification or termination of a Supportive Measure applicable to them if circumstances change.

The University will not disclose information about any Supportive Measures to anyone other than the person to whom they apply, nor inform one Party of Supportive Measures provided to another Party, unless necessary to provide the Supportive Measure or restore or preserve a Party's access to the Education Program or Activity.

## Notice of Investigation

If the Responsible Administrator has determined that the Complaint will not be dismissed prior to the initiation of resolution procedures (formal or informal), they will provide the Complainant and Respondent with a Notice of Investigation that sets forth the allegations known at the time. The Parties will have five university business days in which to respond to the allegations before any interviews take place.

The Notice of Investigation will include:

Links to or copies of these Title IX Grievance Procedures and the Policy.

Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), the conduct alleged to constitute Sex Discrimination under Title IX, if applicable, and the date(s) and location(s) of the alleged incident(s), to the extent that information is available to the Responsible Administrator.

A statement that Retaliation is prohibited.

A statement that the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon request.

Additional allegations of Policy violations may be added after the initial Notice of Investigation is provided. If that occurs, the Responsible Administrator will provide a new notice to the Parties pertaining to the new allegations.

## Dismissal of the Complaint

Pursuant to the Policy, the Responsible Administrator may decide to dismiss the Complaint at any time prior to the final decision concerning responsibility for violating the Policy, upon any of the following grounds:

The University is unable to identify the Respondent after taking reasonable steps to do so;

The Respondent is no longer participating in the University's Education Program or Activity and is not employed by the University;

A Complainant voluntarily withdraws any or all of the allegations in the Complaint, the Responsible Administrator declines to initiate a Complaint, and the University determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute Sex Discrimination under Title IX even if proven; or

The University determines, after clarifying the allegations with the Complainant, that the conduct alleged in the Complaint would not constitute a Policy violation, if proven.

A Decisionmaker can recommend dismissal to the Responsible Administrator, if they believe the above grounds are met. A Complainant who decides to withdraw a Complaint may later request to reinstate it or file a new Complaint.

Upon any dismissal, the University will promptly send the Complainant written notification of the dismissal and the rationale for doing so. If the dismissal occurs after the Respondent has been made aware of the allegations, the University will also notify the Respondent of the dismissal.

## Appeal of Dismissal

The Complainant may appeal a dismissal of their Complaint. The Respondent may also appeal the dismissal of the Complaint if dismissal occurs after the Respondent has been made aware of the allegations. All dismissal appeal requests must be filed within three university business days of the notification of the dismissal. The request must contain a statement of the grounds for the appeal and must be submitted to the [OIE via email](#) or hand delivered in writing.

The Responsible Administrator will notify the Parties of any appeal of the dismissal. If the Complainant appeals, but the Respondent was not notified of the Complaint, the Responsible Administrator must then provide the Respondent with a Notice of Investigation and will notify the Respondent of the Complainant's appeal with an opportunity to respond.

Throughout the dismissal appeal process, the University will:

Implement dismissal appeal procedures equally for the Parties;

Assign a trained Appeal Decisionmaker who did not take part in an investigation of the allegations or dismissal of the Complaint;

Provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the dismissal; and

Notify the Parties of the result of the appeal and the rationale for the result.

In all other respects, dismissal appeals will be conducted in accordance with section 25 below.

## Emergency Removal/Interim Suspension of a Student

The University may remove from all or any part of campus, a class or activity, or university housing, or may impose an interim suspension on any Student accused of Sex Discrimination. Prior to an emergency removal or interim suspension, the University will conduct an individualized risk assessment and may only remove or suspend the Student if that assessment determines that an imminent and serious threat to the health or safety of a Complainant or any Students, employees, or other persons arising from the allegations of Sex Discrimination justifies such action.

When an emergency removal or interim suspension is imposed, the affected Student will be notified of the action, which will include a written rationale and the option to challenge the emergency removal or interim suspension within three university business days of the notification. Upon receipt of a challenge, the Responsible Administrator will meet with the Student (and their Advisor, if desired) as soon as reasonably possible thereafter to allow them to show cause why the removal or suspension should not be implemented or should be modified. The challenge must be submitted to the [OIE via email](#) or hand delivery.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal or interim suspension is appropriate or should be modified or lifted. If this meeting is not requested within three university business days, objections to the emergency removal or interim suspension will be deemed waived. A Student can later request a meeting to show why they are no longer an imminent and serious threat because conditions related to imminence or seriousness have materially changed. A Complainant and their Advisor may be permitted to participate in this meeting if the Responsible Administrator determines it is equitable to do so.

The Respondent may provide information, including expert reports, witness statements, communications, or other documentation for consideration prior to or during the meeting. The Complainant may also provide information to the Responsible Administrator for review.

An emergency removal or interim suspension may be affirmed, modified, or lifted as a result of a requested review or as new information becomes available. The Responsible Administrator will communicate the final decision in writing, typically within three university business days of the review meeting.

### Placing an Employee on Leave

When the Respondent is a university employee accused of violating the Policy, the employee may be placed on administrative leave in accordance with the applicable policies and procedures for employees of the same type (e.g., faculty, administrative professional, state classified employee or student employee). Such action will be taken only upon a determination that an imminent and serious threat exists to the health or safety of a Complainant or any other person and that placing the employee on administrative leave will help alleviate that threat or prevent recurrences of misconduct.

The employee's rights to challenge the action are set forth in the applicable employee handbook and/or rules.

### Advisors in the Grievance Process

Throughout these Grievance Procedures, each Party has the right to consult with an Advisor of their choosing, including, but not limited to, an attorney. Each Party may be accompanied by no more than one Advisor to a meeting or proceeding related to the resolution of a report or Complaint under the Policy. The Advisor may provide support and advice to the Party at any meeting and/or proceeding.

Other than at a live hearing for the sole purpose of conducting any cross-examination, an Advisor may not speak on behalf of a Party or otherwise participate in, or in any manner delay, disrupt, or interfere with meetings and/or proceedings. The University will not unduly delay the scheduling of meetings or proceedings based on an Advisor's unavailability.

An Advisor may be asked to meet with a university administrator in advance of any proceedings to understand the expectations of the role, privacy considerations, and appropriate decorum.

The Party may select whomever they wish to serve as their Advisor. A university employee may choose not to serve in that role. Choosing an Advisor who is also a witness in the process creates potential for bias that must necessarily be taken into account by the Decisionmaker(s).

The Administrator will offer to assign a trained Advisor to any Party if the Party so chooses. If the Party chooses an Advisor to be assigned by the University, the University will have trained the Advisor and familiarized them with the Grievance Procedures. Advisors assigned by the University cannot be Confidential Employees, witnesses, or Responsible Administrators in the same matter.

If one Party selects an Advisor who is an attorney, the University is not obligated to provide an attorney as that Party's Advisor.

A Party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. Parties are expected to provide the Administrator with timely notification if they change Advisors. If a Party changes Advisors, consent to share information with the previous Advisor is assumed to be terminated, and a release for the new Advisor must be submitted.

If a Party requests that all communication be made through their attorney Advisor instead of to the Party, the University will comply with that request. If the Advisor is not an attorney, all communications from the University will be sent to the Party, except as otherwise stated in these Grievance Procedures.

Advisors should help the Parties to prepare for each meeting. Advisors may not speak on behalf of their Party except as provided in Hearings, below.

Advisors are entitled to the same opportunity as their Party to access relevant evidence and to receive the Final Investigative Report.

In addition to the Advisor, a Party may be accompanied by a person to provide support (e.g., a case manager, disability support provider) during any portion of the process.

## The Investigation

All investigations will be conducted in a manner that is adequate, reliable, and impartial.

When an investigation is initiated, the Responsible Administrator appoints an Investigator(s) to conduct it. These Investigators may be members of the OIE or any other properly trained, unbiased person, whether internal or external to the University Community.

Employees (not including Complainant and Respondent) are required to cooperate with and participate in the investigation and resolution process. Student witnesses and witnesses from outside the University Community who cannot be required to cooperate and participate are encouraged to do so voluntarily. An employee is not compelled to serve as an Advisor.

The Investigator must, at a minimum, interview all Parties and may interview other witnesses identified by the Parties or by the Investigator or Responsible Administrator. The Investigator has the discretion to determine which witnesses to interview and may not necessarily interview all witnesses that are identified by a Party. Interviews may be conducted in person, via online audio/video platforms, by telephone or by submitting questions in writing. The Investigator will take appropriate steps to ensure the security and privacy of remote interviews.

The burden of gathering evidence and the burden of proof by a preponderance of the evidence are on the University to prove a violation of the Policy. In all cases, there is presumption that the Respondent is not responsible for the alleged Sex Discrimination until a determination is made at the conclusion of the Grievance Procedures.

The University will provide equal opportunity for the Parties to present relevant fact and expert witnesses and other inculpatory or exculpatory evidence to the Investigator.

As used herein, in an investigation or hearing "relevant" means related to the allegations of Sex Discrimination under investigation in the matter. Questions are relevant when they seek evidence that may aid in showing whether the alleged Sex Discrimination occurred, and evidence is relevant when it may aid the Decisionmaker in determining whether the alleged Sex Discrimination occurred. Though relevant, some evidence and testimony may be impermissible, as further explained in section 22 below.

The Investigator will send the Parties or witnesses whose participation is invited or expected written notice of the time and place of investigative interviews, meetings and hearings.

Parties may submit questions to the Investigator to ask of the other Parties and witnesses.

The Investigator will send the Parties and their Advisors all evidence directly related to the allegations, in electronic format or hard copy, with at least 10 days for the Parties to inspect, review, and respond to the evidence. The Investigator will consider the response and will determine if it is relevant. The Investigator may seek additional information based on the response, at their discretion.

Then the Investigator will send the Parties, and their Advisors, an Investigative Report that fairly summarizes relevant evidence, in electronic format or hard copy, with at least 10 days for the Parties to respond. After receiving any responses, the Investigator will provide the Final Investigative Report to the Parties and the Decisionmaker.

## Informal Resolution

If the Responsible Administrator determines that the matter is suitable for informal resolution at any time prior to determining whether Sex Discrimination occurred, the Responsible Administrator may, in their discretion, offer the Parties the opportunity to proceed with the informal resolution process. This option does not apply if the Complaint includes allegations of Sex-Based Harassment by an employee against a Student. If such an offer is made, both Parties must agree to informal resolution, or the matter will proceed as a formal Grievance Procedure. A Party's election to participate in informal resolution is entirely voluntary and may be rescinded at any time prior to the final decision.

If informal resolution is elected by the Parties, the Responsible Administrator must nevertheless take other appropriate, prompt and effective steps to ensure that Sex Discrimination does not continue or recur within the University's Education Program or Activity.

The informal resolution process may be referred to a trained facilitator within or outside of the Office of Institutional Equity and/or the University, who is not the same person as the Investigator, Decisionmaker, or Appeal Decisionmaker. The facilitator must not have a conflict of interest or bias for or against any Party or against complainants or respondents generally.

At the outset of the informal resolution process, the Responsible Administrator will provide the Parties with a notice that explains:

The allegations;

The requirements of the informal resolution process;

That prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and to initiate or resume the formal Grievance Procedures;

That the Parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the Parties from initiating or resuming grievance procedures arising from the same allegations;

The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties. Potential terms that may be included in an informal resolution agreement include, but are not limited to:

- Restrictions on contact between a Party and another Party or person; and
- Restrictions on the Respondent's participation in one or more of the University's programs or activities or attendance at specific events, including restrictions that could have been imposed as remedies or disciplinary sanctions had the Decisionmaker determined at the conclusion of the Grievance Procedures that Sex discrimination occurred.
- What information the University will maintain and whether and how the University could disclose such information for use in grievance procedures if initiated or resumed.

The University maintains records of any resolution that is reached and will provide notification to the Parties of what information is maintained. Failure to abide by the resolution agreement may result in

appropriate responsive/disciplinary actions (e.g., dissolution of the Agreement and resumption of the Grievance Procedures, referral to the conduct process for failure to comply, application of the enforcement terms of the Agreement, etc.).

If an Informal Resolution option is not available or chosen, or terminates without a resolution, the University will initiate or continue an investigation and subsequent Grievance Procedure to determine whether the Policy has been violated. All timeframes for the Grievance Procedure will be extended as necessary.

An informal resolution agreement is not considered a disciplinary action and does not become part of the Student's disciplinary record.

### Formal Grievance Procedures for Adjudication of Complaints without a Hearing

In cases where allegations are made of (1) Sex Discrimination without any allegations of Sex-Based Harassment; or (2) Sex-Based Harassment, but where neither Party is a Student, the matter will be decided without a live hearing. If the Complaint includes any allegations of Sex-Based Harassment involving a Student that are not dismissed, it will be adjudicated in its entirety using the Hearings procedures.

**Student Employees:** When a Complainant or Respondent is a student employee of the University, the Responsible Administrator must make a fact-specific inquiry to determine whether a live hearing will be held. In making this determination, the Responsible Administrator must, at a minimum, consider whether the Party's primary relationship with the University is to receive an education, and whether the alleged Sex-Based Harassment occurred while the Party was performing employment-related work when the conduct in question allegedly occurred. When the determination is that the alleged conduct occurred primarily in relation to the employment, not the Party's status as a Student, a live hearing will not be held.

In all Grievance Procedures under the Policy, the Responsible Administrator(s), Investigator(s), and Decisionmaker(s) will make an objective evaluation of all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations must not be based on a person's status as a Complainant or Respondent.

Upon receipt of the Final Investigative Report, the Decisionmaker will have at least 30 days in which to issue a Notice of Decision (NOD) to the Parties. The NOD will include a finding by the preponderance of the evidence as to whether the Respondent(s) violated the Policy as to each allegation in the Complaint. In reaching a determination, the Decisionmaker may rely on relevant evidence that is otherwise permissible for consideration under this Policy and Procedures. The Decisionmaker has the discretion to determine the appropriate weight to assign to all relevant evidence.

The Decisionmaker must:

Provide the NOD, in writing, to the Parties and their supervisor, and, where applicable, to Human Resources, the OIE or to the Office of Student Conduct and Community Standards.

Inform the Parties of their rights to appeal the decision.

If the Decision-Maker finds the Respondent has violated the Policy or any other policy of the University, refer the matter for consideration of sanctions to the appropriate authority, depending on the Respondent's status at the University.

### Formal Grievance Procedures for Adjudication of Complaints Including a Hearing (Sex-Based Harassment Involving Student Complainants or Respondents)

Except as otherwise provided for student employees above, in cases in which the Complaint alleges Sex-Based Harassment and either Party is a Student, the University will hold a live hearing before a Hearing Officer to elicit evidence and testimony from the Parties and their witnesses. The Hearing Officer may be a neutral employee of the University or a neutral outside person who is trained in Title IX and conducting Title IX hearings. The Hearing Officer or either Party may call the Investigator to testify concerning the Final Investigative Report.

The Hearing Officer will be impartial and free from actual bias or conflict of interest. The Responsible Administrator will provide the Parties the name of the Hearing Officer no later than five business days in advance of the hearing. Objections to the Hearing Officer must be raised in writing, detailing the rationale for the objection, and must be submitted to the Responsible Administrator no later than two business days prior to the hearing. The Responsible Administrator will determine whether an actual bias or conflict exists.

The Responsible Administrator will give the Hearing Officer a list of the names of all Parties, witnesses, and Advisors in advance of the hearing. The Hearing Officer will notify the Responsible Administrator of any potential bias or conflict of interest issues that may be present before commencing the hearing and must do so at any time such issues arise.

The Hearing Officer will receive training regarding the University's policies and procedures; the handling of sexual misconduct cases; how to conduct a hearing; issues of relevance, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant; how to serve impartially; and other relevant issues. The Hearing Officer will also be trained in the use of any technology that might be used during a hearing.

The purpose of the hearing is to allow relevant, permissible evidence and exclude irrelevant and impermissible evidence, make findings of fact, weigh the credibility of testimony and evidence, and decide whether the Respondent is responsible for violating the Policy. The Hearing Officer may recommend, but cannot impose, disciplinary sanctions and remedies.

The Hearing Officer has the authority and discretion to control all aspects of the hearing including, but not limited to, maintain decorum, sequester witnesses other than the Parties, grant or deny requests from a Party to delay or continue the hearing, admit or not admit evidence and testimony, and allow the Parties to make statements. The Hearing Officer may rule on all procedural matters that arise during the Hearing.

Formal rules of evidence, such as those applicable in court proceedings, do not apply during the hearing. However, presentation and use of evidence is subject to the Evidence and Testimony provisions in section 22.

#### Notice of Hearing

The Complainant and Respondent will be notified in writing of the date, time, and location of the hearing; the charges to be reviewed by the Hearing Officer, including the date, time, location and essential factual allegations concerning the violation; and the provisions of the Policy alleged to have been violated. Respondent and Complainant will be provided the Notice of Hearing at least ten university business days prior to the date of the hearing.

#### Hearing Advisors

Irrespective of whether a Party plans to change Advisors for the hearing or retain the same Advisor, all Parties must inform the Responsible Administrator at least five business days before the hearing who the Party's Advisor at the hearing will be, and whether that person is an attorney.

If a Party does not have an Advisor for the hearing, or has not informed the Responsible Administrator of who the Party's Advisor for the hearing will be, then the University will appoint an Advisor for the hearing, at no cost to the Party, to ask cross-examination questions on behalf of the Party. The Advisor appointed by the University need not be an attorney.

#### Pre-Hearing Procedures

The Hearing Officer and/or OIE may establish additional pre-hearing procedures relating to issues such as scheduling, hearing procedures, structure, advance determination of the relevance of certain topics, and other procedural matters. The Hearing Officer will communicate with the Parties prior to the hearing with respect to these issues and establish reasonable, equitable deadlines for Party participation/input.

The Hearing Officer may invite the Parties to submit the questions or topics the Parties wish to ask or discuss at the hearing, so that the Hearing Officer can rule on their relevance ahead of time. This advance review opportunity does not preclude a Party's Advisor from asking a question for the first time at the hearing or from asking for a reconsideration based on any new information or testimony offered at the hearing.

In advance of the hearing, the Hearing Officer will consider any argument by a Party regarding relevancy. The Hearing Officer may rule on these arguments pre-hearing and will share those rulings with the Parties prior to the hearing to assist in preparation for the hearing. The Hearing Officer may consult with the Responsible Administrator in making these determinations prior to the hearing.

**Request to Postpone Hearing:** Permission to postpone a hearing may be granted provided that the request to do so is based on a compelling emergency and, where possible, such request is provided to the Hearing Officer and Responsible Administrator at least 48 hours prior to the time of the hearing. Requests to delay or continue the hearing after it has commenced will likewise be considered only when the reasons given for the delay are compelling and, if denied, actual prejudice to a Party would likely result.

#### Timing of the Hearing

The hearing will be scheduled for a date at least 10 university business days, and no later than 30 days, after the Final Investigative Report is provided to the Parties. This timeframe may be extended for a reasonable time for good cause. The reason for the extension will be shared with the Parties in writing.

Hearings are not scheduled during university breaks (e.g., spring, winter and summer breaks and university holidays) unless otherwise agreed by the Parties and the Responsible Administrator.

#### Presence and Participation at Hearing

A Complainant or Respondent is not required to participate in person at the hearing in order for the hearing to proceed; however, a Party who refuses to submit to questioning by the Hearing Officer or opposing Party's Advisor risks having the Hearing Officer place less or no weight on that Party's statements.

At the Hearing Officer's discretion, the University may, or upon the request of either Party it will, conduct the live hearing with the Parties physically present in separate locations. In such cases, technology must be used to enable the Hearing Officer and parties to simultaneously see and hear the Party or the witness while that person is speaking.

If, despite being notified of the date, time, and location of the hearing, and there is not clear evidence that emergency circumstances beyond the control of the Complainant or Respondent prevented such person from being present, the Respondent or Complainant is not in attendance, the hearing will proceed. In that case, the Hearing Officer will consider the available testimony and evidence.

#### Decorum

The Hearing Officer has wide discretion over matters of decorum at the hearing, including the authority to excuse from the hearing process participants who are unwilling to observe rules of decorum. If a Party's Advisor does not abide by the rules of decorum, the Advisor may be subject to removal and the University will appoint a new Advisor for the Party for the remainder of the hearing.

The Parties and their Advisors will stand or remain seated as directed by the Hearing Officer.

Other than while conducting cross-examination, the Advisor may not address the Hearing Officer and must comport themselves in a manner that is not disruptive to the hearing.

The following behaviors will not be tolerated during the hearing: yelling, verbal abuse, disruptive behavior, interrupting or talking over one another, name calling, or using profane or vulgar language (except where such language is relevant).

Any participant in the hearing who is not currently involved in questioning should refrain from disrupting the hearing, making gestures, facial expressions, audible comments or expressions, or the like, as manifestations of approval or disapproval during any testimony.

#### Questioning Witnesses

The Hearing Officer may either:

- Allow each Party to propose such questions that the Party wants asked of any Party or witness and have those questions asked by the Hearing Officer; or
- Allow each Party's Advisor to ask any Party or witness such questions. Such questioning must never be conducted by a Party personally.

When cross-examining a Party or witness, the individual doing the questioning shall not characterize, express an opinion about, editorialize, or otherwise state any response to the answer given by the Party or witness except to ask a follow up question to elicit relevant evidence. Questioners shall not argue with or badger the witness.

#### Witnesses:

The Hearing Officer will identify any witnesses that they wish to hear from at the hearing based on a review of the materials submitted by the Parties and the Final Investigative Report. The Complainant and Respondent may each request the presence of any additional witnesses at the hearing, which will be determined based on relevance by the Hearing Officer. The University cannot compel the attendance of any witness who is not a university employee.

In general, only witnesses who were identified and interviewed as part of the investigation may be called at the hearing. Under very limited circumstances, the Complainant, Respondent or Hearing Officer may identify a witness with relevant information who has not previously been interviewed. In such cases, the Hearing Officer will determine whether the new witness's participation at the hearing is relevant and appropriate under the circumstances, and if so, may allow the witness to participate in the hearing or refer the matter to the Investigator for additional investigation.

#### Conduct of the Hearing

The Hearing Officer has wide discretion to designate the hearing format and order. Subject to the discretion of the Hearing Officer, hearings will ordinarily begin with introductory remarks by the Hearing Officer, followed by the Hearing Officer asking relevant initial questions of the Parties. During this portion of the hearing, an Advisor may confer privately and in a non-disruptive manner with their advisee, but they are not allowed to make opening statements or otherwise address the Hearing Officer or anyone else present at the hearing.

The Hearing Officer may then proceed to question the Parties. After the Hearing Officer has asked their initial questions of the Parties, the Hearing Officer will permit each Party's Advisor to ask the other Party relevant questions and follow-up questions. The Hearing Officer may ask follow-up questions. Subject to the discretion of the Hearing Officer, questioning of witnesses will follow a similar process.

Cross-examination of the parties and witnesses by Advisors will be conducted directly, orally, and in real time by the Party's Advisor of choice and never by the Party personally. A Party's Advisor may cross examine a witness (including an opposing Party) when directed to do so by the Hearing Officer.

Only relevant cross-examination and other questions may be asked of a Party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Hearing

Officer will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. If a question is relevant, it must be asked.

Advisors are not permitted to object to the Hearing Officer's decisions regarding relevance during a hearing. In general, the Hearing Officer will not consider statements of personal opinion or statements as to any party's general reputation for any character trait as relevant.

The hearing will be recorded by audio or audio/visual means and the recording will be made available to the Parties and their Advisors for inspection and review.

The hearing will be closed to the public. Appropriate University personnel may be present at the hearing. The Complainant and the Respondent are each allowed to have one Advisor of their choice present throughout the hearing process. The University shall keep a transcript or audio or audiovisual recording of the hearing. Any other recording is prohibited. No camera, TV, or other equipment, including cellphones, will be permitted in the hearing room except as arranged by the University. The Parties may inspect and review the transcript or audio/audiovisual recording after it is completed but will not be provided with copies.

## Evidence and Testimony

In both the investigation and a hearing, as applicable, evidence and testimony will be limited as follows:

Questions will not be permitted that are irrelevant, unclear or harassing of the person being questioned.

Only relevant evidence will be allowed, and, if irrelevant evidence and testimony has come into the record, the Decisionmaker will not consider it.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., must not be considered, except to determine whether an exception applies; must not be disclosed; and must not otherwise be used), regardless of whether they are relevant:

Evidence that is protected under a privilege as recognized by federal or state law or evidence provided to a Confidential Employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;

Records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to a Party or witness, unless the University obtains that Party's or witness's voluntary, written consent for use in the Grievance Procedures; and

Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged Sex-Based Harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged Sex-Based Harassment or preclude determination that Sex-Based Harassment occurred.

## Written Decision of the Decisionmaker

At the conclusion of a live hearing or completion of the Final Investigative Report if there is no hearing, the Decisionmaker will issue a Notice of Decision that will include the following:

Identification of the allegations potentially constituting Sex-Based Harassment.

Information about the policies and procedures that were used to evaluate the allegations;

Findings of fact supporting the determination;

Conclusions regarding the application of the Policy to the facts;

A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;

When the Decisionmaker finds Sex-Based Harassment occurred, any disciplinary sanctions the University will impose on the Respondent, whether remedies other than the imposition of disciplinary sanctions will be provided to the Complainant, and, to the extent appropriate, other Students identified by the OIE to be experiencing the effects of the Sex-Based harassment; and

Information about the appeal process.

Regardless of their participation in the Formal Resolution process, the Decisionmaker will provide both the Complainant and Respondent the written Notice of Decision simultaneously and, as applicable, to the appropriate disciplinary authority.

## Disciplinary Sanctions

Disciplinary sanctions are consequences imposed on a Respondent following a determination under Title IX that the Respondent violated the Policy's prohibition on Sex Discrimination. Disciplinary sanctions will not be imposed until any appeal process is final. This does not require the University to refrain from imposing or continuing any emergency removal or Supportive Measures.

Sanctions for Students are determined by the Associate Director of Student Conduct & Community Standards in accordance with the Student Code of Conduct.

Sanctions for state classified employees are determined by their appointing authority in accordance with the State Personnel Board Rules.

Sanctions for administrative professional employees are determined by the University President, considering the recommendations of the employee's supervisors.

For a Respondent who was a student employee at the time the conduct occurred for which the Respondent has been found responsible, sanctions will be determined according to the analysis described in section 20.2 above. Such a Respondent may be subject to any of the sanctions applicable to students or employees.

The range of disciplinary sanctions that may be imposed is set forth in Appendix A to these Grievance Procedures.

In determining the appropriate sanction(s) and/or remedies, the Disciplinary Authority may consider a number of factors, including:

- The nature of the conduct at issue;
- The impact of the conduct on the Complainant;
- The impact on, or implications of the conduct for, the university community;
- Prior misconduct by the Respondent, including the Respondent's relevant prior discipline history, both at the University and elsewhere, and any criminal convictions, if such information is available and known;
- Any expression of remorse or acceptance of responsibility by the Respondent;
- Maintenance of a safe and respectful environment conducive to learning;
- Protection of the University Community;
- The necessity of any specific action in order to eliminate the Sex Discrimination, prevent its recurrence and remedy its effects on the Complainant or other University Community Members; and,

- Any mitigating, aggravating, or compelling circumstances pertinent to reaching a just and appropriate resolution.

The disciplinary authority may also consider restorative outcomes that, taking into account the safety of the University Community as a whole, allow a Respondent to develop insight about their responsibility for the behavior, learn about the impact of the behavior on the Complainant and the community, and identify how to prevent or change the behavior. A combination of sanctions may be issued.

The appropriate disciplinary authority will provide the Decisionmaker with a description of the disciplinary sanctions to be imposed and any remedies designed to restore or preserve equal access to the University's Education Program or Activity for the Complainant or any other person, as applicable.

## Appeals

Either Party may appeal the final decision as to whether any policy violation occurred and any sanctions imposed.

Appeals must be requested in writing to the Responsible Administrator within five university business days after the date on which the final decision is provided to the Parties.

The grounds for an appeal of a dismissal or final decision are limited to:

Procedural irregularity that would change the outcome;

New evidence that would change the outcome and that was not reasonably available when the decision was made; and

The Director of Institutional Equity & Title IX Coordinator, Investigator, or Decision maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome.

Appeals are submitted in writing; there are no appeal hearings. An appeal may be requested via [email to OIE](#).

Upon receipt of a request for appeal in writing from one or more Parties, the Responsible Administrator will share the request with the other Party and provide three university business days in which to respond. The appeal should specify at least one of the grounds above and provide any reasons or supporting evidence for why each ground is met. At the conclusion of the response period, the Responsible Administrator will forward the appeal, as well as any response provided by the other Parties to the Appeal Decisionmaker for consideration.

The Appeal Decisionmaker is:

For decisions in which the Respondent is a Student, the Dean of Students.

For decisions in which the Respondent is a faculty member, the Provost; if the appeal pertains to sanctions imposed by the Provost, then the Appeal Decisionmaker is the President or designee.

For decisions in which the Respondent is an employee other than a faculty member, the Senior Director of Human Resources.

In any case in which the above Appeal Decisionmaker is unable or unwilling to serve in that capacity, the Responsible Administrator will identify an Appeal Decisionmaker who has been appropriately trained and has no conflict of interest or actual bias in the matter.

If the Request for Appeal does not provide information that meets the grounds for an appeal, the request will be denied by the Appeal Decisionmaker, and the Parties, their Advisors, and the Responsible Administrator will be notified in writing of the denial and the rationale.

If any of the asserted grounds in the appeal satisfy the grounds described in the Policy, then the Appeal Decisionmaker will notify all Parties and their Advisors, and the Responsible Administrator, of their decision and rationale in writing, typically within 30 days after the Parties have responded to the request for appeal. The decision will contain the rationale, and any further steps to be taken in the matter, which may include:

Referring the matter back to the Decisionmaker for reconsideration of the rationale for the appeal;

Referring the matter to a different Decisionmaker for a decision based on the record and any additional evidence that the Decisionmaker may receive;

Dismissing all or some of the allegations in the Complaint;

Directing that the Director of Institutional Equity & Title IX Coordinator take other action to address the deficiencies identified in the appeal decision.

## Recordkeeping

The University will maintain records of all reports of Sex Discrimination received, Complaints and all proceedings conducted under these Grievance Procedures, and all training materials used under section 27 below for a period of seven years from the date that the matter is final, including the determination of sanctions and any appeals. All other records will be retained in accordance with the University's policy on [Records Retention](#).

## Training

The OIE will provide training to those involved in the Title IX process and University Community Members, as follows.

All CSU Pueblo employees must be trained upon hiring and annually thereafter on:

- The University's obligation to address Sex Discrimination in its Education Program or Activity;
- The scope of conduct that constitutes Sex Discrimination under Title IX, including the definition of Sex-Based Harassment; and
- All applicable notification and information requirements under Title IX, the Policy and these Procedures.

Investigators, Decisionmakers, and other persons who are responsible for implementing these Grievance Procedures or have the authority to modify or terminate supportive measures must additionally be trained on the following topics to the extent related to their responsibilities:

- The University's obligations to respond to reports of Sex Discrimination under the Policy and Title IX;
- These Grievance Procedures;
- How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and
- The meaning and application of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under these Procedures.

Facilitators in the informal resolution process must also be trained in the rules and practices pertaining to informal resolution, and how to serve impartially.

The Director of Institutional Equity & Title IX Coordinator, Deputy Director of Institutional Equity & Title IX Coordinators, Responsible Administrators and their designees must also be trained on their specific responsibilities with respect to:

- Coordinating the University's Title IX compliance program.
- Recordkeeping requirements and procedures.

## APPENDIX A

### Range of Disciplinary Sanctions

#### A. Students

If found responsible for violating the Policy, a Student may be asked to complete certain actions to remedy their behavior or prevent its recurrence. Sanctions may include, but are not limited to 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.
- Restitution Reimbursement for damage or loss of property or expenses of others as a result of the misconduct.
- 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.
- 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 themselves or another when 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 for drug and alcohol policy violations; however, educational sanctions may be applied. Receipt of medical amnesty is at the discretion of the Responsible Administrator, or designee.

#### B. Employees

When a Title IX violation is substantiated, higher education institutions must impose sanctions to address and prevent further misconduct. The range of potential sanctions for employees may include:

- Warnings and Reprimands: Written or verbal warnings regarding the behavior, noting that further infractions will result in more severe consequences.
- Mandatory Training and Counseling: Requiring the employee to undergo training or counseling related to Sex-Based Harassment and discrimination.
- Suspension: Temporary removal from their position without pay.
- Probation: Placing the employee on a probationary period during which their behavior is closely monitored.
- Demotion: Reassignment to a position of lower responsibility and pay.
- Termination of Employment: Dismissal from the institution.
- Ban from Campus: Prohibiting the employee from entering the campus or engaging with the institution's community.
- Loss of Tenure: For faculty members, this may involve the revocation of tenure status, resulting in loss of job security and academic freedom protections.

APPENDIX B  
Reasonably Prompt Timeframes for Major Stages of Grievance Procedures

MAJOR STEP IN GRIEVANCE PROCEDURE	ESTIMATED TIMEFRAME <sup>1</sup>
OIE responds to receiving report	3 university business days from receipt of report by OIE
Intake assessment	7 university business days
Dismissal of the Complaint if Responsible Administrator finds grounds	Within 10 university business days from intake assessment
Appeal of the Dismissal	3 university business days after notification of dismissal
Respondent challenge to emergency removal or suspension, if imposed	3 university business days after notice of emergency removal or suspension
Conduct investigation	Within 40 days from the date of the Notice of Investigation
Informal Resolution	Within 20 days from parties' agreement to engage in informal resolution
Final Investigative Report	15 days after Parties have responded to Investigative Report
Hearing begins	At least 10 university business days, and not more than 30 days, after Final Investigative Report
Written decision after Hearing	30 days after hearing
Disciplinary Sanctions	20 days after disciplinary authority receives final decision
Request for appeal due	5 university business days from the date of the final decision provided to parties
Appeal decision	30 days after responses to request for appeal

<sup>1</sup> All timeframes are approximate, as each case proceeds differently. Time periods may be adjusted depending upon the circumstances. The University endeavors to progress through the Grievance Procedures in a reasonably prompt manner.