

The Student
Code of Conduct
2016 - 2017

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Colorado State University-Pueblo

Student Code of Conduct

I. Purpose

Colorado State University – Pueblo strives to achieve a campus community in which individuals demonstrate respect for others, for themselves, and for the University; uphold high standards of personal and academic integrity; are accepting of differences and gain an appreciation for living in a pluralistic society; 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 challenges to the status quo are inherent to the educational environment, the University expects all members of its community to uphold certain standards of conduct.

Upon admission to the University, students share in the obligation to protect the integrity of the institution, as well as to preserve and to promote its highest endeavors in education. Students retain their individual rights while accepting the responsibility neither to commit nor to tolerate any infringement of their rights, the rights of others, or the standards of conduct set forth by the University.

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

- 1) Recognize the section of the Student Code of Conduct that they allegedly violated
- 2) Explain the impact that their behavior has on others and themselves
- 3) Explain their responsibility as a student to uphold the established standards and expectations for conduct
- 4) Summarize the potential impact of their behavior on their studies and future endeavors

II. Definitions

1. **University** means Colorado State University – Pueblo including all campuses, Extended Studies, etc.
2. **The Code** means this document, the Student Code of Conduct.
3. **Students** include all persons enrolled in courses at the University, either full- or part-time, pursuing undergraduate, graduate, continuing education or professional studies, as well as persons who are not officially enrolled for a particular term but who have a continuing relationship with the University.
4. **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.
5. **Staff** members include any person hired by the University to conduct administrative duties, programming, and other various functions of the campus as a University employee.
6. **University officials** include any person employed by the University to perform assigned administrative or professional responsibilities.

7. ***Student Organizations*** include but are not limited to student clubs, club sports, and student government. This term also includes fraternities and sororities that are recognized by the University, even if such organizations are independently chartered.
8. ***Members of the University community*** include students, faculty, staff, administration and student organizations, as defined herein.
9. ***University premises*** include all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets, vacant land, driveways, roadways, and sidewalks), including the Tower, Fort Carson, any branch campuses including, but not limited to Colorado Springs, etc.
10. ***Complainant*** means a person who submits a complaint to the University alleging misconduct on the part of one or more students or organization. A student who has been negatively impacted by the alleged actions of another student may be designated as a Complainant, even if another party submitted the initial complaint.
11. ***Respondent*** means any student accused of violating the standards of conduct outlined in this Code.
12. ***Sexual Misconduct*** means any act in violation of the University's published Sexual Misconduct Policy.
13. ***Advisor*** is any individual person that any student wishes to bring to the hearing as a person of support. The advisor may be an attorney. The advisor may only be present to counsel the student; she/he may not represent the student or speak on the student's behalf, and may not participate directly in the hearing.
14. ***Hearing Authority*** any staff member delegated as the person holding the hearing meeting typically the hearing authority defined in this document will be the Director of Student Conduct and Case Management or designee.
15. ***Appeal Review Officer*** is defined as the person responsible for reviewing a hearing appeal. A review officer can be the Dean of Students or designee depending on the nature of a case and whether or not a conflict of interest may be present.
16. ***Appeal Committee*** is defined as a group of mixed faculty and staff members trained to hear a case and determine if any policy violations exist.
17. ***Consent*** is knowing, active, voluntary, present and on-going.
18. ***Persistent*** and ***pervasive*** are used to describe the level of behavioral concerned as defined by federal guidelines. Persistent includes behavior that continues on a repeated basis, while pervasive is defined as any behavior that interrupts a student or staff member's regular daily activity.
19. ***Interim Actions*** are defined as any rule or regulation deemed appropriate by a university official to be used to protect the health and/or safety of a student prior to a hearing being conducted. These measures are considered temporary unless made permanent by a university official.

In order for individuals to engage in sexual contact/activity of any type with each other, there must be clear consent.

Consent must be all of the following:

- **Knowing:** consent must demonstrate that all individuals understand, are aware of, and agree to the “who” (same partners), “what” (same acts), “where” (same location), “when” (same time), and “how” (same way and under the same conditions) of the sexual activity.
- **Active:** consent must take the form of clearly understandable words or actions that reveal one’s expectations and agreement to engage in specific sexual activity. This means that silence, passivity, submission, or the lack of verbal or physical resistance (including the absence of “no”) should not be understood as consent.
- **Voluntary:** consent must be freely given and cannot be the result of force (violence, physical restraint, or the presence of a weapon), threats (indications of intent to harm, whether direct or indirect), intimidation (extortion, menacing behavior, bullying), coercion (undue pressure) or fraud (misrepresentation or material omission about the present situation in order to gain permission for sexual activity).
- **Present and ongoing:** consent must exist prior to and during all sexual activity. Consent to previous sexual activity does not imply consent to later sexual acts; similarly, consent to one type of sexual activity does not imply consent to other sexual acts. Consent may also be withdrawn at any time – provided the person withdrawing consent makes that known in clearly understandable words or actions.

Sexual activity with someone mentally or physically incapacitated, whether resulting from alcohol and/or other drug use, the taking of a so-called “date rape” drug, unconsciousness, involuntary physical restraint, or mental disability, is a violation of this policy.

- **“Incapacitation”** is a state where one cannot make a rational, reasonable decision because they lack the ability to understand the “who, what, when, where, why, or how” of their sexual interaction.
- Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes it clear they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be considered coercive.
- Consent to one form of sexual activity cannot imply consent to other forms of sexual activity.
- Previous relationships or consent cannot imply consent to future sexual acts.
- In order to give consent, one must be of legal age.

III. Policy

A. Student Rights & Responsibilities

Throughout their involvement in the disciplinary process, all students have the following rights and responsibilities as outlined below. Students have the responsibility to notify the Director of Student Conduct and Case Management and/or the Dean of Student Affairs if they believe any of these rights has not been provided.

1. **The Right to Fair Treatment.** All students have the right to expect a fair and impartial disciplinary 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 sanctions. All students will be treated with respect throughout the disciplinary process. This includes the right to object to any member of a hearing authority based upon a demonstrable and significant bias.
2. **The Right to Privacy.** Students have the right to privacy with respect to all disciplinary action and records, subject to exceptions outlined in the Family Educational Rights and Privacy Act (FERPA).
3. **The Right to Written Notice.** Students have the right to proper written notification of allegations of misconduct, any conduct hearing and the right to written notification of the results of such hearings.
 - a. Written notification of a conduct hearing shall include the date, time and location of the hearing, the person or group conducting the hearing, the potential violations committed, a detailed description of the allegations to be considered, and a general timeline for the resolution of the disciplinary process.
 - b. Written notification of a decision shall include a specific finding of fact, the violations committed (if any), the sanctions imposed (if any), and the process by which an appeal may be filed.

Delivery of written notice to both a student's postal address on file with the University and/or University e-mail account shall be considered sufficient to meet this requirement. Students have the responsibility to ensure the University has been provided with accurate contact information so that their receipt of written notification is not unduly delayed.

Complainants also have the right to simultaneous notice of the hearing and of the subsequent decision when permitted by FERPA and/or required by law. Complainants shall receive notice regarding the Respondent's disciplinary process in writing by email, or physical mail.

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

Students have the responsibility to arrange for the presentation of any witnesses, testimony, and other information at the time of the conduct hearing. Disciplinary proceedings will not be rescheduled to accommodate witnesses.

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

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

6. **The Right to Appeal.** Students have the right to request an appeal of a hearing authority's decision. The determination whether to implement a decision pending the outcome of any appeal is made at the discretion of the Director of Student Conduct and Case Management. Students have the responsibility to comply with all sanctions imposed, unless those sanctions have been modified or overturned as a result of an appeal. Complainants in certain cases (sexual misconduct, stalking, domestic or dating violence) also have the right to appeal the decision of the hearing authority. Complainants will be notified of this right at the time he or she receives notice of the decision made regarding the Respondent (see "The Right to Written Notice", above).

B. Jurisdiction

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

The University retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated, for any misconduct that occurred prior to the leave, withdrawal or graduation and thereafter as long as the student has a continuing educational interest in the University. If sanctioned, a hold may be placed on the student's ability to re-enroll, obtain official transcripts, and/or graduate, and all sanctions must be satisfied prior to re-enrollment eligibility.

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

The Director of Student Conduct and Case Management is not required to take jurisdiction over a student who has allegedly violated the policy manual of an individual academic program or who has allegedly committed a violation of academic policies as outlined in the Catalog. Academic programs may have separate codes of conduct and rules and policies that apply to the program that are separate and apart from the Student Code of Conduct. In those situations when the Director of Student Conduct and Case Management does not take jurisdiction, the student does not have the rights articulated within this code in relation to individual program violations. Pursuant to specific student codes within programs, a student may be dismissed from a program; however, an individual program may not suspend or expel a student from the University.

The Code of Student Conduct may be applied to behavior conducted online, via email or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social

networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online.

C. Standards of Conduct

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

1. Disorderly Conduct.

a. Conduct that is disorderly, lewd, or indecent, or otherwise breaches the peace on University premises or at University sponsored or supervised functions that occur off-campus.

b. **Disruptive Behavior:** Substantial disruption of interference with University activity. Classroom disruption may include, but not be limited to: non-approved use of electronic devices; cursing or shouting at others in such a way as to be disruptive or other violations of an instructor's expectations for classroom conduct.

c. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, and/or other University activities, including its public service functions on or off campus, or of other authorized Non-University activities that occur on University premises. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.

d. Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of the University and/or infringes on the rights of other members of the University community. Leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.

2. **Prohibited Animals.** Animals are prohibited in campus buildings and athletic facilities), with the exception of service animals, assistance animals in the residence halls only and as permitted by University policy and by law.

3. **Animal Endangerment.** Threatening or endangering the health and safety of an animal is prohibited unless done for the safety of self or others.

4. Harassment.

a. Conduct directed at another student or University employee 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 student or University employee's ability to study, work, or participate in the educational and university community, including off campus, university sponsored activities. This conduct may occur through any means, including but not limited to e-mail, social media, and other technological forms of communication.

b. Unauthorized use of electronic or other devices to make an audio or video record 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.

- c. Harassment of any member of the University community on the basis of race, age, color, religion, national origin, citizenship, gender/sex, pregnancy/parental status, marital status, disability, veteran status, genetic information, sexual orientation, gender identity, gender expression, and other applicable federal, state and local guidelines. Please refer to the University's Non-Discrimination, Sexual Misconduct Policy, and Anti-Harassment Policy for more information.
5. **Bullying and Cyberbullying.** Bullying and cyberbullying are repeated and/or severe aggressive behaviors that intentionally intimidate, harm or control another person physically or emotionally.
6. **Hazing.** Any act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, any University team or organization, even if performed with the consent of the victim(s). Members of the team or organization who are aware of hazing and fail to report it to the University are also in violation of this policy. Participation or cooperation by the person(s) being hazed is not a defense to the violation.
7. **Non-Compliance with University Directives.**
 - a. Failure to comply with directions of University officials 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.
 - c. Failure to comply with assigned disciplinary sanctions.
8. **Retaliation.** Any intentional, adverse action taken by a Respondent, Complainant, or related third party, against a participant or supporter of a participant in a student conduct proceeding or other University grievance proceeding.
9. **Dishonesty.**
 - a. Furnishing false information to any University official, faculty member, office, or public official.
 - b. Initiating a complaint in bad faith against any member of the University community.
 - c. Forgery, alteration, or misuse of any University document, record, or instrument of identification and/or access to University facilities.
10. **Academic Dishonesty.** Any form of cheating that results in students giving or receiving unauthorized assistance in an academic exercise or receiving credit for work which is not their own.
 - a. Cheating: intentionally using or attempting to use unauthorized materials, information, or study aids in any academic exercise. The term academic exercise includes all forms of work submitted for credit or hours.

- b. Fabrication: intentional and unauthorized falsification or invention of any information or citation in an academic exercise; or of documentation meant to excuse or justify adjustments related to attendance or completion of work (exams, exercises, etc.)
 - c. Facilitating Academic Dishonesty: intentionally or knowingly helping or attempting to help another commit academic dishonesty.
 - d. Plagiarism: the deliberate adoption or reproduction of ideas, words, or statements of another person as one's own without acknowledgment.
 - e. Unauthorized Collaboration: intentionally sharing information or working together in an academic exercise when such actions are not approved by the course instructor. See sanctioning table for academic dishonesty.
11. **Housing Violation:** Failure to follow Residence Life and Housing policies, rules, and regulations and/or a breach of the housing contract.
12. **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 when such a record is likely to cause injury or distress.
 - e. Any other act in violation of University policies on the use of technology resources.
 - f. Violation of any federal, state or local laws through the use of University technology resources, including University provided email.
13. **Property Violations.**
- a. Theft of University property, or of other personal or public property.
 - b. Any act causing, or intended or likely to cause, damage to University property, or to other personal or public property without the consent of the lawful owner.
14. **Abusive Conduct.** Physical abuse, verbal abuse, threats, intimidation, coercion, and/or other conduct which threatens the mental or physical well-being of any person.
15. **Domestic Violence.** Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or 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 partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Colorado or other jurisdiction in which this policy applies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

16. **Dating Violence.** Dating violence means violence committed by a person:
- a. Who is or has been in a social relationship of a romantic or intimate nature with the impacted party; and
 - b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. the length of the relationship;
 - ii. the type of relationship;
 - iii. the frequency of interaction between the persons involved in the relationship.
17. **Stalking.** "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; *repeated* conduct which reasonably and subjectively causes another person to fear for his/her safety or the safety of another, or repeated conduct which causes a person to alter his/her activities in response to the repeated conduct. Such conduct may include but is not limited to any of the following: following or approaching a person, someone with whom that person has or has had a continuing relationship, or a member of that person's family or household; contacting a person, someone with whom that person has or has had a continuing relationship, or a member of that person's family or household whether or not conversation ensues; and placing a person, someone with whom that person has or has had a continuing relationship, or a member of that person's family or household under surveillance.
18. **Alcohol Misuse.**
- a. Violation of the University's published Alcohol & Other Drug Policy.
 - b. Alcoholic beverages may not be used by, possessed by, or distributed to any person under twenty-one years of age.
19. **Drug Misuse.**
- a. Violation of the University's published Alcohol & Other Drug Policy.
 - b. Use or possession of marijuana on University premises, even if permitted by State law, is prohibited.
 - c. Abuse, misuse, sale or distribution of prescription medications. This includes possession, distribution, selling, sharing or use of another's prescription medication.
 - d. Use, possession or distribution of any illicit drugs.
20. **Endangerment.**
- a. Initiating any false report, warning, or threat of fire, explosion, or other emergency.
 - b. Tampering with, disabling, or removing fire extinguishers or other items intended for use in an emergency. Any other conduct which endangers the health or safety of any person.
21. **Weapons Violations.** Possession of a deadly weapon on University property or at University sanctioned events or activities, with the exception of a handgun if the person is a valid

Colorado concealed carry permit holder. Concealed carry is not permitted in University housing, including Walking Stick Apartments, and is a violation of this Code.

- a. Other weapons such as blades larger than pocket knives pursuant to Colorado law, ammunition or explosives, dangerous chemicals, substances, or materials, or bombs, or incendiary devices prohibited by law, are also prohibited.
- b. Use of any such item, even if legally possessed, in a manner that harms, threatens, or causes fear to others is also a violation of this Code.

22. Sexual Misconduct.

- a. Any act that violates the University's Sexual Misconduct Policy.
- b. Any act that is sexual in nature and performed without the consent of all involved parties.
- c. Any act that is sexual in nature and intentionally performed in view of one or more uninvolved persons without the consent of all parties. This includes, but is not limited to, the surreptitious recording and/or broadcasting of sexual acts.
- d. Any act that is sexual in nature and performed in a public setting or without the consent of all persons reasonably in a position to observe such conduct. This includes, but is not limited to, the public fondling and/or exposure of one's own genitalia, buttocks, or breasts.
- e. Any sexual act or conduct that would be considered a crime under state law, such as sexual assault or rape. Please refer to the University's Sexual Misconduct Policy for further information, including victim's rights, or contact the University's Title IX Coordinator (719-549-2310) for assistance.

All complaints or any concerns about conduct that may violate the Sexual Misconduct Policy should be filed with the Title IX Office:

Kaitlyn Blakey, Title IX Coordinator
Colorado State University Pueblo
Admin. 304
Pueblo, Colorado 81001
719-549-2223
Kaitlyn.Blakey@csupueblo.edu

Upon receiving a complaint, the Title IX Coordinator will follow the procedures described in Appendix A.

23. 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.
- c. Failure to report any violations of this Code, University policies, and/or laws on the part of another student. Failure to immediately report any serious health or safety risk on campus to appropriate law enforcement and/or University officials.

BIAS-MOTIVATED INCIDENTS

Any violation of the Student Code of Conduct that is determined to have been motivated by consideration of sex, gender identity/expression, race, color, age, national origin, creed, disability, religion, sexual orientation, pregnancy, or veteran status may subject the student to the imposition of a sanction more severe than would be imposed in the absence of such motivation. All Bias Motivated Incidents should be reported to Jennifer Alanis, Director of Diversity & Inclusion (Jennifer.deluna@csupueblo.edu).

PROCEDURE

A. Relationship to Civil Litigation or Criminal Charges

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

B. Student Organizations

As an essential part of the University community, Student Organizations are expected to conduct their activities at all times in a manner that reflects the values, mission, and goals of Colorado State University – Pueblo. Student Organizations are subject to this Code in the same manner as individual students.

Alleged violations on the part of Student Organizations shall be investigated by the Office of Student Conduct in conjunction with the appropriate University offices or departments. Any incidence of misconduct may result in disciplinary action against a Student Organization as a whole as well as against one or more individual members, when violations of this Code:

- Take place at Organization-sponsored or co-sponsored events, whether sponsorship is formal or tacit;
- Have received the consent or encouragement of the Organization or of the Organization's leaders or officers; or
- Were known or should have been known to the membership or its officers.

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

C. The Disciplinary Process

1. Complaints

Any person may file a complaint with the Office of Student Conduct alleging student misconduct. The University may serve as the Complainant in any action. Once a complaint has been received, the University retains the right to proceed with the disciplinary process, even if a Complainant later chooses to retract, rescind, or recant any or all of the report and/or chooses not to cooperate. Disciplinary action will only be taken without the consent of a Complainant if, in the judgment of the Director of Student

Conduct and Case Management, such action is necessary to protect the safety, security, and/or integrity of the University and/or any member(s) of its community.

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

In addition to referral for potential disciplinary action, individuals are encouraged to report complaints of:

- Criminal activity that occurs on campus to the Pueblo County Sheriff's Office;
- Criminal activity that occurs off-campus to the Pueblo Police Department and/or other appropriate law enforcement agencies;
- Sexual harassment and/or discrimination to the Office of Equal Opportunity, Affirmative Action, and Title IX Coordinator, and/or the Office of Human Resources;
- Sexual misconduct, including rape and sexual assault, to the appropriate law enforcement agency (Pueblo County Sheriff's Office or Pueblo Police Department) and to the University's Title IX Coordinator.

In addition to the rights specified in Article III of this Code, students who make an allegation of sexual misconduct are entitled to assistance from campus authorities in reporting the incident to law enforcement, to have an advisor present during all disciplinary proceedings, to be notified simultaneously of the outcome of any hearing conducted as a result of their complaint, and to appeal the hearing decision. In addition, timely and appropriate modifications to housing assignments and/or academic schedules, or other interim actions may be made.

There is no time limit on reporting violations of the Code of Student 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 complaints are permitted, doing so may limit the University's ability to investigate and to respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of Student Conduct, the Pueblo County Sheriff's Office at CSU-Pueblo, and/or the Title IX office.

Academic Complaints. Academic faculty, departments, and colleges are responsible for establishing orderly procedures for academic and classroom discipline. Each faculty member is primarily responsible for communicating standards of academic integrity and classroom behavior, implementing University policies, and initially responding to behavioral issues.

When academic misconduct is suspected, the faculty member and/or academic unit involved should discuss these suspicions with the student and then come to a determination regarding appropriate academic consequences. Academic consequences are not subject to the appellate process outlined in this Code, but are instead governed by the Academic Appeals process as outlined in the University Catalog.

If a finding of academic misconduct is made, the faculty member and/or academic unit must report the findings, and the action taken (if any), to the Director of Student Conduct and Case Management. The intent of this reporting structure is to ensure a student is not committing the same transgression in multiple courses; and to maintain consistency with the University's responses to other forms of

misconduct. The Office of Student Conduct may impose additional sanctions as a result of the disciplinary hearing process.

Academic Dishonesty. In cases of academic dishonesty, the instructor will inform the chair of the department prior to implementation of punitive action. Academic dishonesty is grounds for disciplinary action by both the instructor and the Dean of Students. Any student found to have engaged in academic dishonesty may receive a failing grade for the work in question, a failing grade for the course, or any other lesser penalty which the instructor finds appropriate.

To dispute an accusation of academic dishonesty, the student should first consult with the instructor. If the dispute remains unresolved, the student may then state their case to the department chair (or the dean if the department chair is the instructor of the course). A student may appeal a grade through the Academic Appeals Board.

Academic dishonesty is a behavioral issue as well as an issue of academic performance. As such, it is considered an act of misconduct and is also subject to the University disciplinary process. Whether or not punitive action has been implemented by the faculty, a report of the infraction should be submitted to the Office of Student Conduct which may initiate additional disciplinary action. The decision by the Office of Student Conduct may be appealed through the process outlined in the Student Code of Conduct.

2. Complaint Review & Investigation

Once a complaint has been filed, it shall be resolved in one of the following ways at the discretion of the Director of Student Conduct and Case Management:

- If it is found that there is no basis for the complaint, no further action shall be taken. The University may resume action on any complaint should further relevant information become available to substantiate the original complaint.
- Further investigation may be conducted by the Director of Student Conduct and Case Management or designee if it is determined that the complaint may be substantive, but enough information is not yet available to effectively hear the complaint.
- The complaint shall be referred to a hearing if the complaint is determined to be substantive and enough information is available to effectively hear the complaint.

Complaints involving harassment, stalking, domestic violence, dating violence, or sexual misconduct may be investigated by the Title IX Coordinator or designee. For more information about the investigation process, protective measures, anticipated timelines, etc., please review the University's Sexual Misconduct Policy and/or visit the website of the Title IX Coordinator. The complaint and investigation results will be referred to the Office of Student Conduct to determine if disciplinary action is warranted. All investigations will be conducted promptly, fairly and impartially, and in compliance with applicable law.

3. Hearings

The purpose of a disciplinary hearing is to evaluate the complaint, to determine whether any of the standards of conduct outlined in this Code may have been violated, and if so, what sanctions are to be imposed as a consequence.

Information. The Complainant and the Respondent may provide information to the hearing authority for consideration, including witness statements, emails, photographs, etc.

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 a Respondent committed the alleged violation(s). Formal rules of process, procedure, and/or technical rules of evidence, such as those applied in civil or criminal courts, are not utilized in student disciplinary proceedings.

Conduct Hearing Authorities. The following persons and groups have been empowered by the University to conduct hearings. The exact process by which each of these authorities convene, consider evidence, and determine sanctions is determined by the hearing authority in consultation with the Director of Student Conduct and Case Management.

- a. The Director of Student Conduct and Case Management is authorized to consider all forms of misconduct and impose all forms of disciplinary sanction, up to and including suspension or expulsion from the University.
- b. The Director of Residence Life & Housing may be authorized by the Director of Student Conduct and Case Management to consider certain complaints both originating on the greater University campus and within Residence Life and Housing. Generally, such incidents will include alleged violations of residence hall policies and/or violations of certain standards of conduct, such as alcohol use by a minor. The Director of Residence Life & Housing may not impose suspension or expulsion from the University.
- c. Residence Life Coordinators may be authorized by the Director of Student Conduct and Case Management to consider certain complaints/incidences originating in Residence Life and Housing; and other complaints as needed by the Director of Student Conduct and Case Management.
- d. Other Hearing Authorities. The Dean of Student Affairs may designate an alternative hearing authority at his or her discretion, including but not limited to, if a potential conflict of interest exists with another hearing authority.
- e. Academic Dishonesty Hearing Board. The Dean of Student Affairs may designate a Student Academic Dishonesty Board to consider certain complaints/misconduct regarding violations of academic dishonesty or integrity such as cheating, etc. This board will be made up of members of the Student Conduct Board, faculty and staff.
- f. Appeal Review Officer. The Dean of Student Affairs or designee is the Appeal Review Officer and is authorized to consider all requests for appeal.
- g. The Appeal Committee is designated by the Dean of Student Life/Affairs or designee to hear all appeals that have been granted by the Appeal Review Officer. The Appeal Committee consists of three members: (1) the Chief Justice of Associated Students' Government or designee; (2) one faculty member; and (3) one staff member, who will chair the committee. The Appeal Committee will be selected as needed by the Director of Student Conduct and Case Management as needed or the Dean of Students.

The Appeal Committee will review the conduct hearing and proceedings. After a review the Chair of the Appeal Committee will compile the Appeal Committee report summarizing the alleged violation(s) of the code of conduct, the committee's findings as to each allegation, and the sanctions, if any, and will forward the report within five business days to the Director of Student Conduct and Case Management/or Appellate Authority. A letter will be generated with the sanctions to be implemented, if any. The decision of the Appeal Committee is final.

4. Decisions

Decisions made as a result of any hearing shall be provided in writing to the Respondent. Decisions will also be provided to the Complainant simultaneously with the Respondent in cases involving sexual misconduct, domestic violence, dating violence, stalking, or crimes of violence, or as otherwise provided by law. If the Complainant is deceased as a result of the offense, the next of kin will be provided with the decision.

D. APPEALS

Respondents may request an appeal of a decision made by any hearing authority; Complainants also have this right as required by law and in cases of crimes of violence, sexual misconduct, stalking, and intimate partner/dating violence. All sanctions imposed by the original hearing authority remain in effect during the appeal process. When applicable, all parties will be timely informed of the status of request(s) for appeal, the status of appeal consideration, and the results of the appeal decision.

Any party submitting an appeal request must do so in writing to the Office of Student Conduct no later than five business days following the day the student was notified of the decision of the original hearing authority. A student has been notified of the decision of the original hearing authority at the day and time the decision was emailed to the student. A business day is considered Monday through Friday, excluding University closure days.

Requests for Appeal are limited to the following grounds:

- A procedural error occurred that significantly impacted the outcome of the hearing. Deviation from established procedures shall not be a basis for appeal unless that deviation resulted in significant prejudice or harm to the Respondent or Complainant.
- The information presented in the initial disciplinary hearing was insufficient to establish that violation(s) of the Code occurred.
- The sanction(s) imposed in the initial disciplinary hearing were substantially disproportionate to the severity of the violation(s) committed.
- New information is now available, sufficient to alter the decision, which was not known at the time of the initial disciplinary hearing. Failure to provide information during or to participate in an investigation or a hearing, even resulting from concern over pending criminal or civil proceedings, does not make information “unavailable” at the time of the hearing.

The Office of Student Conduct will share the Request for Appeal by one party with the other party when appropriate under procedure or law. If the Request for Appeal is shared with the Complainant, the Complainant may also file a response or request an appeal on the same or different grounds no later than five business days following the day and time the student was notified of the Respondent’s Request for Appeal. The Director of Student Conduct and Case Management will also draft a response memorandum to the Request(s) for Appeal. The Director of Student Conduct and Case Management will refer the Request for Appeal with the student’s disciplinary file and all responses to the Appeal Review Officer. The Appeal Review Officer will conduct an initial review to determine if the Request for Appeal meets the limited grounds for appeal and is timely. The student may consult with the Director of Student Conduct and Case Management for any questions that arise.

If the Request for Appeal is not timely or does not state a sufficient basis for appeal, the original finding and sanction will stand and the decision is final with no further right to appeal.

If the Request for Appeal has merit, the Appeal Review Officer may:

- Return the case to the original hearing authority for additional consideration; or
- Refer the case to the Appeal Committee.

Efforts should be made to return the case to the original hearing authority whenever possible, with clear instructions for reconsideration only in light of the granted appeal grounds.

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

- Uphold the decision of the initial hearing authority.
- If the information presented was not sufficient to support the decision of the initial hearing authority, the Appeal Committee may order a new hearing on the complaint with the hearing authority. The results of a new hearing may be appealed once.
- If the sanction(s) imposed were not appropriate for the violation(s) committed, the Appeal Committee will return the complaint to original hearing authority with specific directions, who may then increase, decrease, or otherwise modify the sanctions. This decision is final.
- If prejudicial procedural errors are found and/or new information is presented that may reasonably call into question the validity of the decision of the original hearing authority, the Appeal Committee may return the complaint to the original hearing authority with instructions to cure the error and/or consider new information. The decision of a reconvened hearing is final.

The decision of the Appeal Review Officer (if the Request for Appeal is denied) or of the Appeal Committee (if the Request for Appeal is granted) shall be considered final.

E. SANCTIONS

When a student has been found responsible for violation of the standards set forth in this Code, one or more disciplinary sanctions shall be imposed. Sanctions are assessed for an entire incident, not for each violation. Although the University may publish recommended sanctioning guidelines to be consulted in various circumstances, the exact sanction(s) to be imposed shall remain at the discretion of each hearing authority.

1. Disciplinary Sanctions

Disciplinary sanctions are those which define the University's official response to student misconduct. 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.
- The actual and potential consequences of the misconduct.
- The precedent established by the University for similar misconduct.
- The previous disciplinary history of the student, if any.
- The student's attitude throughout the disciplinary process.

- Whether the conduct was directed at a person due to that person’s sex, race, age, national origin, sexual orientation, gender identity, gender expression, religion, disability or veteran status.
- Whether conduct was directed at a University officer in the performance of her/his duties.

Disciplinary sanctions include the following:

A student found responsible for a violation shall be subject to sanctions relative to the offense with consideration given to any aggravating and mitigating circumstances, including, but not limited to, the student’s conduct record. It is the student’s responsibility to review his or her conduct record, and the student will be deemed to have knowledge of his or her record of previous conduct violations and sanctions, whether or not the student chooses to review the record. Sanctions include one or more of the following penalties, unless otherwise expressly provided:

| | |
|---------------------------------|--|
| Informal Warning | Oral or written warning to the student that he or she is violating university regulations. No official record of an informal warning shall be maintained. |
| Official Warning | Official warning in writing that continuation or repetition of specified conduct may be cause for more severe conduct action. A record of an official warning shall be maintained. |
| Parental/Guardian Notification | In cases of violation of university alcohol and drug policies involving students under 21 years of age at the time of the violation, the university may notify the student’s parent or guardian of the violation. The university also reserves the right to notify parents of a student’s conduct regardless of the student’s age, in the event that they are a threat to self or others. |
| Conduct Probation | Conduct probation is for a designated period of time and includes the probability of more severe conduct sanctions, including suspension or expulsion from the university if the student is found responsible for violating specific and/or any university regulation(s) during the probationary period. Additional stipulations that are consistent with the nature of the violation may also 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. |
| Campus and/or Community Service | 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. |
| Fines | Reasonable fines may be imposed. |
| 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. |
| No Contact Order | A No Contact Order is a directive to refrain from any intentional contact, direct or indirect, with one or more designated persons or group(s) through any means, including personal contact, electronic, telephone, or third parties. Violating a No-Contact Order may result in suspension from CSU-Pueblo. |
| Restitution | Reimbursement for damage or loss of property or expenses of others as a result of the misconduct. |
| Suspension | Exclusion from classes and other privileges in the university community for a specified period of time. |
| Expulsion | Permanent termination of student status in the university community. |

1. 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.
2. **Probation** serves to notify a student that further transgressions must be avoided for a finite and specified period in order for the student to remain a part the University community. During a student's probationary period, that student is not in good disciplinary standing with the University; as a result, certain co-curricular activities may be prohibited, 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. Any further violations while on probation may result in a student's suspension or dismissal from the University.
3. During a **deferred suspension** the student will be suspended from the University, but the suspension will be deferred, meaning that the student may continue to attend classes. However, the suspension will be automatically enforced if the student fails to complete any assigned sanctions by the deadline and/or for any subsequent violations of the Code. If the student is found responsible for any subsequent violations of the Code the student will be automatically suspended from the University in addition to the other sanctions imposed for the subsequent violation. During a student's deferred suspension period, that student is not in good disciplinary standing with the University; as a result, certain co-curricular activities may be prohibited, 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.
4. A student who has been **suspended** from the University may not participate in any University activities, academic or otherwise, for a specific period, and may be restricted from University premises. A suspended student who wishes to re-enroll must apply for re-entry to the University and must also petition the Director of Student Conduct and Case Management, who shall determine whether any and all requirements for readmission have been satisfactorily completed. This sanction will be noted as a Suspension on the student's official academic transcript and the student will be withdrawn from all courses.
5. **Expulsion** is permanent separation and removal from the University. A student who has been **expelled** from the University is permanently prohibited from participating in any University activities, academic or otherwise, and will be restricted from all University premises and activities. This sanction will be noted as Expelled on the student's official academic transcript and the student will be withdrawn from all courses.

Colorado State University-Pueblo Alcohol and Other Drug Sanctions

These are minimum sanctions for CSU-Pueblo students. Sanctions may be increased based on past disciplinary record, the severity of behavior and/or impact upon the community. The University encourages students to engage in healthy decision-making and report inappropriate behavior that is in violation of our Code of Student Conduct.

| | | | | Fine & Restitution | Service/ Activity | Coach Referral (if student athlete) | Parental Notification | Educational Sanction (CHOICES, eCheckup, StepUP! | Assessment by HEP Coordinator | Probation With or Without Restrictions | Housing Status | University Status | |
|-------------------|--|--|----------------------------|----------------------------|-------------------|--|-----------------------|---|----------------------------------|---|---------------------|-------------------------|-------------------------|
| Alcohol | Level 1 | <ul style="list-style-type: none"> Being in the presence of alcohol Alcohol container Possession of binge drinking paraphernalia | First Offense | | | | | X | | | | | |
| | | | Second Offense | \$50 & restitution if any | X | X | | X | | | | | |
| | | | Third Offense | \$100 & restitution if any | X | X | X Made by student | X | X | 1 semester possible | | | |
| | Level 2 | <ul style="list-style-type: none"> Underage possession or consumption of alcohol Actively drinking alcohol in the Residence Halls Public intoxication Organized drinking games Positive urine analysis | First Offense | \$50 & restitution if any | X | X | | X | X | 1 semester possible | | | |
| | | | Second Offense | \$100 & restitution if any | X | X | X Made by student | X | X | 1 year until age 21 | Suspension possible | | |
| | | | Third Offense | \$200 & restitution if any | X | X | X Made by student | X | X | | Expulsion | Suspension | |
| | Level 3 | <ul style="list-style-type: none"> Transported to the hospital; as a result of intoxication Severe intoxication Driving under the influence (DUI) or Driving with Ability Impaired (DWAI) Irresponsible serving of alcohol | First Offense | \$100 & restitution if any | X | X | X | X | X | 1 year until age 21 | Suspension possible | | |
| | | | Second Offense | \$200 & restitution if any | X | X | X | X | X | 1 year until age 21 | Suspension | Suspension possible | |
| | | | Third Offense | \$400 & restitution if any | X | X | | | | | | Expulsion | Suspension or Expulsion |
| Marijuana | <ul style="list-style-type: none"> Being in the presence of marijuana and/or paraphernalia Smoking in a campus building (tobacco, smokeless tobacco, vape pens, e-cigarettes, marijuana, etc.) Possession of marijuana or marijuana paraphernalia Use of marijuana | First Offense | \$75 & restitution if any | X | X | | | X | Possible | 1 year until age 21 | | | |
| | | Second Offense | \$150 & restitution if any | X | X | X Made by student | X | X | 1 year until age 21 | Suspension possible | | | |
| | | Third Offense | \$300 & restitution if any | | X | X Made by student | | | | | Expulsion | Suspension or Expulsion | |
| Illicit Substance | <ul style="list-style-type: none"> Possession or use of drugs (not marijuana) Sale or distribution of drugs (including marijuana) | First Offense | \$200 & restitution if any | X | X | X | X | X | Until graduation | Suspension | Suspension possible | | |
| | | Second Offense | \$400 & restitution if any | X | X | X | X | X | | | Expulsion | Suspension or Expulsion | |

QUESTIONS?

Contact the Student Life Office (719) 549-2586

2. Sanctioning Guidelines Table for Academic Dishonesty:

| Academic Dishonesty Offenses Conduct Sanctioning Table | |
|--|---|
| <p style="text-align: center;">Level I:</p> <p>Minor laboratory exercise, homework, or class assignment</p> | <p style="text-align: center;">Sanctions:</p> <p>Written warning up to Probation</p> |
| <p style="text-align: center;">Level II:</p> <p>Major project, paper, test or exam, plagiarism</p> | <p style="text-align: center;">Sanctions:</p> <p>Probation up to Deferred Suspension</p> |
| <p style="text-align: center;">Level III:</p> <p>Presenting false data in a major project, senior thesis, a master's thesis, a doctoral dissertation, a scholarly article submitted for publication, or any other work represented as his or her own by a graduate or professional student</p> | <p style="text-align: center;">Sanctions:</p> <p>Deferred Suspension up to Suspension</p> |

3. Interim Actions

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

The Director of Student Conduct and Case Management, the Dean of Student Life/Affairs or designee, may impose restrictions and/or separate a student from the community pending the completion of a campus hearing on the alleged violation(s) of the Code of Student Conduct when a student represents a threat of serious harm to others, is facing allegations of serious criminal activity, to preserve the integrity of an investigation, to preserve University property and/or to prevent disruption of, or interference with, the normal operations of the University.

Such measures may include, but are not limited to, suspension from the University, involuntary removal from a course, academic or athletic program, or co-curricular activity, denial of access to all or portions of University property, modifications to living arrangements, and/or prohibitions from contacting individual members of the University community.

At the discretion of the Director of Student Conduct and Case Management and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the Respondent.

During an interim suspension, students may be denied access to University premises and/or all University activities or privileges for which the student might otherwise be eligible, as may be deemed appropriate. Whenever an interim suspension is imposed, a disciplinary hearing shall be conducted in a timely manner. Students who have been suspended on an interim basis and whose suspension upon hearing or appeal is found to have been unwarranted, shall be provided full opportunity to re-establish their academic and student standing to the extent possible within the abilities of the University, including the opportunity to take examinations, make up class assignments or otherwise complete course assignments missed due to the Interim Suspension. Students who have been suspended on an interim basis and then found to be in violation of the Code do not have the right to any refund or reimbursement for tuition, fees, room and board or any other expense associated with attending the university. Any reimbursable funds made available to a student found not responsible will be determined on a case by case basis.

VI. IMPLEMENTATION & APPROVAL

A. Interpretation & Revision

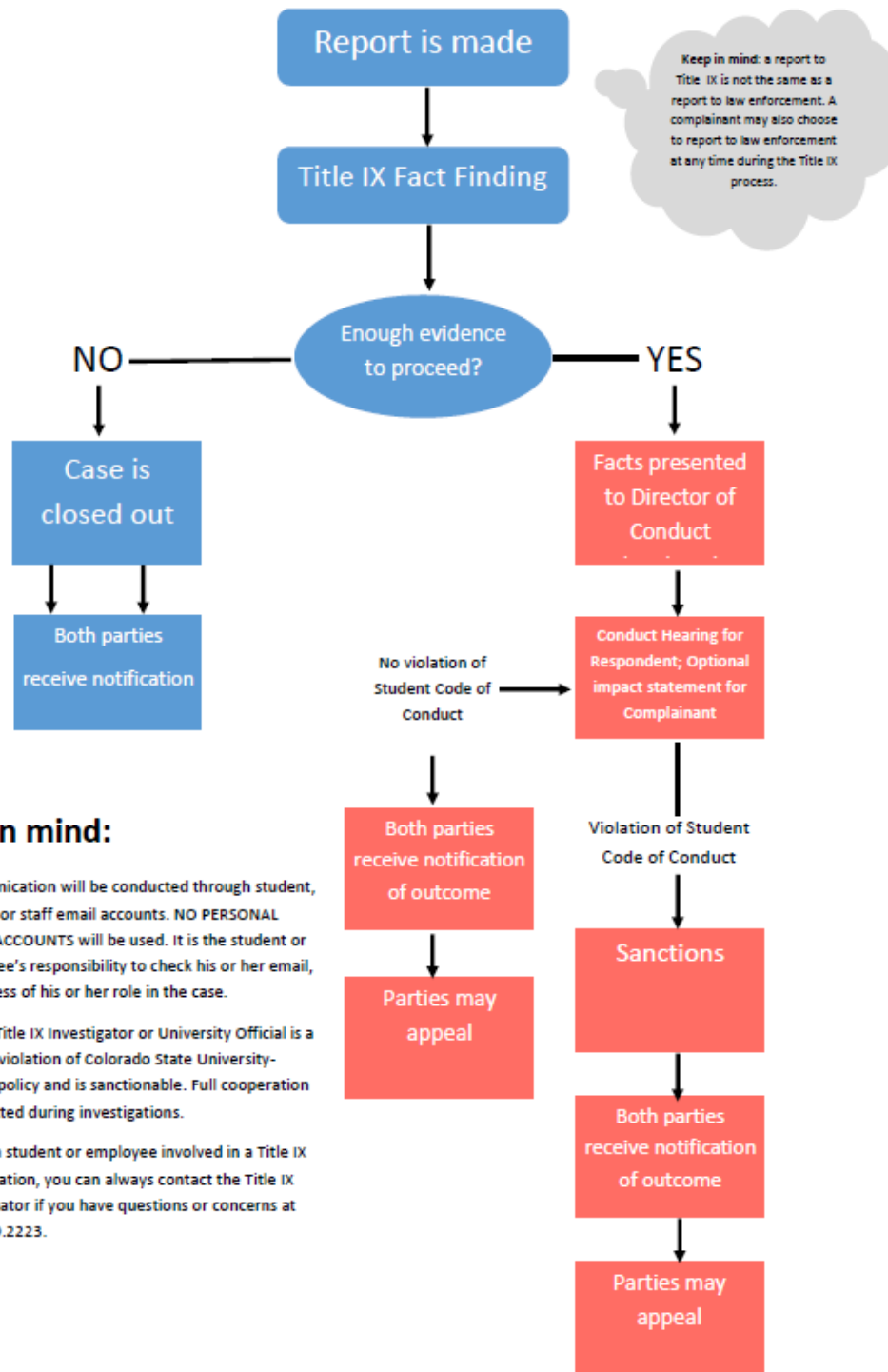
Any question regarding the interpretation and/or application of this Code shall be referred to the Dean of Student Affairs, who shall have the discretion to interpret the Code and make a final determination. The University reserves the right to amend this Code in writing at any time as may be determined by the President. This Code shall be subject to annual review by the Director of Student Conduct and Case Management, who shall recommend to the Dean of Student Affairs those changes deemed necessary and/or expedient. Any substantive change, alteration or amendment to the Code shall be subject to approval by the President of the University and Board of Governors. Minor changes may be made subject to the approval of the Dean of Student Affairs.

B. Disciplinary Records & Notice

The Office of Student Conduct shall maintain records of all disciplinary action in accordance with University policies and Federal legislation. All conduct records are maintained by the University for seven years from the time of their creation, except those that result in separation from the University (suspension or expulsion) which are kept indefinitely.

1. **Parental Notification.** The University may notify the parents or guardians of any dependent student under the age of twenty-one who has been found in violation of University alcohol and/or drug policies. The University may also notify the parents or guardians of any dependent student who has been found in violation of University policies related to the health and safety of the campus community.
2. **Public Notification.** The University does not normally make disciplinary records public, even in cases where such notification is permitted by law. However, the Dean of Student Affairs may notify the community 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.
3. **Victim Notification.** The University shall notify victims of alleged crimes of violence, domestic violence, dating violence, stalking, and Title IX violations, as required by state and/or federal law, of the results of any disciplinary action taken against the alleged perpetrator(s), in accordance with the Federal Educational Rights and Privacy Act (FERPA).

TITLE IX STUDENT PROCESS



Contact Information

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Ms. Jennifer Alanis
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Ms. Jami Hinshaw
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Pueblo County Sheriff's Office at CSU-Pueblo
719-549-2373 (non-emergency)

Pueblo Police Department
719-553-2538 (non-emergency)