

The Office of Student Conduct & Community Standards

Student Code of Conduct

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I. Colorado State University Pueblo Student Pledge

Every Student of Colorado State University Pueblo pledges, as a condition of enrollment, that:

- I will be accountable for my actions.
- I will support and promote civic responsibility.
- I will be an advocate for freedom of expression.
- I will be innovative.
- I will act with integrity and mutual respect.
- I will be supportive of the opportunities made available to me.
- I will pursue excellence in learning and all academic endeavors.

II. Purpose

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

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

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

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

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

- Demonstrate ethical behavior and integrity in all academic and social interactions.
- Uphold community standards and foster a culture of respect and inclusivity.
- Understand and adhere to the principles of student rights and responsibilities.
- Develop effective communication skills for conflict resolution and problem-solving.
- Engage in responsible decision-making and accountability for one's actions.
- Promote a safe and supportive learning environment for all members of the educational and greater community.
- Demonstrate a commitment to personal growth and development through self-reflection and continuous improvement.
- Participate in campus activities and initiatives that align with the values and mission of the University.
- Collaborate with peers, faculty, and staff to create a positive and inclusive campus culture.
- Embrace diversity and multiculturalism while respecting the rights and perspectives of others.

III. Jurisdiction

The Student Code of Conduct and the student conduct process applies to the conduct of individual students, both undergraduate and graduate, and all student organizations. The University seeks to help students and organizations learn to become conscientious members of their community. Students are expected to always conduct themselves in a responsible manner, whether on or off campus. Colorado State University Pueblo's Student Code of Conduct ("Code") applies to behavior that occurs on university premises and at university-sponsored programs and activities. It also applies to off-campus behavior, including online behavior and electronic communications such as social media posts, emails, and texting, that adversely affects the university community's health, safety or welfare, poses a threat to persons or property at the University, or may damage the institution's reputation or relationship with the greater community (including behavior occurring in a foreign country or in another state, and behavior at all university activities, regardless of location).

The Primary Administrator is not required to take jurisdiction over a student who has allegedly violated the policies or guidelines of an individual academic program or who has

allegedly committed a violation of academic policies as outlined in the *Catalog*. Academic programs may have separate codes of conduct and rules and policies that apply to the program that are separate and apart from the *Student Code of Conduct*. Pursuant to specific student codes within programs, a student may be dismissed from a program without the involvement of the Primary Administrator; however, an individual program may not suspend or expel a student from the University. A student may face both the University student conduct process and criminal charges or civil litigation since the same factual situation may allegedly violate both the Student Conduct Code and criminal or civil law. The student conduct process may happen before, during, or after criminal proceedings. Since the student conduct process is separate from criminal or civil litigation, legal outcomes do not affect the student conduct process nor will pending criminal or civil litigation stop or delay the student conduct process. If sanctions are assigned and not completed by the deadline imposed, a hold will be placed on the student's account which can affect their ability to enroll, add/drop courses, obtain official transcripts, and/or graduate. All sanctions must be satisfied prior to re-enrollment eligibility.

Colorado State University Pueblo, as a state public institution, is required to follow all federal, state, and local laws, including laws that may not apply to private entities. This means that the Student Code of Conduct must comport with the Constitution of the United States, federal statutes, federal administrative regulations, the Constitution of the State of Colorado, Colorado Revised Statutes, and State of Colorado administrative regulations. Accordingly, the Student Conduct Code cannot conflict with or supersede any federal, state, or local law.

IV. Definitions

Appeal Committee is a body consisting of three people, including the Chair, selected from a pool of people who have been trained to hear conduct cases and appeals. The Chair serves for a one-year term and selects the other members on a case-by-case basis.

Chair of the Appeal Committee refers to a faculty or staff member selected from the trained pool of university community members authorized to hear appeals of student conduct cases. The Chair of the Appeal Committee is nominated by the Director of the Office of Student Conduct and Community Service and appointed by the Dean of Students. The Chair of the Appeal Committee is responsible for applying the appeal process for individual students.

Committee is a group of two or more trained staff or faculty members who are eligible to serve in place of the Conduct Administrator or as the Appeal Committee.

Conduct Administrator(s) means any person or Committee given the authority to hold a conduct meeting as designated by the Student Conduct and Community Standards Primary Administrator or Dean of Students.

Conduct Meeting: A meeting between the Respondent and the Conduct Administrator in which the Respondent will have the opportunity to provide relevant information in response to the allegations of the Reporting Party/Impacted Party.

Consent to sexual activity is consent that is informed, knowing, and voluntary. Consent is active, not passive, and requires cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. Silence, in and of itself, cannot be interpreted as consent. Sexual activity with someone known to be mentally or physically incapacitated by alcohol or other drug use, unconscious or in a state of blackout, or otherwise unable to give consent, is not valid consent. A person is considered to be incapable of giving consent when the person lacks the cognitive ability to make an important life decision, and this measure applies even when the same persons have engaged with one another in consensual sex in the past

Director means the Director of the Office of Student Conduct and Community Standards. The Director is designated by the Vice President for Student Affairs to be responsible for the administration of the Student Code of Conduct. References to the Director of Student Conduct include the Director or their designee.

Faculty members include any person hired by the University to conduct classroom or teaching activities, or who are otherwise considered by the University to be members of its faculty.

Hazing is defined in the University's [Hazing Prevention and Response policy](#) as follows: The term "Hazing" as used herein has the meaning set forth in the [Stop Campus Hazing Act \(SCHA\)](#) at 20 U.S.C. § 1092(f)(6)(A)(vi) and includes any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that:

- (I) Is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a Student Organization; and
- (II) Causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury.

Specific examples of acts constituting Hazing are set forth in the [SCHA](#) and in [C.R.S. § 18-9-124](#), and those examples will be used in identifying behaviors that violate this policy.

Members of the University Community include students, faculty, staff, administration, and student organizations, inclusive of Extended Studies.

Party/Parties means one or more of the following:

- **Complainant** is the person who files a formal complaint with the Office of Student Conduct and Community Standards (OSCCS) or other university official concerning conduct that is alleged to violate this Code or another university policy.
- **Impacted Party** is an individual or group directly affected by the alleged misconduct.
- **Reporting Party** is an individual or group that makes a report of misconduct to the OSCCS or other university official.
- **Respondent** is the individual or group alleged to have committed misconduct in violation of this Code.

Policy means the written rules and regulations of the University as found in, but not limited to, the Student Conduct Code; Housing Handbook; [University Policy Library](#); and athletics policies. These include policies related to computer use, solicitation, sexual harassment, non-discrimination policies, athletic events, use of facilities, travel, and participation in student organizations.

Student Conduct and Community Standards Primary Administrator is the designated Student Conduct and Community Standards professional staff member of record.

Student Organization means any group of Students that is (i) officially registered with Student Affairs (Registered Student Organization or RSO), or (ii) an unofficial student group requiring limited membership, and may be for various purposes such as academic, cultural, honor, specific interests, athletics, or other activities. This term includes fraternities and sororities that are recognized by the University, even if such organizations are independently chartered.

Students include all persons admitted to the University, either full- or part-time, pursuing undergraduate, graduate, continuing education or professional studies, as well as persons previously admitted who are not officially enrolled for a particular term but who have a continuing relationship with the University.

University means Colorado State University Pueblo including all campuses, including satellite campuses and Extended Studies.

University Officials include any person employed by the University to perform assigned administrative or professional responsibilities.

University Premises include all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets, vacant land, driveways, roadways, and sidewalks), including off campus locations where the University provides scheduled in person classes and instruction.

Witness means any person who has relevant information about an alleged violation.

V. Student Rights and Responsibilities

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

The Right to Fair Treatment

All students have the right to expect a fair and impartial process in which it is the responsibility of the University to show that a violation has occurred before any sanctions are imposed, with the exception of interim actions. This includes the right to object to any Conduct Administrator based upon a demonstrable and significant bias.

The Right to Privacy

Students have the right to privacy with respect to all disciplinary actions and records, subject to exceptions outlined in the Family Educational Rights and Privacy Act (FERPA). Disciplinary records may be disclosed to university officials who have a need to know in connection with their official duties. Disciplinary records are typically disclosed to entities outside the university only under specific circumstances, such as when required by law, court orders, or as part of certain administrative processes. Common situations include:

1. **Legal Obligations:** If mandated by law or court order, the university may disclose disciplinary records to external agencies or authorities.
2. **Accreditation or Compliance Reviews:** During audits or reviews conducted by accrediting bodies or regulatory agencies.
3. **Employment or Licensing Purposes:** When students or alumni apply for employment, professional licenses, or other opportunities that require disclosure of disciplinary history, often with the individual's consent.
4. **Threat to Safety:** If there is a concern about ongoing safety or risk, the university may share relevant information with law enforcement or other authorized entities.
5. **Consent:** When the individual to whom the record pertains has provided explicit consent for disclosure.

The specific policies may vary depending on the university's privacy policies and applicable laws such as FERPA (Family Educational Rights and Privacy Act) in the United States, which generally restrict the disclosure of educational records without student consent, except in certain circumstances. For precise guidance, consult the university's privacy policy or speak with the designated campus privacy officer.

The Right to Written Notice

Students have the right to proper written notification of allegations of misconduct, any conduct meeting occurring based on their behavior, and the right to written notification of the results of such meetings.

Written notification of a conduct meeting shall include the date, time and location of the meeting, the person or group conducting the meeting, the alleged violations committed, and a description of the allegations to be considered.

Written notification of a decision shall include a specific finding of fact, the violations committed (if any), the sanctions imposed (if any), and the process by which an appeal may be filed.

Written notice to the student will be provided via electronic mail (email) through a student's university email account. Students have the responsibility to check their student university email to receive notifications.

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

The Right to Participate in a Conduct Meeting

In a Conduct Meeting, Students have the right to be heard and to discuss the allegations brought forth against them. Students have the right to review and to respond to all information and/or documentation used by a Conduct Administrator to reach a decision, and the right to provide information, witnesses, and/or documentation of their own to the Conduct Administrator. These rights should not be construed to allow direct cross-examination of witnesses.

Student Parties have the right to participate in the conduct process, however, the process will continue in their absence to determine if a violation occurred.

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

The Right to an Advisor/Support Person

Students have the right to the presence of a single advisor/support person of their choice throughout the disciplinary process to assist them with their conduct proceedings. Advisors may freely consult with the students they advise, provided they do not disrupt the proceedings. Advisors may not examine witnesses nor advocate in this advisory role. In addition, an individual with a documented accommodation for a disability may be

accompanied by someone needed to enable the individual to participate in the proceeding but who is not otherwise acting as an advisor or support person.

Students have the responsibility to arrange for the presence of their chosen advisor. Disciplinary proceedings will not be rescheduled to accommodate an advisor.

An advisor can be an attorney, parent/guardian, faculty or staff member (one who is not or cannot be considered a witness to the event or persons involved in this administrative process), or a trusted friend.

An advisor cannot be a witness to the alleged violation.

The Right to Appeal

Students have the right to request an appeal of a Conduct Administrator's decision. Students have the responsibility to comply with all sanctions imposed, even during an appeal, until those sanctions have been modified or overturned as a result of an appeal.

VI. Standards of Conduct

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

The list of behaviors which follows is not exhaustive and the University maintains the right to amend its rules and policies. The following behaviors constitute violations of the University's standards of conduct and are expressly prohibited.

Abusive Conduct

Physical abuse, verbal abuse, threats, intimidation, coercion, and/or other conduct which threatens the mental or physical well-being of any person.

Academic Misconduct

Any form of misconduct that results in a Student giving or receiving unauthorized assistance in an academic exercise or receiving credit for work which is not their own, including:

- a. Cheating: intentionally using or attempting to use unauthorized materials, information, or study aids in any academic exercise. The term academic exercise includes all forms of work submitted for credit or hours.
- b. Fabrication: intentional or unauthorized falsification or invention of

any information or citation in an academic exercise; or of documentation meant to excuse or justify adjustments related to attendance or completion of work (exams, exercises, etc.).

- c. Facilitating Academic Misconduct: intentionally or knowingly helping or attempting to help another commit academic misconduct.
- d. Plagiarism: the deliberate adoption or reproduction of ideas, words, or statements of another person as one's own without acknowledgment.
- e. Unauthorized Collaboration: intentionally sharing information or working together in an academic exercise when such actions are not approved by the course instructor.

Students found in violation of the *Academic Misconduct Policy* found in the university [Catalog](#) may be reported to the OSCCS by the academic department or faculty member finding the violation. While the student may face consequences within their academic department or course, students are also subject to this Code and may be charged with a violation in addition to any action imposed by a faculty member or academic department. Students found in repeated violation of the academic integrity policy are subject to suspension from CSU Pueblo at the discretion of the Primary Administrator.

Alcohol Misuse

- a. Violation of the University's published [Alcohol and Other Drug Policy](#) or the [Residence Life and Housing Handbook](#), if applicable.
- b. Use or possession by, or distribution of alcoholic beverages to, any person under twenty-one years of age.
- c. Severe Intoxication, meaning 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.
- d. Possession, use or distribution of an alcoholic beverage in violation of any state or local law.

Animal Policy Violation

- a. Having an animal in a campus facility or space which does not meet the criteria for a permitted animal per the [Animals on Campus, including Service Animals and Emotional Support Animals policy](#).
- b. Failure to:

- Properly care for or otherwise endangering an animal on campus;
- Leash or provide proper restraint of an animal in one's care;
- Properly vaccinate or medicate animal as required by state and local law;
- Ensure the appropriate and trained behavior of an animal in one's care such as following commands, prohibiting barking in quiet spaces, etc.; or
- Remove an animal for any reason following a directive given by university staff, law enforcement or other entity of authority.

Bullying and Cyberbullying

Repeated and/or inappropriate behaviors that intentionally intimidate, harm, shame, humiliate, demean, or degrade another person physically or emotionally.

Dishonesty/Falsification of Information

- Providing false or misleading information to any university official, faculty member, office, or public official through omission of information or providing forged, altered, or misrepresented documents or records.
- Initiating a report that is false to intentionally harm another individual.
- Forgery, alteration, or misuse of any university document, record, key, or instrument of identification and/or access to university facilities; including, but not limited to, transference of items issued by Residence Life and Housing and/or parking.

Disorderly Conduct

- Conduct that is disorderly, lewd, indecent, or otherwise breaches the peace on university premises or at university-sponsored or supervised functions that occur off-campus; including, but not limited to, fighting, violent or threatening behavior, unreasonable or excessive noise, use of obscene language or gestures, or behavior that causes a hazardous condition to exist.
- Obstruction of the free flow of pedestrian or vehicular traffic on university premises or at university sponsored or supervised functions.
- Conduct of, or participation in, an on-campus or off-campus activity that unreasonably interferes with the rights of others to peaceably assemble or to exercise the right of free speech, disrupts the normal

functioning of the University, damages property, or endangers the health or safety of other members of the University community or disrupts the educational mission of the University. This includes, but is not limited to, leading or inciting others to disrupt scheduled and/or normal operations within any campus building or area.

Disruptive Behavior

- a. Substantial disruption or interference with any classroom activity. Classroom disruption may include, but are not limited to: non-approved use of electronic devices, cursing or shouting at others in such a way as to be disruptive, or other violations of an instructor's expectations for classroom conduct, and any conduct specified in the syllabi.
- b. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, and/or other university activities, including functions on or off campus, or of other authorized activities that occur on university premises or at university-sponsored events.

Drug Misuse

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

Endangerment

- a. Initiating any false report, warning, or threat of fire, explosion, or other emergency.
- b. Unauthorized use, abuse, or interference with fire safety equipment, or other items intended for use in an emergency.

- c. Bomb threats or similar threats involving dangerous devices or substances.
- d. Behavior which constitutes a significant fire hazard.
- e. Possession of any explosive device or material, including but not limited to, firecrackers, cherry bombs, bottle rockets, dynamite, or chemical, believed to pose a threat.
- f. Any other conduct which endangers the health or safety of any person.

Hazing

The term “Hazing” as used herein means any activity--

1. By which a person intentionally, knowingly or recklessly endangers the health or safety of or causes a risk of bodily injury to an individual for purposes of initiation or admission into or affiliation with any student organization; and
2. That causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury. Examples include, but are not limited to:
 - a. Forced and prolonged physical activity;
 - b. Whipping, beating, striking, electronic shocking, placing of a harmful substance on someone’s body, or similar activity;
 - c. Causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
 - d. Causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
 - e. Causing, coercing, or otherwise inducing another person to perform sexual acts;
 - f. Any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
 - g. Any activity against another person that includes a criminal violation of law; and
 - h. Any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of law.

Housing Violation

Failure to follow [Residence Life and Housing policies](#), rules, and regulations and/or a breach of the housing agreement.

Misuse of Technology

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

Non-Compliance with Directives

- a. Failure to comply with directions of university officials including staff, student staff, and Conduct Administrators, or public officials acting in the performance of their duties, and/or failure to identify oneself to these persons when requested to do so.
- b. Failure to abide by authorized signs and placards posted on university premises and at university-sponsored programs.
- c. Failure to comply with assigned disciplinary sanctions.
- d. Failure to comply with any university policy not otherwise specified by this Code.

Property Violations

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

Violation of Community Standards

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

Weapons Violations

Possession of a deadly weapon on university property or at university sanctioned events or activities, except as expressly permitted under Colorado law, is prohibited. This includes, but is not limited to, possession of:

- a. Firearms of any size or type of construction and ammunition.
- b. Gas or air guns, including BB, pellet and paint ball guns.
- c. Bows and arrows, and crossbows.
- d. Blackjacks, bludgeons, batons, nunchaku, throwing stars, and metallic knuckles.
- e. Swords, pikes, lances, and spears.
- f. Any knife with a blade over 3.5 inches in length, including hunting and fishing knives.
- g. Ballistic, gravity and switchblade knives, regardless of the length of the blade.
- h. Fireworks, bombs, grenades, torches, and incendiary or explosive devices.
- i. Shields, poles, signs or other objects when used to strike, block, push or corral another person.
- j. Any object designed to look convincingly like a firearm, explosive or incendiary device, or other weapon.
- k. Any item, even if legally possessed, when used in a manner that harms another person, or is used to threaten another person, causes, or would cause a reasonable person to be fearful.

VII. Discrimination, Harassment and Sexual Misconduct

The following types of misconduct are strictly prohibited by this Code.

Discrimination and Harassment

Discrimination and Harassment means conduct that violates either the [University's Discrimination, Protected Class Harassment and Retaliation policy](#) or the [Title IX, Sexual Harassment and Gender Discrimination policy](#) or that is based upon a person's protected characteristic(s) and that:

- a. Excludes a person from participation in;
- b. Denies a person the benefits of;
- c. Treats a person differently from others in; or
- d. Otherwise adversely affects a term or condition of a person's employment, education, or living environment, or participation in a university program or activity.

Other (non-protected class) Harassment

Other conduct constituting prohibited harassment includes:

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

Sexual Misconduct

Sexual misconduct is strictly prohibited by this Code and includes the following:

- a. **Indecent Exposure.** Intentionally exposing one's genitals in non-consensual circumstances or inducing another to expose their genitals in non-consensual circumstances.
- b. **Intimate Partner Violence**

Intimate Partner Violence means any of the following:

1. **Dating Violence** - The term "dating violence means violence committed by a person:
 - Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship.
 - The type of relationship.
 - The frequency of interaction between the persons involved in the relationship.
 - Dating Violence does not include acts covered under the definition of Domestic Violence.
2. **Domestic Violence** is defined as a felony or misdemeanor crime under the laws of the jurisdiction where it occurred, and includes violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly

situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

3. **Sexual Assault:** An offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. The definition of "sexual assault" includes rape, fondling, incest, and statutory rape.
4. **Non-Consensual Sexual Contact:** Intentional sexual contact or touching, however slight, by a person of another's intimate body parts (or any materials such as clothing, covering the immediate area of the intimate body parts) without consent and/or by force; or intentional sexual contact or touching, however slight, of a person with one's intimate body parts (or any materials such as clothing, covering the immediate area of the intimate body parts) without the Reporting Party/Impacted Party Consent and/or by force. **Note:** Consent must exist at all times during sexual activity and can be withdrawn at any time by words or actions or when a person lacks capacity to consent to any sexual activity. A person is considered to lack capacity to give consent when the person lacks the cognitive ability to make an important life decision, and this measure applies even when the same persons have engaged with one another in consensual sex in the past.

Non-Consensual Sexual Contact includes non-consensual sexual intercourse, defined as: Oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the contact or penetration, without consent and/or by force; or penetration, no matter how slight, of a person's vagina or anus with any body part or object without the consent and/or by force.

- c. **Sexual Exploitation:** Conduct involving a Respondent taking, or attempting to take, non-consensual or abusive sexual advantage of a Reporting Party/Complainant including, but not limited to:
 - Producing, distributing, receiving, or possessing illegal pornography, regardless of whether or not the illegal pornography is physical or digital;
 - Engaging in sexual voyeurism or knowingly allowing another individual to engage in sexual voyeurism, either in person or through electronic means;
 - Producing, creating, distributing, intentionally receiving, or possessing pictures/videos of a sexual nature, or otherwise creating a record or recording of a sexual nature without the Consent of all of the parties depicted in the materials or exceeding the boundaries of that Consent;

- Benefiting, promoting, or earning money from the prostitution of another individual; or
5. **Sexual 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; or sexual assault as defined in 20 U.S.C. § 1092(f)(6)(A)(v), dating violence as defined in 34 U.S.C. § 12291(a)(1), domestic violence as defined in 34 U.S.C. § 12291(a)(8), or stalking as defined in 34 U.S.C. 12291(a)(30).
 6. **Stalking.** The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress; 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.

VIII. Procedures

Conduct Administrators

Conduct Administrators may be persons or groups designated by the University and trained to conduct Conduct Meetings. The exact process by which each of these Conduct Administrators convene, consider evidence, and determine sanctions is determined in consultation with the Primary Administrator and/or Dean of Students. A committee of staff and faculty from the campus community may conduct meetings in place of a single Conduct Administrator when necessary, at the discretion of the Primary Administrator, or at the request of a student party to the proceeding.

Conduct Meetings

- Responding Parties will be notified of an allegation being reported against them in a letter sent to their student email address of record. This letter will detail the time/location of the meeting, and allegations made. Conduct meetings may be in person or may be conducted electronically, at the discretion of the Conduct Administrator.
- Students are required to contact the OSCCS within seven (7) days of the letter being sent.

- The purpose of the Conduct Meeting is to evaluate the information presented to the Conduct Administrator. Students are responsible for bringing any relevant information they may have to this meeting as well.
- Respondents will have the opportunity prior to the conduct meeting to see all the information related to their alleged violation of the Code.
- The Conduct Meeting will be held to determine whether any of the standards of conduct outlined in this Code may have been violated, and, if so, what interim measures or sanctions are to be imposed to remedy the situation or prevent a reoccurrence.

Students are not required to participate in a Conduct Meeting, but failure to participate does not relieve a student of responsibility. If a violation is found, a student is still subject to the sanctions imposed.

Information

The Reporting Party/Complainant(s) and the Respondent(s) may provide information to the Conduct Administrator(s) for consideration, including witness statements, emails, text messages, photographs, etc. A Party has the right to review their conduct record upon request to the OSCCS, but may not be permitted to take copies or photographs of its contents.

Interim Actions

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

The Director of OSCCS, the Dean of Students, or their designee (in consultation with the Office of Civil Rights and Title IX, when appropriate) may impose restrictions and/or separate a student from the community pending the completion of a campus meeting on the alleged violation(s) of the Student Code of Conduct when a student represents a threat of serious harm to others or is facing allegations of serious criminal activity, to preserve the integrity of an investigation, or to preserve University property and/or to prevent disruption of, or interference with, the normal operations of the University.

Actions that may be taken include, but are not limited to:

- No Contact Orders:** A No Contact Order (NCO) is a directive to refrain from any intentional contact, direct or indirect, with one or more designated persons or group(s) through any means, including personal contact, electronic, telephonic, or

through third parties. All parties issued an NCO are held responsible for following the directive regardless whether they are the Reporting Party/Complainant or Respondent. Violating a No Contact Order can result in suspension from CSU Pueblo for either party.

- b. **Interim Suspension:** During an interim suspension, a student may be denied access to university premises and/or all university activities or privileges for which the student might otherwise be eligible, as may be deemed appropriate. Whenever an interim suspension is imposed, a conduct meeting shall be held in a timely manner. A student who has been suspended on an interim basis and whose suspension upon meeting or appeal is found to have been unwarranted, will be provided full opportunity to re-establish their academic and student standing to the extent possible within the abilities of the University, including the opportunity to take examinations, make up class assignments, or otherwise complete course assignments missed due to the interim suspension. A student who has been suspended on an interim basis and then found to be in violation of the Code does not have the right to any refund or reimbursement for tuition, fees, room and board or any other expense associated with attending the University. Any reimbursable funds made available to a student found not responsible will be determined on a case-by-case basis.
- c. **No Trespass Order:** A student may be issued a directive stating they are not permitted on campus or in particular parts of campus. In the event of a No Trespass Order, a student will be given specific parameters of their inability to be in a certain area of campus until a specified time. Students issued a No Trespass Order from certain areas of campus paid for by student fees do not have a right to any refund of student fees.
- d. **Temporary Removal:** The University reserves the right to temporarily remove a student from a classroom or on-campus housing in the event that it is deemed necessary to protect the health and safety of the campus or any person, or the integrity of an investigation. All reasonable measures will be taken to prevent the disturbance of a student's academic status when possible.

Investigations

If the initial review indicates that further investigation is warranted, a formal investigation is conducted to gather additional information and evidence. The Primary Administrator may collaborate with the CSU Pueblo Office of Civil Rights Compliance and Title IX with respect to the investigation and adjudication of any charges. Interim actions will be considered under the university's Title IX policy and procedures for those cases falling under Title IX jurisdiction.

Relationship to Civil Litigation or Criminal Charges

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

Reporting Process

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

The OSCCS may share or refer a report to other offices, agencies, and/or jurisdictions as appropriate (e.g. the Office of Institutional Equity, Department of Residence Life & Housing, Pueblo County Sheriff's Office, Pueblo Police Department, etc.). There is no time limit for reporting violations of the Student Code of Conduct; however, the longer someone waits to report an offense, the harder it becomes for university officials to obtain information and witness statements, and to make determinations regarding alleged violations.

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

Report Review & Investigation

Incident Report: An incident report is filed when a violation of the Student Code of Conduct is alleged or observed. Reports may be filed in person at the OSCCS (Occhiato Student Center room 201), online, or via email.

Initial Review: The Primary Administrator conducts an initial review of the incident report to determine if there is enough evidence to proceed with a conduct investigation. Once a report has been filed with the OSCCS, it shall be resolved in one of the following ways at the discretion of the Primary Administrator:

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

Sexual Misconduct Complaints/Violations Procedures

Students found in violation of the university policy on [Title IX, Sexual Harassment and Gender Discrimination policy](#) will be held accountable as stated in the procedures for that policy. The process for investigations of allegations of violation of the policy are found on the [Office of Civil Rights Compliance and Title IX webpage](#). Any student found in violation of that policy is subject to sanctioning by the Primary Administrator or designee. Allegations that fall outside of the jurisdiction/applicability of the policy will be referred to the Office Student Conduct & Community Standards.

Standard of Proof

Determinations shall be made on the basis of a preponderance of the evidence, i.e., whether it is more likely than not that the Respondent(s) committed the alleged violation(s). Formal rules of process, procedure, and evidence, such as those applied in civil or criminal courts, are not utilized in Conduct Meetings.

Student Organizations and Greek Life

As an essential part of the university community, Student Organizations are expected to conduct their activities at all times in a manner that reflects the values, mission, and goals of Colorado State University Pueblo, as well as expectations defined in the Student Organization Handbook. Student Organizations are subject to this Code in the same manner as individual students. Alleged violations by a Student Organization shall be investigated by the Office of Student Conduct in conjunction with the appropriate university offices or departments.

Any incidence of misconduct may result in disciplinary action against a Student Organization as a whole, as well as against one or more individual members.

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

Meetings of the Conduct Administrator with Student Organizations follow the same general procedures as for individual students.

Witnesses

A Party may offer testimony from any witnesses with first-hand knowledge of information relevant to the case. Character witnesses may be considered only in the event a Respondent is found responsible for a conduct violation. Character witnesses will be used solely to determine sanctions and character witness information must be provided in writing to the Conduct Administrator prior to, or during, the conduct meeting.

There is no limit to how many witness statements can be submitted, but the impact of witness statements on the conclusion of a case is at the discretion of the Conduct Administrator.

IX. Decisions, Sanctions and Appeals

Decisions

After the Conduct Meeting(s), a decision is made based on the evidence presented and the Code of Conduct and other relevant policies. Decisions made as a result of any meeting shall be provided in writing to the Respondent(s) and sent via their student email account. Respondent(s) are responsible for checking their email to receive the outcome. If, for any reason, a student's university email account is not in working order and the email is returned, the Conduct Administrator may make the decision to either send the response to a personal email account verified by the student, or via US Mail to the address on file in the student's university account. At any time, the Conduct Administrator may institute additional procedures, or modify any stated timelines, in the interest of assuring due process for all parties involved.

Complainants/Reporting Parties will be notified of the decision as to the finding of responsibility at the same time as the Respondent.

Finding of Responsibility

- A Responding Party will be found responsible for a violation when the Conduct Administrator determines by a preponderance of the evidence that the Respondent engaged in the alleged misconduct.
- A Respondent will be found not responsible when the evidence is insufficient to find the Respondent violated the Code.
- An educational conversation may be held with a student when a policy violation may exist but it is determined by the Conduct Administrator that a

conversation would be more appropriate than a sanction to remedy the behavior.

Sanctions

If the Respondent is found responsible for a Code violation, sanctions may be imposed which may include warnings, educational assignments, community service, probation, suspension, or expulsion.

A student may be asked to complete certain actions to remedy their behavior or prevent its recurrence. In considering the appropriate sanction for a particular incidence of misconduct, any or all of the following factors may be considered:

- The circumstances surrounding the misconduct, including the Respondent's intent when committing the offense, including any aggravating and mitigating factors involved.
- The actual and potential consequences of the misconduct, including the egregious nature of the action.
- The precedent established by the University for similar misconduct.
- The previous disciplinary history of the student, if any. It is the student's responsibility to review their own conduct record, and the student will be deemed to have knowledge of their record of previous conduct violations and sanctions, whether or not the student chooses to do so.
- The student's attitude and behavior throughout the process.

Sanction Guidelines

Sanctions can include, but are not limited to, one or more of the following:

Assessment/ Consultation	Student may be required to complete a mental health assessment or consultation to ensure their ability to safely remain 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 may be 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, or project, writing a letter of apology, seeking academic counseling or substance abuse screening, alcohol or drug program and/or consultation, or other counseling. 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.
Exclusionary Order	A No-Trespass Order may be effectuated by issuance of an Exclusionary Order pursuant to university policy .
Loss of Privileges	A limitation may be 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; denial of the use of campus facilities or access to areas of campus; or denial from participation in co-curricular activities. Should a student hold a leadership position on campus, that status may be revoked.
Medical Amnesty	CSU Pueblo encourages all students to call for help when any sign of alcohol poisoning or drug overdose is observed. Students who call for help to assist a friend or themselves may be eligible for medical amnesty. Students who are provided medical amnesty will not be subject to disciplinary sanctions; however, educational sanctions may be applied. Receipt of medical amnesty is at the discretion of the Primary Administrator, or designee.
Probation	Probation serves to notify a student that further transgressions must be avoided for a specified period in order for the student to avoid further sanctions up to and including suspension or expulsion. During a student's probationary period, that student is not in good disciplinary standing with the University; as a result, certain co-curricular activities may be prohibited at the discretion of the Primary Administrator, and eligibility for participation in certain activities including study abroad

	programs, attending conferences, maintaining office in any student organization, or representing the University at official functions, events or intercollegiate competition as a player, manager or student coach, may be restricted. Lack of good standing can also be a factor in considering a student's employment with the University. Any further violations while on probation can result in a student's suspension or dismissal from the University.
Residence Hall Transfer or Removal	A student may be required to transfer residence halls or leave the residence halls for a specified or indefinite period of time.
Restitution	Reimbursement for damage or loss of property or expenses of others as a result of the misconduct.
Suspension or Expulsion	See section below.
Warning	A warning is given to notify a student that past behavior has been inconsistent with the expectations of the University. A warning has no immediate effect upon a student's standing at the University. However, once given a warning, students should expect more serious sanctions to result from any subsequent violations.

Alcohol and Other Drug Sanction Guidelines

Guidelines for alcohol and other drug policy violations are published with the [CSU Pueblo Policy on Alcohol and Other Drugs \(Student Policy\)](#).

Suspensions and Expulsions

Deferred suspension is when the suspension is not immediately imposed, but will be automatically enforced if the student fails to complete any assigned sanctions by the deadline and/or for any subsequent violations of the Code. If the student is found responsible for any subsequent violations of the Code, the student will automatically be suspended from the University in addition to any other sanctions imposed for the subsequent violation. During a student's deferred suspension period, that student is not in good disciplinary standing with the University; as a result, certain co-curricular activities will be prohibited by the Primary Administrator, eligibility for participation in certain activities including study abroad programs, attending conferences, maintaining office in any student organization, or representing the University at official

functions, events or intercollegiate competition as a player, manager or student coach, will be restricted. Lack of good standing may also be considered as a factor in allowing a student's employment with the University.

A student who has been suspended from the University may not participate in any University activities, academic or otherwise, for the specified period, and may be restricted from University premises. This sanction will be noted as a suspension on the student's official academic transcript and the student will be withdrawn from all courses. A suspended student who wishes to re-enroll must apply for re-entry to the University and must petition the Primary Administrator, who will determine whether any and all requirements for readmission have been satisfactorily completed.

Expulsion is permanent separation and removal from the University. A student who has been expelled from the University is permanently prohibited from participating in any University activities, academic or otherwise, and may be restricted from University premises. This sanction will be noted as "expelled" on the student's official academic transcript and the student will be withdrawn from all courses.

The Dean of Students will notify the Vice President of Student Affairs of all suspensions. The Dean of Students will review and approve all sanctions resulting in expulsions in consultation with the Vice President of Student Affairs.

Appeals

A party may request an appeal of a final decision made by a Conduct Administrator. All sanctions determined by the original Conduct Administrator remain in effect during the appeal process.

An appeal is limited to a review of the case record and supporting information evaluated in the decision-making process. New information will only be considered if the Chair of the Appeal Committee determines that the information was not available at the time of the Conduct Meeting and may be relevant to the final decision.

Grounds for Appeal

The appeal will only be granted on one or more of the following grounds:

1. The Conduct Meeting was not conducted fairly. Minor deviations from designated procedures will not be a basis for supporting an appeal unless there is an adverse effect on the outcome of the Conduct Meeting.
2. The information presented in the case was insufficient to establish a preponderance that a violation of the Student Conduct Code occurred.
3. The sanction(s) imposed in the initial Conduct Meeting were substantially disproportionate to the severity of the violation(s)

committed.

4. New and significant information is now available, sufficient enough to alter the decision, which was not known at the time of the Conduct Meeting. (Failure to provide information or to participate in a meeting or investigation, even when resulting from concern over pending criminal or civil proceedings, does not make information “unavailable” at the time of the meeting.) New information will only be considered if the Chair determines that the information was not available at the time of the Conduct Meeting and may be relevant to the final decision.

Non-attendance by the Respondent may not be the sole grounds for an appeal.

Dissatisfaction with a decision is not grounds for appeal.

The burden of proof is on the student appealing the decision to show that one of the above grounds is met.

Appeal Process

Any party submitting an appeal request must do so in writing via the Conduct Appeal form found with their decision letter, or on the [OSCCS website](#), no later than seven (7) days following the day the student was notified of the decision of the original Conduct Administrator. A student has been notified of the decision of the original Conduct Administrator at the day and time the decision was emailed to the student. A Conduct Administrator’s decision is considered final if an appeal is not submitted within the specified time. The Chair will determine whether the appeal is made in a timely manner. If the appeal is not timely, the Chair will deny the appeal.

Neither students nor Conduct Administrators present directly to the Appeal Committee; all information to be considered on appeal must be provided in writing. Students are permitted to submit one appeal form only. Any additional information not provided in the original appeal form will not be considered during the appeal.

The Chair of the Appeal Committee will review the appeal and the record of the case to determine one of the following actions:

- a. Deny the appeal based on a finding that none of the grounds for appeal have been satisfied. Students who did not participate in the conduct process may also have their appeal denied when it is based on the alleged grounds that the Conduct Meeting was not conducted fairly or that there is new and significant information now available.

- b. Send the case back to the Director of OSCCS to review the record of the case, make any necessary modifications, and render an amended decision, based on a finding that one of the grounds for appeal has been satisfied and that remedial action by the Conduct Administrator is warranted. When the Director served as the original Conduct Administrator, the Chair of the Appeal Committee will send the appeal to the Dean of Students (or designee) to review the record of the case, make any necessary modifications and render a final decision.
- c. Grant the appeal on the basis that one of the grounds for appeal has been satisfied and that a review of the evidence and decision is warranted. The Chair will convene the Appeal Committee to review the record of the case. Any new information not available at the time of the Conduct Meeting that may be relevant to the final decision will be considered at this time.

When the Chair grants an appeal, the Chair will inform the Conduct Administrator of the appeal and provide them with a copy of the Conduct Appeal form. The Conduct Administrator must respond, in writing, within three (3) business days.

The Chair will head an Appeal Committee to review *only* the specific grounds alleged in the Conduct Appeal form. The Panel will be provided access to the case information so that a decision may be made.

An appeal being granted does not automatically mean that the case will be reheard. Rather, the appeal decision will determine:

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

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

- Uphold the decision of the original Conduct Administrator;
- Return the case to the original Conduct Administrator with specific findings or recommendations, including but not limited to: rehearing of the matter, consideration of additional evidence, and/or modification of sanctions;
- Refer the case to a new Conduct Administrator for review; or
- Dismiss the case on the grounds that no reasonable person could have found the Respondent responsible for the alleged misconduct.

The Appeal Committee will provide detailed findings, recommendations, and rationale for their decision. The decision will be provided to the Dean of Students, Director, or designee, who will forward the decision, along with any instructions, to the Parties and the Conduct Administrator.

Appeal of Sanctions Only

Students who appeal based only on the grounds that the sanction(s) imposed were substantially disproportionate to the severity of the violation(s) committed are not entitled to a review of the finding of responsibility.

X. Implementation & Approval

Interpretation & Revision

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

Disciplinary Records & Notice

The OSCCS shall maintain records of all disciplinary actions in accordance with university policies and federal legislation. All conduct records are maintained by the University for seven (7) years from the time of their creation, except those that result in separation from the University (suspension or expulsion) which are kept indefinitely. Appeals to have a violation removed from a student record after seven years must be submitted in writing to the Primary Administrator.

Criteria to apply for an appeal are as follows: no further violations for the past seven years, and findings must not relate to Title IX offenses, violence or threats of violence or weapons violations.

Parental Notification

The University may notify the parents or guardians of any student under the age of twenty-one who has been found in violation of university alcohol and drug policies or policies related to the health and safety of the campus community.

Public Notification

The University does not normally make disciplinary records public, even in cases where permitted by law. However, the community may be notified of the University's response to behavior that had a significant impact on the safety and security of the campus. Victim names will not be released.

XI. Related Laws, Policies & Procedures:

- CSU Pueblo Policy on Discrimination (including Title IX Sex Discrimination), Protected Class Harassment, and Retaliation
- CSU System Acceptable Use Policy (AUP)
- Student-Athlete Handbook
- Residence Life and Housing – Resident Handbook

XII. Contact Information

Office of Student Conduct and Community Standards

Phone: 719-549-2586

Email: csup_conduct@csupueblo.edu

Approved by Interim President D. Rico Munn 7/21/2025