
Policy Title:	Non-Discrimination, Sexual Misconduct and Retaliation Policy and Procedure	
Policy Number:	900	
Responsible Executive(s):	President	
Responsible Office(s):	Legal Affairs; Equal Opportunity and Title IX	
Date Adopted:	8.14.2020	Date Revised: 2.10.23

A. Purpose

1. It is the policy of Regis University that no person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment or in any educational program or activity of the University on the grounds of race, color, national origin, sex (including sexual harassment, sexual violence, sexual assault, sexual exploitation, intimate partner violence, or stalking), gender, disability, age, religion, veteran status, marital status, pregnancy, parental status, gender identity, gender expression, sexual orientation, genetic information or any other legally protected status [“protected class”]. To that end, and in compliance with federal and state laws, the University prohibits any member of the faculty, staff, administration, student body, or visitors to campus (be it guests, patrons, independent contractors, or clients) from discriminating against any other such person or member of the University community in violation of this Policy. Anyone (men, women, and nonbinary peoples) can be a perpetrator of sexual harassment and subjected to the proceedings below should they violate the policy herein.
2. A person may also file a complaint of discrimination with the United States Department of Education’s Office for Civil Rights regarding an alleged violation of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Age Discrimination Act of 1975, or Title IX of the Higher Education Amendments of 1972 by visiting www2.ed.gov/about/offices/list/ocr/complaintintro.html, or calling 1-800-421-3481. The U.S. Department of Education Office of Civil Rights is also located at: Lyndon Baines Johnson Department of Education Bldg., 400 Maryland Avenue, SW Washington, DC 20202-1100.
3. Regis University also prohibits harassment, and may consider the act a form of discrimination, as set forth above, if it is unwelcome and sufficiently severe or pervasive¹ so as to substantially interfere with a person’s work, education, purpose for being on campus or participation in a University activity/is otherwise considered discrimination in violation of the law.

¹ The standard of severe, pervasive and/or objectively offense varies based on the facts of the case. The standard for workplace harassment (Title VII) is severe OR pervasive so as to alter the conditions of the complainant’s employment and create an abusive working environment. For discrimination or Equal Opportunity complaints between students the standard is severe OR pervasive so as to unreasonably interfere with or limit the ability of an individual to work, study, participate in activities of the university, or achieve their purpose for being on campus. Meanwhile, the standard for Title IX is severe AND pervasive AND objectively offensive so as to effectively deny a person equal access to the recipient’s education program or activity.

4. This Policy, and its procedures and processes, are administered by numerous University employees as mentioned throughout. All involved employees are to recuse themselves from a matter when there is a conflict of interest. Any involved employee may raise the issue of a potential conflict of interest to the Equal Opportunity and Title IX Coordinator (EO and Title IX Coordinator) to determine whether an employee has a conflict of interest in any particular case, and the EO and Title IX Coordinator may then replace that person or take other action to the extent necessary to abate the conflict and preserve impartiality.

Kassandra Alberico
Equal Opportunity and Title IX Coordinator

B. Scope

1. This Policy is applicable with respect to University employment, delivery of and participation in education, programming, benefits, and admission. It applies to programs or activities in which Regis exercises substantial control over the individuals involved in the allegations and the context in which the conduct occurs, whether on or off campus, within the United States.²
2. Harassment prohibited by this Policy may include, but is not limited to, threats, physical contact, violence, pranks, jokes, slurs, epithets, derogatory comments, vandalism, or verbal, graphic, or written conduct directed at an individual or individuals. Even if actions are not directed at specific persons, a hostile environment may be created when the conduct is sufficiently severe, pervasive or persistent so as to unreasonably interfere with or limit the ability of an individual to work, study, participate in activities of the university, or achieve their purpose for being on campus. Furthermore, off campus incidents or incidents at non-University activities may be considered when determining the severity, pervasiveness, or persistence of the conduct that gives rise to hostility or harassment. As stated above, Regis's jurisdiction over these matters includes locations, events, or circumstances wherein Regis exercises substantial control over the individuals involved in the allegations, and the context in which the conduct occurs.

C. Policy

1. When Regis University is made aware of a report of discrimination, sexual misconduct, or retaliation, we are responsible for stopping the behavior, preventing its reoccurrence, and remedying the impact on the affected person/community.
2. **"Responsible Employees"** have a duty to promptly report when the responsible employee knows or **reasonably should know** of a possible discrimination, harassment, or sexual misconduct. Responsible Employees are those (1) who have the authority to act to redress discrimination, harassment or sexual misconduct; (2) who have been given the duty of reporting incidents of discrimination, harassment or sexual misconduct such as sexual violence, sexual harassment, domestic violence, dating violence, stalking, or any other misconduct to the

² Regis has no Title IX jurisdiction for cases that occur outside of the United States. However, Regis may pursue complaints under the Non-Discrimination, Sexual Misconduct, and Retaliation Policy if the EO and Title IX Coordinator determines that Regis has substantial control over both the complainant and respondent. If not such control exists, Regis may be limited in its ability to provide supportive measures or formal/informal outcomes.

EO and Title IX Coordinator; or (3) **who a complainant could reasonably believe** has this authority. Responsible Employees include, but are not limited to, faculty, adjunct faculty, administrators, department chairs, resident life and student affairs staff. Responsible Employees must promptly report incidents of discrimination, harassment, and sexual misconduct to the EO and Title IX Coordinator. Failure to report constitutes a violation of this Policy and may subject the violator to sanctions. Responsible Employees may report incidents by completing the Report Discrimination, Bias, and Retaliation or Report Sexual Misconduct Forms available on [Regis's Equal Opportunity and Title IX Webpage](#). Furthermore, Colorado law requires that anyone who has reason to believe a minor (17 years of age or less) has been sexually assaulted immediately report the matter to the Denver Police Department or other local law enforcement.

3. **Community Responsibilities**

- a. **All Community Members.** It is the responsibility of every member of the University community to foster an environment free from Discrimination, Harassment, Sexual Misconduct, and Retaliation.
- b. **Employees.** All Regis University Employees (except for Privileged and Confidential Resources) are considered Responsible Employees and are required to promptly report any knowledge of prohibited conduct based on protected classes.
- c. **Student Employees.** Student employees, including graduate assistants, work-study, and teaching assistants, are required to promptly report allegations of prohibited conduct that is discovered within the course and scope of their University employment.
- d. **Students.** Students are encouraged to report knowledge of prohibited conduct.

4. **Prohibited Harassment and Sexual Misconduct Policy Statement.** Harassment on the basis of sex, as later defined under this Policy, is a violation of federal and state law. Regis University strives to create a safe and nondiscriminatory environment where individuals treat one another with respect and, therefore, does not tolerate sexual harassment on campus or within the scope of its educational programs or activities.³ Individuals who believe they are victims of sexual harassment are strongly urged to promptly report such incidents as set forth under the reporting procedures below. Regis University will promptly investigate every formal sexual harassment complaint in a timely manner and, when there is a finding of sexual harassment, take corrective action to stop the harassment, prevent the misconduct from recurring, and correct any discriminatory effects of such harassment. The severity of the corrective action will depend on the circumstances of the particular case.

- a. The determination of what constitutes sexual harassment will vary with the facts and circumstances of a particular case. Any person may be subject to sexual harassment, and one can be sexually harassed by a member of any gender. Sexual harassment is

³ Education program or activity includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution (34 CFR 106.44(a)) and off-campus activities that substantially effect on-campus access to educational programs or activities, such as the off-campus sexual assault of a student in the same class as the respondent.

defined as unwelcome advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:⁴

- i. Conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- ii. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
- iii. Sexual assault,⁵ dating violence,⁶ domestic violence,⁷ or stalking.⁸

b. Sexual harassment prohibited by this Policy may take different forms. Examples might include:

- i. Direct or implied threats that submission to sexual advances will be a condition of advancement or promotion in any endeavor, including but not limited to employment, work status, promotion, or academic grades;
- ii. Direct propositions of a sexual nature;
- iii. Unnecessary touching, hugging, or brushing against another person's body;
- iv. Sexually explicit statements, questions, or jokes that a reasonable person would determine to be severe, pervasive, and objectively offensive;
- v. Remarks of a sexual nature about a person's clothing or body, sexual activity, sexual orientation, gender identity, failure to conform to stereotypical notions of masculinity or femininity, or previous sexual experience;
- vi. Physical assault or violence

5. **Defining Consent.** Sexual violence is a form of prohibited sexual harassment and includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent because of his/her/their drug or alcohol use, temporary or permanent mental or physical incapacity, or youth. Consent is informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. Consent is not passive.

- a. There is no consent if:
 - i. Coercion, intimidation, threats, and/or physical force are used.

⁴ 34 CFR 160.30

⁵ An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the FBI (20 USC 1092(f)(6)(A)(v) including rape, fondling, incest, or statutory rape. In the state of Colorado, sexual assault, statutory rape, and rape are defined under CRS 18-3-402.

⁶ 34 USC 12291(a)(10) 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 victim; and (B) where the existence of such a relationship shall be determined based on a consideration of factors: (i) The length of the relationship (ii) The type of relationship (iii) The frequency of interaction between the persons involved in the relationship.

⁷ 34 USC 12291(a)(8) The term "domestic violence" includes felony or misdemeanor crimes of 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.

⁸ 34 USC 12291(a)(30) The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to- (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

- ii. A person is mentally or physically incapacitated or impaired by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual situation.
- iii. a person is asleep or unconscious.

Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent can be withdrawn. A person who initially consents to sexual activity is deemed not to have consented to any sexual activity that occurs after he/she/they withdraw(s) consent. Finally, consent to previous sexual activity does not imply consent to future sexual activity.

6. **Defining Sexual Violence.** Sexual violence includes sexual assault, rape, sexual battery, sexual abuse, and sexual coercion.

- a. Some examples of sexual violence include⁹:
 - i. Rape or sexual assault: sexual intercourse of any type with a person that has not consented to the intercourse.
 - ii. Sexual touching of any type with a person that has not consented to the touching.
 - iii. Sexual touching or intercourse of any type committed by force, threat, coercion or intimidation.
 - iv. Sexual touching or sexual intercourse of any type with a person who is asleep or unconscious for any reason including, but not limited to, drug or alcohol use.
 - v. Exceeding the scope of consent by engaging in a different form of sexual activity than a person has consented to.
 - vi. Knowingly transmitting a sexually transmitted disease such as HIV to another person through sexual activity.
 - vii. Secretly videotaping sexual activity.
 - viii. Distribution of sexually explicit photographs or videos without consent.
 - ix. Participating in any activity that will likely result in any type of sexual touching or intercourse with a person by force, without the person's consent, or when the person is asleep or unconscious because of drug or alcohol use.
- b. Sexual harassment/violence does not include:
 - i. Discussions, communications, or actions that are sexual in nature but part of a legitimate academic exchange of ideas or artistic performance. As a University that values academic freedom and expression, there may be times when debates or performances of this type are acceptable and even encouraged; or
 - ii. Any other harassment not based on sex, sexual orientation, or gender identity; but may still be subject to discipline under another Regis University Policy.

The University does not support any incidents of harassment even though the incident may not constitute sexual harassment/violence. As such, it reserves the right to punish the instigator of such an incident under a different theory, for example, lacking collegiality.

⁹ See section 10 of this Policy for detailed definitions of the terminology used above.

7. **Reporting Options.** Employees and students can file a report at any time via the [Equal Opportunity and Title IX Webpage](#) on Regis’s website pursuant to the EO and Title IX Resolution Processes as proscribed below. Employees and students may also file a criminal complaint with the Denver Police Department.
- a. The EO and Title IX Coordinator may take all reasonable steps and the University may have a legal obligation to investigate a potential violation of this Policy in the absence of a Formal Complaint or known alleged victim. The EO and Title IX Coordinator may determine there is a pattern of discrimination, harassment, or sexual misconduct, or an immediate, continuing or broader threat/danger to the campus community. In such a case, the EO and Title IX Coordinator may file a Formal Complaint on behalf of the University, against an accused employee or student. All reporting mechanisms may also apply to any student or employee who has been discriminated, harassed, or a target of sexual misconduct by another student or employee off campus or during a non-University activity. Finally, the University has the authority to take interim action against any alleged violator while the applicable complaint processes are pending. The purpose of any interim action is to separate the complainant from the alleged violator or alleviate any potential danger while the applicable process is pending. Failure to comply with an interim action shall constitute a violation of this Policy, subjecting the violator to sanctions.
 - i. **Choice.** An alleged victim of discrimination, harassment, sexual misconduct, or retaliation has the right to choose whether to report to the University themselves.
 - ii. **Amnesty.** Sometimes, complainants or witnesses are hesitant to report to University officials or participate in resolution processes because they fear that they, themselves, may be accused of policy violations, such as underage drinking at the time of the incident. To encourage good faith reporting, Regis University pursues a policy of offering reporting parties and witnesses amnesty from minor policy violations related to the incident, such as personal consumption of drugs or alcohol. While a complainant can choose not to report allegations of prohibited conduct, please be aware that the University cannot act to address situations if not notified or otherwise made aware of an incident(s). Voluntary use of drugs and/or alcohol is never a valid defense to a violation of this policy.
 - b. **Reporting to Regis.** Any person may report prohibited conduct. Reporting parties are encouraged to provide as much detail as is available. The University’s ability to respond to anonymous or insufficient reports may be limited. Reports can be made in the following ways:
 - i. **Online reporting:** Reports can be made on the [Equal Opportunity and Title IX Website](#)
 - ii. **Anonymous reporting:** Anonymous reporting can be made through the [Bias Incident Report Form](#) with the omission of identifying information. Responsible Employees may not file anonymously.
 - iii. **By mail or in person:**
3333 Regis Boulevard A-20
Main Hall 133
Denver, CO 80221-1099

- iv. **By phone:** 303-964-6435
- v. **By E-mail:** kalberico@regis.edu
- vi. **Reporting to Campus Safety.** All crimes and safety issues that occur on campus can also be reported to Campus Safety:
Regis Square Suite 28
5115 Federal Blvd.
303.458.4122
safety@regis.edu

c. **Reporting to Law Enforcement.** Complainants and witnesses have the option to report or decline to report all incidents of sexual misconduct and other incidents of discrimination and harassment to law enforcement. An investigation conducted by the University is distinct from any investigation conducted by law enforcement. An investigation conducted by the University flows from the University's obligation under Title VI, VII, IX and related federal and state laws to ensure that it is providing a safe environment for all community members. Therefore, if an individual wishes to pursue options in the criminal justice system, a report should be made to law enforcement in the location where the crime occurred. A student or employee may be assisted with making a police report by the EO and Title IX Coordinator, the Asst. Director of Victim Advocacy and Violence Prevention or Campus Safety

d. **Non-Confidential Reporting Options.**

- i. **Equal Opportunity and Title IX Coordinator (EO and Title IX Coordinator).** The EO and Title IX Coordinator coordinates the University's compliance with Title IX of the Higher Education Amendments of 1972, Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and most applicable civil rights laws.

The EO and Title IX Coordinator has four primary duties:

- Assures that the proper University processes, related to a potential claim of discrimination, harassment, or sexual misconduct are followed so that an accurate determination and proper sanctions can be made;
- Serves as a neutral fact finder, treating the alleged victim and accused in a fair and respectful manner, upon notice of a potential claim of discrimination or harassment;
- Provides advice, consultation, and the results of any fact-finding endeavor to University personnel responsible for determining if this Policy has been violated and sanctions as the result of such violation; and
- Educates and trains the University community on this Policy.

In the execution of these duties, the EO and Title IX Coordinator is responsible for monitoring, advising, and overseeing all complaints involving discrimination, harassment, and sexual misconduct, while identifying and addressing any patterns or systemic problems that arise during the review or administration of any aforementioned complaints.

The EO and Title IX Coordinator is not a victim's advocate, administers his/her/their duties in a neutral unbiased manner, and makes no determination as to whether there has been a violation of this Policy and or what sanctions should be implemented. The EO and Title IX Coordinator is also responsible for assessing the campus climate, implementing and coordinating any remedial or interim measures with the proper University administrator, and providing training to campus community members. The EO and Title IX Coordinator will be available to meet and aid individuals, who believe they have been a target or victim of discrimination, harassment, or sexual misconduct, *but the EO and Title IX Coordinator is not an emergency contact person that provides immediate assistance for anyone who has been sexually assaulted or is a victim of a crime.* Emergency care concerns should be directed to Regis's Campus Safety or Denver Health. The EO and Title IX Coordinator is adequately trained to deal with issues arising from discrimination, harassment, or sexual misconduct on campus, has a thorough understanding of the grievance processes, and is available as a general resource in addition to overseeing the administration of a discrimination, harassment, and sexual misconduct complaint processes.

The Equal Opportunity and Title IX Coordinator is located in Main Hall 133 at 3333 Regis Blvd, Denver, CO 80221, and can be contacted at (303) 964-6435, kalberico@regis.edu, or by filling out the appropriate reporting form on Regis's Title IX webpage: <https://www.regis.edu/life-at-regis/student-resources/campus-safety/equal-opportunity-and-title-ix-compliance>

- ii. **Regis University's Campus Safety.** Regis University does not tolerate violence and strongly encourages all persons who feel they may have been a victim of violence while on campus or participating in a University endeavor to report the incident to Regis University's Campus Safety Office. Victims may notify proper law enforcement authorities, including Regis University's Campus Safety and local police; be assisted by Regis's Campus Safety Office in notifying law enforcement authorities if the victim so chooses; or decline to notify such authorities. The EO and Title IX Coordinator will assist a victim in notifying Regis's Campus Safety Office and/or local police if requested by the victim.

An Individual who believes they have been a victim of sexual violence is encouraged to immediately contact the Regis's Campus Safety at (303) 458-4122.

An officer will:

Provide for the person's immediate need for safety;

- Call a counselor/advocate to come on campus to speak with the person;
- Provide a taxi voucher for transportation to the emergency room if requested;
- Gather information pertaining to the incident;

- Advise the person on obtaining a restraining order, and by request, notify someone with authority over the assailant so contact between the two parties can be limited; and
- Call the Equal Opportunity and Title IX Coordinator to assist in the matter.

However, it is important to preserve any evidence of the incident as it may be necessary to prosecute a crime or obtain an order of protection. An individual is strongly encouraged not to shower, douche, brush teeth, eat, or change clothing in an effort to preserve physical evidence. If a victim changes clothes, a victim is encouraged to put all clothing worn at the time of the incident into a paper bag.

- e. **Privileged or Confidential Resources.** There are confidential resources on campus who are not required to report prohibited conduct to the EO and Title IX Coordinator or law enforcement unless there is a statutory duty to do so, such as instances of child abuse and neglect or threats of homicide or suicide. The employees who are not required to report incidents of prohibited conduct to Regis include:
- i. Office of Counseling and Personal Development Counselors and Staff
 - ii. Jesuits and those studying to become a Jesuit (when acting in the capacity as a Jesuit)
 - iii. University Ministry Staff (excluding peer ministers)
 - iv. Assistant Director of Victim Advocacy and Violence Prevention
 - v. Student Health Services Providers and Staff

Both on and off campus confidential resource contact information can be found on [Regis's Equal Opportunity and Title IX Webpage.](#)

- f. **Confidential vs. Non-Confidential Resources.** A student or employee who has been a target or has been accused of discrimination, harassment, or sexual misconduct, and wishes to keep his or her identity and information private and confidential, should seek a confidential resource listed above. A student or employee who has been a target or has been accused of discrimination, harassment, or sexual misconduct, and wishes to report an incident, should seek a non-confidential resource listed above. The non-confidential resources will protect a student or employee's privacy by limiting the people with whom they share the reported information; however, non-confidential resources cannot guarantee complete confidentiality, as they must notify and report to the EO and Title IX Coordinator.
- g. **Protective Measures.** With the advice and consultation of the EO and Title IX Coordinator, the Office of Student Affairs assists students with no contact directives or interim measures such as academic, housing, and transportation accommodations when reasonably available. Human Resource Services, with the advice and consultation of the EO and Title IX Coordinator, coordinates working accommodations if such accommodations are reasonably available for employees. Regardless of whether a student or employee decides to report an incident of sexual misconduct, interim measures and accommodations are available upon the victim's request and, when reasonably available, will be implemented.

At any time, a student or employee may seek a court-issued protective order at the [Denver County Court](#). If an order of protection, no contact order, restraining order, or another similar lawful order issued by a criminal, civil, or tribal court is obtained, a copy should be provided to Regis University's Campus Safety Office and the EO and Title IX Coordinator. The University will take all legal and reasonable steps to implement such an order.

8. **Retaliation, Malicious Complaints, False Information.** It is a violation of this Policy to retaliate against an individual who makes a good faith report or files a complaint pursuant to this Policy. Retaliation includes intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by the laws cited herein, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. A retaliation complaint will be considered a separate claim from the original complaint, with separate proceedings and subjecting the alleged violator to separate disciplinary action.

However, any individual who knowingly or recklessly files a false complaint claiming a violation of this Policy, or who knowingly or recklessly provides false information in the implementation of the process to enforce this Policy, may be subject to disciplinary action.

9. **Involuntary Withdrawal/Dismissal of Complaints.** The EO Title IX Coordinator may unilaterally withdraw or dismiss any complaint or filing in the following circumstances by providing written notice of the dismissal and reasons therefore simultaneously to the parties:
- a. The complaint or filing's allegations would not constitute a violation of this Policy;
 - b. The complaint or filing is used to raise matters that exceed the scope or purpose of this Policy, or that are otherwise irrelevant, unresponsive, or unrelated to the administration of the complaint resolution process, under this Policy;
 - c. The complaint or filing is frivolous or otherwise arises (in whole or in part) out of bad faith,
 - d. The complaint or filing is redundant or unnecessarily duplicative;
 - e. The complaint was previously resolved;
 - f. The complaint notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
 - g. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein; and/or
 - h. For purposes of consolidation of Formal Complaints against more than one respondent, or by more than one complainant against one or more respondents, or by one party

against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

The Title IX Coordinator may unilaterally reinstate any complaint or filing that is withdrawn or dismissed.

10. **Formal Discrimination, Harassment and Sexual Misconduct Complaint/Resolution Process.** The purpose of this Process is to provide avenues for formally or informally (below) addressing/resolving claims of discrimination, harassment or sexual misconduct and taking action against a student or employee who has violated the University's policy prohibiting these acts. This Process applies to any student, employee, visitor or guest wanting to make a complaint against a student or employee, but this Process does not apply to any tenure-track faculty member claiming that he/she/they was denied tenure or not renewed as a result of prohibited harassment. Such complaints are made pursuant to procedures set forth in the Faculty Handbook.

- a. **Confidentiality.** The EO and Title IX Coordinator is in the best position to evaluate confidentiality requests, though the University may reasonably determine that another employee would be more appropriate. In the event a complainant requests confidentiality or asks that a complaint not be investigated, the University will take all reasonable steps to investigate and respond to the complaint consistent with a request for confidentiality or a request not to pursue an investigation. If a complainant insists that his/her/their name not be disclosed to the alleged perpetrator, the University's ability to respond may be limited. The University reserves the right to initiate an investigation despite a complainant's request for confidentiality in certain limited circumstances. For example, should the EO and Title IX Coordinator/appropriate University administrator determine serious or repeated conduct is involved or where the alleged perpetrator may pose a threat to the campus community.
- b. **Starting the Process.** Reporting Forms for Discrimination, Bias, and Retaliation or Sexual Misconduct can be obtained online on Regis's Equal Opportunity and Title IX Webpage. These forms will require the complainant to set forth sufficient details of the incident(s), along with alleged violators, witnesses, expert witnesses, evidence (included or attached), and relief sought. Complainants are encouraged to file their complaint in a timely manner to preserve evidence. The report will be immediately routed to the EO and Title IX Coordinator.

The complainant may choose to resolve the complaint informally. The informal process is voluntary for all parties. If the complainant and respondent are able to reach a resolution, the results will be documented, signed by both parties, retained by the EO and Title IX Coordinator and the matter will be resolved. If an informal resolution can't be reached, the complaint will be routed through the Formal Complaint Process.

The EO and Title IX Coordinator will investigate employee/student claims and meet with the complainant. Assuming all facts as alleged can be substantiated, the initial report will evolve into a Formal Complaint. If the complaint does not meet the thresholds under Section VII of this Policy, the complaint may be dismissed. Upon the filing of a Formal Complaint, the respondent is notified of the allegations. The alleged violator(s) [respondent(s)] may submit a written response to the EO and Title IX Coordinator upon

notice of the Formal Complaint, attach additional evidence to the response, and name any additional witnesses. Any written response must be submitted to the EO and Title IX Coordinator within ten (10) calendar days after the alleged violator received notice of the Formal Complaint. The EO and Title IX Coordinator will immediately forward a copy of any such written response to the complainant.

All members of the Regis community should understand that this Policy is not intended to keep them from filing a criminal complaint if they so choose. The University's process is separate from a criminal investigation or other criminal proceedings. The University's responsibilities under this Policy are not relieved if a criminal complaint is filed in court or if there is an outside law enforcement agency investigation the matter. Further, the University can find a violation of this Policy even if the criminal standard for a conviction cannot be met.

- c. **Investigation and Procedures.** The University investigation and resolution proceedings shall be prompt, fair, and impartial. During the investigation and resolution of a complaint, the complainant and respondent shall have equal rights.

Those rights include:

- i. Equal opportunity to identify and have considered witnesses, expert witnesses, and other relevant evidence;
- ii. Similar and timely access to all information considered by the Hearing Panel;
- iii. Equal opportunity to review any statements or evidence provided by the other party; and
- iv. Equal access to review and comment upon any information independently developed by an investigator or the Hearing Panel.

The University will strive to resolve a complaint within sixty (60) to ninety (90) calendar days of receiving it, though certain resolutions may take longer depending on the circumstances. If resolution will take longer than sixty (60) to ninety (90) calendar days, the parties will be given notice and an explanation in writing. The University's internal investigation is separate from the investigation of outside law enforcement agencies, and the University will only delay its investigation due to an outside investigation if particular circumstances warrant such a delay. Delays for this reason will typically not exceed 10 calendar days.

Preceding the interview for allegations potentially constituting sexual harassment, the parties will receive notice of the allegations including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting discrimination, harassment, and/or sexual misconduct, and the date and location of the alleged incident, if known. (34 CFR 106.45).

The respondent is presumed not responsible for the alleged conduct unless or until a determination regarding responsibility is made at the conclusion of the grievance process. (CFR 106.45).

Investigations will be completed by Regis's EO and Title IX Coordinator or designee. In all cases, the EO and Title IX Coordinator will provide consultation and oversight of the investigation.

Both parties will have an equal opportunity to inspect and review any evidence directly related to the allegations raised in the formal complaint obtained as part of the investigation, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility as well as inculpatory or exculpatory evidence whether obtained from a party or other source (hereinafter called the Investigative Report). Prior to the hearing, the University through the EO and Title IX Coordinator or their designee will send to each party and the party's advisor the Investigative Report. The parties will have ten (10) days to submit a written response to the EO and Title IX Coordinator, or their designee. The party's submissions shall be added to the Investigative Report. The Investigative Report will be made available to all parties ten (10) days prior to a hearing.

- d. **Hearing.** When an Informal Resolution is not possible, a Formal Complaint proceeds to a hearing. Regis's Hearing Panel for Equal Opportunity and Title IX complaints is then convened by the EO and Title IX Coordinator. The Hearing Panel shall consist of three (3) volunteer employees selected randomly by the EO and Title IX Coordinator from a previously appointed pool. The pool of employees who make up the Hearing Panel roster receives annual training on issues related to sexual misconduct, investigation, and the hearing process. Hereinafter, this decision-making body, shall be referred to as the Hearing Panel.

The Hearing Panel may dismiss any complaint by majority vote if, assuming the allegations were true, it would not constitute a violation of the University's Policy against discrimination, harassment, or sexual misconduct. The EO and Title IX Coordinator shall oversee the process, may provide the Hearing Panel advice and consultation on the process, but shall have no authority over the Hearing Panel. The EO and Title IX Coordinator or designee shall choose the chair of the Hearing Panel.

Should a Hearing Panelist have a conflict of interest in hearing the matter, he/she/they must recuse themselves. In such a case, the withdrawing Hearing Panelist will be replaced by a non-conflicted, similarly situated person.

The Hearing Panel will facilitate a hearing to determine, by a preponderance of the evidence, whether the complainant was discriminated against, harassed, or a target of sexual misconduct in violation of University policy.

At the hearing, standard courtroom procedures and rules of evidence will not apply, except that all evidence must be relevant. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker (Hearing Panel) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. (34 CFR 106.45).

- i. **Rape Shield Law.** In cases of alleged sexual misconduct, questioning about the complainant's sexual predisposition or prior sexual behavior are not relevant

and will not typically be permitted, especially when the purpose is purely to show the complainant's sexual predisposition. However, in certain circumstances it may be permissible, such as if offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. (Colo. Rev. Stat. § 18-3-407 (2011)).

If a complainant or a respondent fails to appear at a scheduled hearing, the Hearing Panel may proceed with the case, unless the Chair excuses the absence. Members of the Hearing Panel may not make negative inferences regarding responsibility from any alleged violator's refusal to participate in the process, submit to cross-examination or answer questions from the Hearing Panel members.

At the Hearing, the Hearing Panel must review the Investigative Report; separately interview and question the complainant and alleged violator(s); and call to attendance available witnesses they determine might have relevant information.

- ii. **Right to an Advisor.** The complainant(s) and respondent(s) may have advisors of their choice at the hearing or any related meeting. The advisor may be, but is not required to be, an attorney. If a party does not obtain their own advisor, the University will grant them access to a voluntary pool of Advisors trained by the EO and Title IX Coordinator. Advisors are required to cross-examine all parties and witnesses, but may not answer questions on behalf of their party or otherwise participate in the hearing.

The parties may each have up to two (2) Advisors of their choice present with them for all meetings and interviews within the investigative and hearing process, if they so choose. The parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available. Regis University may permit parties to have more than one Advisor upon special request to the EO and Title IX Coordinator. The decision to grant this request is at the sole discretion of the EO and Title IX Coordinator and will be granted equitably to all parties.

- Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Hearing Panel.
- The parties are expected to inform the Investigator(s) and EO and Title IX Coordinator of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).
- The parties are expected to provide timely notice to the EO and Title IX Coordinator if they change Advisors at any time. It is assumed that if a

party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured.

- The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the Regis University community.
- The EO and Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. Training for advisors in the pool will be provided by the University. Trainings will be published and available for public inspection.
- If the parties choose an Advisor from outside the pool of those identified by the EO and Title IX Coordinator, the Advisor may not have been trained by the EO and Title IX Coordinator and, thus, may not be familiar with University policies and procedures.
- Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing. However, per federal Title IX regulations, an Advisor is required during the hearing portion of the process.
- Under U.S. Department of Education regulations applicable to Title IX, cross-examination is required during the hearing, and must be conducted by the parties' Advisors. The parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an Advisor for a hearing, the EO and Title IX Coordinator will appoint a trained Advisor for the limited purpose of conducting any cross-examination. A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct cross-examination, the EO and Title IX Coordinator will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses will also be conducted by the Hearing Panel during the hearing.
- The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and investigation interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.
- Regis University cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the University is not obligated to provide an attorney.
- Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or

meetings. This pre-meeting allows Advisors to clarify and understand their role and Regis University's policies and procedures.

- All Advisors are subject to the same University policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address recipient officials (the EO and Title IX Coordinator) in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Hearing Panel except during a hearing proceeding and cross-examination.
- The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.
- Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the EO and Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.
- Regis University expects that the parties may wish to have the University share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.
- Regis University also provides a consent form that authorizes the University to share such information directly with their Advisor. The parties must either complete and submit this form to the EO and Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before the University is able to share records with an Advisor.
- Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by recipient. The recipient may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the recipient's privacy expectations.
- Regis University generally expects an Advisor to adjust their schedule to allow them to attend meetings, including investigation interviews.

Scheduled meetings may change to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

- Regis University may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.
- A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. Notice of a change of advisor must be provided in writing to the EO and Title IX Coordinator.

All hearings must be live and in person. The University will create a transcript, of any live hearing and make it available to the parties for inspection or review at their request.

- e. **Determination.** Immediately following the hearing, the Hearing Panel shall meet and render a determination by a majority vote. Hearing Panel deliberations will not be recorded. Within five (5) calendar days after the hearing, the Hearing Panel's determination shall be written by the Chair, identifying the allegations, determining responsibility, and stating any disciplinary sanctions the Hearing Panel imposes on the respondent/whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided to the complainant. The University's procedures and permissible bases of appeal will also be included. If the Hearing Panel finds that the respondent's conduct violates other university policies, the Hearing Panel may recommend sanctions to the respondent's immediate supervisor or the Dean of Students or designee. The matter shall be final and binding unless appealed following the process outlined below.

In cases against employees, the direct supervisor or Provost over the respondent may postpone the sanctions or suspend the respondent, with pay, until the time to appeal the determination has expired or the appeal process has been exhausted. The Chair may attach any relevant documents to the written determination. Both the complainant and respondent shall be simultaneously notified of the determination. In cases against students, the Dean of Students or designee may execute an interim suspension pending appeal under the Interim Action section of the Student Handbook (Pg. 40).

A copy of the Hearing Panel's written determination shall be provided to the EO and Title IX Coordinator and either the Dean of Students or the immediate supervisor, depending on the respondent's relationship with the University.

When an individual admits to violating this Policy, the University may elect not to hold a hearing. However, the Hearing Panel will convene to determine appropriate sanctions. Meeting in this manner is not a hearing and, therefore, is not bound by hearing procedures. The procedures to be used by the Hearing Panel for determining a sanction are informal and determined by the Chair with oversight by the EO and Title IX Coordinator.

f. **Sanctions/Discipline.** Violations of this Policy can be very serious matters having far-reaching effects on the lives and careers of individuals or success of students. Employees, students, and guests who violate this Policy are subject to disciplinary action. The decision-making body reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. Neither the initial hearing officer(s) nor any appeals body or officer(s) will deviate from the range of recommended sanctions unless compelling justification exists to do so. This will be documented in the decision-making process, if applicable, and included in the written outcome. Decisions are made with consideration of the severity of the incident, and any previous disciplinary violations, as well as discipline imposed in similar cases (precedent). Possible sanctions for a person found to be in violation of this Policy include, but are not limited to, the following:

- i. Oral or written reprimand;
- ii. Required attendance at a harassment/discrimination sensitivity program;
- iii. Oral or written warning;
- iv. Loss of salary or benefits or demotion;
- v. Transfer or change of job, class, residential assignment, or location, including removing the person from being in a position to retaliate or further harass or discriminate against the complainant;
- vi. Suspension, probation, termination, dismissal, expulsion, or removal from campus; or
- vii. Other action Regis University deems appropriate under the circumstances including termination of contractual arrangements with the University.

While counseling is not considered a sanction, it may be offered or required in combination with sanctions. If a student or student groups are found to be in violation of this Policy, any of the sanctions set forth in the [Student Handbook](#) may also be involved. Failure to comply with sanctions shall constitute a violation of this Policy and will ordinarily result in further disciplinary action.

- viii. **For sanctions following formal complaints against students.** The Hearing Panel will recommend sanctions after the hearing. The Dean of Students or designee will review sanction(s) recommended and may modify the sanction(s) if so inclined.
- ix. **For sanctions following formal complaints against faculty or staff.** The Hearing Panel will recommend sanctions after the hearing. The employee's respective supervisor or Provost will review sanction(s) recommended and may modify the sanction(s) if so inclined. However, should the supervisor or Provost seek to impose suspension or expulsion of a tenure or tenure-track faculty member, additional process may be due pursuant to the [Faculty Handbook](#).¹⁰

¹⁰ To the extent there are any inconsistencies between the *Harassment and Sexual Misconduct Policy* and other University grievance, complaint, or discipline procedures, the *Harassment and Sexual Misconduct Policy* will control.

- g. **Appeals Process.** The complainant or respondent can appeal the Hearing Panel's determination by submitting a written appeal to the respondent's respective supervisor, Dean of Students or Provost within five (5) calendar days from the date of receipt of the Hearing Panel's determination. The appeal must be dated, signed by the party appealing, set forth reasons why the Hearing Panel's determination is unjustified, and include a copy of the determination. The supervisor or Provost will immediately forward a copy of the appeal to the Chair of the Hearing Panel, the EO and Title IX Coordinator, the Dean of Students or Human Resource Services as appropriate, and the non-appealing party. The Chair will provide the supervisor, Dean of Students or Provost a written response within five (5) calendar days from the date of his/her/their receipt of the appeal, and the non-appealing party may provide a written response within five (5) calendar days from the date of his/her/their receipt of the appeal.

The respective supervisor, Dean of Students or Provost has the discretion to review the determination of the Hearing Panel limited to the following circumstances:

- i. Procedural irregularity that affected the outcome of the matter
- ii. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter; and
- iii. The EO and Title IX Coordinator, investigator(s), or decision-maker(s) (Hearing Panel) had a conflict of interest or bias for or against complainants or respondent that affected the outcome of the matter.

The EO and Title IX Coordinator will be available to provide the supervisor, Dean of Students, or Provost with advice. The supervisor, Dean of Students, or Provost shall issue a written determination within fifteen (15) days of his/her/their receipt of the appeal. A copy of the written decision shall be provided to the appealing party, the non-appealing party, the EO and Title IX Coordinator, and the parties' personnel or student files. All decisions of the supervisor, Dean of Students or Provost are final and binding. However, the decisions of a Provost that support a determination that a faculty member violated the University's policy against discrimination, harassment, or sexual misconduct may be subject to additional process pursuant to the Faculty Handbook.

- h. **Process Timeline.** Regis University endeavors to keep reasonably prompt time frames for this process and all of its components. The average process takes between 60 to 90 days. If the process needs to exceed the timeline for good cause, the complainant and respondent will receive written notice of the delay or extension. Good cause for delay may include but is not limited to considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or an accommodation of disabilities.

11. **Definitions.** Below are several definitions that are helpful to know throughout the above listed process.

- a. **Report.** The submission of any allegation in part or in full of Discrimination, Sexual Misconduct, or Retaliation to the EO and Title IX Coordinator.

- b. **Actual Knowledge.** Actual knowledge means notice of discrimination, sexual harassment or allegations of sexual harassment to Regis’s EO and Title IX Coordinator or any official of the recipient who has authority to institute corrective measures on behalf of Regis.
- c. **Preliminary Inquiry.** The EO and Title IX Coordinator will conduct a preliminary inquiry to determine whether the allegations, assuming the alleged facts to be true, would rise to the level of a violation of our policies, and therefore, warrant a full investigation. If formal investigation is not warranted, the EO and Title IX Coordinator will either close the matter without further review or work with the parties for alternative resolutions.
- d. **Supportive Measures.** Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and as reasonably available to the complainant or respondent before or after the filing of a Formal Complaint, or where no Formal Complaint has been filed. Supportive Measures are designed to ensure equal educational access, protect safety, and/or deter any continuation of any prohibited conduct.
 - i. Supportive measures are implemented to: address safety concerns; minimize the impact of the alleged conduct on involved parties; be temporary, pending the results of an investigation, or may become permanent as determined by Regis. Supportive Measures can be requested by any party to a complaint and facilitated with or without a Formal Complaint.
 - ii. With the advice and consultation of the EO and Title IX Coordinator, and where appropriate, the Victim Advocate and Violence Prevention Office, the Office of Student Affairs, or Human Resource Services, assists students or employees with interim measures such as no contact directives or/and academic, housing, and transportation accommodations, as are reasonably available. Regardless of whether a student or employee decides to report an incident of sexual misconduct, supportive measures and accommodations are available upon the victim’s request and will be implemented when they are reasonably available.
 - iii. At any time, a student or employee may seek a court-issued protective order at the Denver Court Clerk’s Office via phone number 303-606-2300. If an order of protection, no contact order, restraining order, or another similar lawful order issued by a criminal, civil, or tribal court is obtained, a copy should be provided to Regis University’s Campus Safety Department and the EO and Title IX Coordinator. The University and Regis’s Campus Safety Department will take all legal and reasonable steps to implement such an order.
 - iv. In cases where University officials have reasonable fears about campus safety due to a respondent’s continued presence on campus following a complaint under this policy, the University reserves the right to implement an interim separation or suspension pending the case investigation, hearing, and appeal. In cases against students, the Associate Vice President/Dean of Students, or their designee, can enact an interim suspension following the procedures in the “Interim Action” portion of the [Student Hand Book](#).

- v. In cases against employees, the Direct Supervisor/Provost over the respondent may postpone the sanctions or suspend the violator, with pay, until the time to appeal the determination has expired or the appeal process has been exhausted.
- e. **Informal Resolution.** If both parties are willing and it is deemed appropriate by the University, Informal Resolution can be available for complaints of discrimination, harassment, and/or sexual misconduct and parties may voluntarily seek resolution of a complaint informally, meaning, without a Formal Investigation. An Informal Resolution must be agreed upon by both parties. Informal Resolutions may involve, but are not limited to, mediation, educational programming, and/or direct communication.
- f. **Formal Complaint.** A Formal Complaint is a document filed by a complainant or signed by the EO and Title IX Coordinator alleging discrimination, retaliation or sexual misconduct against a respondent and requesting that the allegations be investigated. A Formal Complaint can be submitted via electronic submission, or paper submission that includes a physical, digital signature, or otherwise indicates that the complainant is the person filing the Formal Complaint. At the time of filing a Formal Complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed.
- g. **Formal Investigation.** If, following a Preliminary Inquiry, the EO and Title IX Coordinator or designee determines an investigation should proceed, Regis will conduct a fair, impartial, and prompt investigation. Regis will provide written notice to the parties regarding the status of the investigation at each stage, upon request, and if and when an extension is needed.
- h. **Complainant.** A complainant is an individual who is alleged to be the victim of conduct that could constitute discrimination, harassment, sexual misconduct, or retaliation.
- i. **Respondent.** A respondent is an individual who has been reported to be the perpetrator of conduct that could constitute discrimination, harassment, sexual misconduct, or retaliation.
- j. **Discrimination.** Any distinction, preference, advantage for or detriment to an individual compared to others that is based upon an individual's actual or perceived protected class. The conduct must be so severe, pervasive, and objectively offensive as to alter the conditions of the individual's employment or educational experience.
- k. **Harassment.** Unwelcome conduct based on an actual or perceived protected class and the conduct is severe, persistent, or pervasive enough to create either a hostile environment or denies or limits a person's ability to participate in or benefit from University programs or activities. Harassment may occur in the following ways:

- i. **Quid pro Quo:** When offensive conduct becomes a condition of the continued employment, advancement, or an education environment;
 - ii. **Hostile Environment:** The determination of whether an environment is “hostile” includes whether it is based on a protected class and the totality of the circumstances.

- l. **Sexual Misconduct.** Sexual Misconduct is an umbrella term that includes (but is not limited to) Sexual Harassment, Nonconsensual Sexual Contact, Nonconsensual Sexual Penetration, Sexual Exploitation, Intimate Partner Violence, and Stalking, and any sexual conduct that takes place without consent of the parties involved.

- m. **Consent. The state of Colorado defines consent** as cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A current or previous relationship shall not be sufficient to constitute consent. Submission under the influence of fear shall not constitute consent. Regis uses an affirmative consent standard when determining if there was consent to engage in sexual activity of any kind. Consent is defined as the affirmative, actively given, unambiguous and voluntary agreement to engage in a specific sexual activity during a sexual encounter. To obtain consent, a clear "yes," verbal or otherwise, is necessary. Consent cannot be inferred from the absence of a "no." A current or previous relationship is not sufficient to constitute consent. A person under the influence of fear cannot give consent. Consent may never be given by a minor under the age of 15, or by a minor under the age of 18 in certain situations depending on the ages of both parties and in instances where the adult is in a position of trust. Consent cannot be given by an individual who is asleep, or by an individual who is mentally or physically incapacitated either through the effect of drugs or alcohol or for any other reason. Consent may also not be given by an individual who was under duress, threat, coercion, or force.

- n. **Coercion.** Coercion occurs when an individual is pressured, psychologically or emotionally manipulated, tricked, threatened, or forced in a nonphysical way, to engage in unwanted sexual activity. Coercion occurs when an individual is caused to believe that sex is owed to another person because of that person’s position of authority or based on the parties’ relationship. Coercion can involve persistent attempts to have sexual contact after an individual has already refused to engage in sexual activity.
 - i. **Incapacitation.** Incapacitation is a state where a person lacks the ability to make rational reasonable decisions including an inability to understand the who, what, when, where, why or how of sexual activity, or an inability to fully understand the details of sexual interaction. Incapacity can result from alcohol or drug consumption, illness, unconsciousness, blackout, sleep, mental disability, and other circumstances. Sexual activity with someone who one should know to be - or based on the circumstances **should reasonably have known** to be - mentally or physically incapacitated.

- ii. **Force.** Force includes the use of physical violence, abuse of power, threats, intimidation, and/or coercion in order to engage in sexual activity without a person's consent and against a person's will.
- o. **Sexual Harassment.** Conduct on the basis of sex that satisfies one or more of the following:
 - i. An employee of Regis conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwanted sexual conduct;
 - ii. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational program or activity; or
 - iii. Sexual assault, dating violence, domestic violence, or stalking.
- p. **Nonconsensual Sexual Contact.** An intentional act of sexual touching, however slight, with any body part or object by a person upon a person that is without consent and/or by force, or during a period of incapacitation that can be reasonably construed as being for the purposes of sexual arousal, gratification, or abuse.
- q. **Nonconsensual Sexual Penetration.** An act of sexual penetration (anal, oral, or genital), however slight with any body part or object, or, sexual intercourse by a person upon a person that is without consent and/or by force.
- r. **Sexual Exploitation.** Refers to a situation in which a person takes nonconsensual or abusive sexual advantage of another, and that behavior does not otherwise fall within the definitions of Sexual Harassment, Nonconsensual Sexual Penetration or Nonconsensual Sexual Contact. Sexual exploitation includes, but is not limited to, sexual voyeurism invasion of sexual privacy, taking and/or distributing pictures, video, or audio recording of a sexual act, or any other private activity without the consent of all involved in the activity, prostitution, exposing one's genitals in non-consensual circumstances, administering alcohol or drugs to another person without his or her knowledge or consent.
- s. **Intimate Partner Violence.** Intimate Partner Violence (IPV), often referred to as relationship violence, domestic, and dating violence includes any act of violence or threatened act of violence when used as a method of coercion, control, punishment, intimidation or revenge against a person with whom the individual was previously or is currently involved in a sexual, romantic, parenting or dating relationship. This includes relationships between spouses, former spouses, past or present unmarried couples, dating relationships and sexual partners. IPV includes, but is not limited to, physical violence, emotional abuse, financial abuse and other forms of sexual misconduct (stalking, nonconsensual sexual contact, nonconsensual sexual penetration and sexual exploitation). IPV includes threats, assault, property damage, violence or threat of violence to one's self, or to family, friends, coworkers or pets of the sexual or romantic partner. IPV may consist of one act of misconduct or an ongoing pattern of behavior.

- t. **Stalking.** Engaging in a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to feel fear or suffer emotional distress.
- i. **Course of Conduct:** Two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
 - ii. **Emotional Distress:** mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
 - iii. **Reasonable Person:** A reasonable person under similar circumstances and with similar identities to the complainant
- u. **Protected Class.** Protected classes include race, color, national origin, sex (including sexual harassment, sexual violence, sexual assault, sexual exploitation, intimate partner violence, or stalking) gender, disability, age, religion, veteran status, marital status, pregnancy, parental status, gender identity, gender expression, sexual orientation, genetic information or any other legally protected status.
- v. **Responsible Employees.** “Responsible Employees” are those who have a duty to promptly report when they know or reasonably should know of a possible discrimination, harassment, or sexual misconduct. Responsible Employees are those;
- i. Who have the authority to act to redress discrimination, harassment or sexual misconduct;
 - ii. Who a student may reasonably believe has such authority
 - iii. Who have been given the duty of reporting incidents of discrimination, harassment or sexual misconduct such as sexual violence, sexual harassment, domestic violence, dating violence, stalking, or any other misconduct to the EO and Title IX Coordinator or other appropriate school designee.
 - iv. Responsible Employees include the following: faculty, adjunct faculty, administrators, staff, department chairs, resident life and student affairs staff. Responsible Employees must promptly report incidents of discrimination, harassment, and sexual misconduct to the Equal Opportunity Title IX Coordinator in the Legal Affairs Office and may subject the violator to sanctions.
 - v. Responsible Employees may report incidents by completing the appropriate form located on Regis’s Title IX webpage: <https://www.regis.edu/life-at-regis/student-resources/campus-safety/equal-opportunity-and-title-ix-compliance>
- w. **Retaliation.** Any intentional action taken by any party to a complaint or report or allied third party that harms an individual as reprisal for being party to a complaint or report under this policy or participating in a civil rights complaint proceeding.
- i. **Training:** The EO and Title IX Coordinator will oversee ongoing training programs on the campus community specifically designed to increase awareness of the issues with the ultimate goal of preventing discrimination, harassment, sexual misconduct, interpersonal violence and retaliation within the Regis community. The trainings will be comprehensive and specifically designed for the diverse audience of employees and students. Training will include definitions of

prohibited conduct, bystander intervention strategies, reporting options and obligations, and resources available on campus.

- ii. **External Agency Filing.** Persons who believe that they have been subjected to discrimination, harassment, sexual misconduct or retaliation may be able to file an external complaint with the following agencies:

- **Colorado Civil Rights Division**
303.894.2997
1.800.886.7675
DORA_CCRD@state.co.us
<https://www.colorado.gov/pacific/dora/civil-rights>
- **United States Office of Civil Rights**
Department of Health and Human Services
200 Independence Ave S.W.
Washington D.C. 20201
1.800.368.1019
TTD 1.800.537.7697
<https://www.hhs.gov/ocr/complaints/index.html>
- **United States Equal Employment Opportunity Commission**
303 E. 17th Ave. Suite 410
Denver, CO. 80203
1.800.669.4000
TTY: 1.800.669.6820
info@eeoc.gov
<https://www.eeoc.gov/field-office/denver/location>

12. **Accommodations.** All parties to a Regis process who require a reasonable accommodation due to disability have the right to request such accommodation through:

- a. **For Employees:**

Human Resources
3333 Regis Blvd., West Hall, Denver, CO 80221-1099
Phone: 303-458-4161
hrinfo@regis.edu

- b. **For Students:**

Student Disability Services
3333 Regis Blvd., G- 18, Clarke Hall, Denver, CO 80221-1099
Phone: 303-458- 941
disability@regis.edu

13. **Promulgation.** This Policy is promulgated under Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681, et seq., and its implementing regulations; 2. 34 C.F.R. Part 106; Title IV of the Civil Rights Act of 1964 (42 U.S.C. § 2000c); 3. The Violence Against Women Reauthorization Act (“VAWA”); 4. The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (“Clery Act”; Title VII of the Civil Rights Act of 1964 (“Title VII”)); 6. Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d, et seq. and its implementing regulations at 34 C.F.R. Part 100; and 7. Colo. Rev. Stat. § 24-34-402.

14. **Amendments, Interpretation, or Termination of this Policy.** This policy does not constitute a contract and should not be construed to create any contractual rights. Regis University reserves the right to modify, amend, or terminate this policy at any time. This policy was last revised on August 13, 2020. It supersedes all previous policies of the University, its colleges, schools or departments with respect to Title IX and other discrimination matters. The University will make reasonable efforts to adhere to this policy as faithfully as possible, however, this policy is not a contract.

F. **Related Policies Procedures, Forms and Other Resources**

[Student Handbook](#)

[Student Employee Handbook](#)

[Employee Handbook](#)

[Amorous Relationship Policy](#)