



University of Colorado Denver

Student Code of Conduct
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A. Introduction

Standards of Student Conduct

The university strives to make the campus community a place of study, work and residence where people are treated, and treat one another, with respect and courtesy. The university views the student conduct process as a learning experience which can result in growth and personal understanding of one’s responsibilities and privileges within both the university community and the greater community. Students who violate these standards may be subject to the actions described below. These procedures are designed to provide learning opportunities dedicated to fairness to all who are involved in the conduct process.

As members of the University of Colorado Denver (CU Denver) community, students are expected to uphold university standards, which include abiding by state, civil, and criminal laws and all university laws, policies and standards of conduct. These standards assist in promoting a safe and welcoming community; therefore all students must uphold and abide by them.

Philosophy of Student Conduct

As a community we strive to learn from one another in an educational environment that holds mutual respect for individuals and self-responsibility for behaviors impacting the campus and surrounding community in high regard. Students who engage in behavior that conflicts with established standards, laws, policies, and guidelines may be referred for conduct proceedings.

Every member of the student community must assume responsibility for knowing and understanding the various university and housing standards, laws, policies, and guidelines. It is against the basic nature of the university and greater community for anyone to demean or discriminate against another human being. A caring, educational community does not tolerate physical or psychological threats, harassment, intimidation, or violence directed against a person. Students engaging in such behavior are subject to the university conduct processes.

Diversity and Nondiscrimination Statement

CU Denver is committed to a campus community where diversity is appreciated and valued, and where all individuals are treated with respect. The Office of Student Conduct and Community Standards (SCCS) encourages curiosity, open communication, continuous learning, and community service as ways to create a socially just environment. SCCS respects the right for individuals to disagree with ideas and philosophies different from their own. However, CU Denver does not permit any form of behavior that places anyone in dangerous, discriminatory, or harassing environments. All community members are expected to work towards these same goals.

The university is committed to maintaining a positive learning, working and living environment. The university prohibits discrimination on the basis of race, color, national origin, pregnancy, sex, age, disability, creed, religion, sexual orientation, gender identity, gender expression, veteran status, political affiliation or political philosophy in admission and access to, and treatment and employment in, its educational programs and activities. Additionally, the university prohibition against any act of sexual misconduct or related retaliation applies to all students, faculty, staff, contractors, patients, volunteers, affiliated entities, and other third parties, and applies to behavior that occurs on campus and off-campus, including on-line or electronic behavior as noted in the university policy. Violations of these policies may be subject to disciplinary action. The university will consider what appropriate potential actions should be taken in accordance with CU Denver procedures. For more information, please contact the Office of Equity.

Learning Objectives

Learning objectives identify what students will know, understand, and be able to do as a result of participating in the conduct process. Each learning objective represents a continuum and as a part of an institution of higher education the Office of Student Conduct and Community Standards strives to move students forward along the continuum as appropriate. Therefore, discussions and sanctions will be based on these learning objectives. The student will:

- Increase Knowledge.
 - Increase understanding of how their behavior affects/impacts others.
 - Evaluate the level of administrator/community concern as a result of their behavior.
 - Understand the expectations for behavior as a member of the CU Denver community as described in the student code of conduct.
 - Engage with the institutional process by self-reflecting and asking questions.
- Personal Responsibility.
 - Accept personal responsibility for their behavior.
 - Acknowledge their responsibility to the CU Denver community.
 - Articulate their personal values.
- Consider Consequences.
 - Understand how their behavior could impact their academic career.
 - Understand how their behavior could impact their emotional well-being.
 - Understand the legal implications of their behavior.
 - Understand how their behavior can impact their physical safety as well as that of the community.
- Future Behavior.
 - Use their personal values in decision making before engaging in future behavior.
 - Learn, or more fully develop, one or more skills which could help them avoid being involved in similar behavior in the future.
 - Identify ways to move forward after the incident.

B. Authority

Article 7, Part B, of the Laws of the Regents requires each campus to develop a student code of conduct. The Dean of Students is authorized to establish and enforce the CU Denver student code of conduct. Any questions regarding interpretation of this student code of conduct or any of its provisions should be directed to the Dean of Students or their designee for final determination.

The Dean of Students and/or their designee shall appoint student conduct educators and appeals officers. The Director of Student Conduct and Community Standards shall determine which student conduct educator shall be assigned to hear each matter.

1. The Dean of Students and/or their designee shall develop policies for the administration of the student conduct process and procedural rules.
2. Decisions made by a conduct educator shall be final, pending the appeals process.
3. Proceedings initiated under this policy are separate from civil or criminal proceedings that may relate to the same incident. Investigations or conduct proceedings by the university may not be postponed while criminal or civil proceedings are pending, unless otherwise determined by the conduct educator.

C. Jurisdiction

1. The student code of conduct shall apply to behavior which occurs on campus, at university-sponsored programs or activities, and to off-campus behavior which adversely affects the university community, poses a threat to the safety of persons or property, or damages the institution's reputation or relationship with the greater community. In addition, CU Denver may adjudicate student violations of laws and ordinances designed to protect civility and quality of life through the student conduct process.

D. Advisors

1. Students may be accompanied by an advisor during the conduct process. Advisors are intended to provide support, advice, and guidance to students during the conduct process. Advisors are not permitted to speak for or on behalf of the student during any phase of the conduct process, including conferences. However, with permission from the conduct educator, an advisor may make a statement and/or ask questions of the charged student to present relevant information that informs the conduct process.
 - a. Advisors must be selected by the student; the Office of Student Conduct and Community Standards does not and will not recommend advisors.
 - b. The student conduct educator reserves the right to remove the advisor from the disciplinary conference or any subsequent conversations should the advisor not adhere to the above guidelines or become a disruption to the process.
 - c. If a student chooses to bring an advisor to the disciplinary conference, it is the student's obligation to select an advisor whose schedule allows attendance within the time frame designated in the student conduct conference notice. The conduct educator is not obligated to reschedule the disciplinary conference to accommodate advisors.
2. University Conduct Educators may also consult with University Counsel during the conduct process.

E. Prohibited Student Behavior

The following section is based in part on Regent Law 7.B.3. The behaviors listed below are prohibited, as are attempts to commit, aid, abet, or incite others to engage in behavior prohibited by the student code of conduct. All behaviors contained in this student code of conduct are subject to the conduct process.

1. Assaulting or physically abusing another person or being involved in brawling.
 - a. In the case of a student who is found responsible via the conduct process to have caused severe injury or bodily harm, the minimum sanction shall be suspension. Severe injury and bodily harm includes but is not limited to the following: broken bones, concussions, lacerations, etc.
2. Threatening or endangering the mental and/or physical health or safety of a person.
3. Retaliatory Acts: Engaging in retaliatory acts against a person who reports an alleged violation of the student code of conduct or testifies, assists, or participates in a conduct proceeding or investigation.
4. Failure to Report a Known Violation: Being in the presence of another individual as they violate the student code of conduct and failing to report the behavior.
 - a. To avoid being in violation for aiding and abetting, a student must leave the area and report the incident to the appropriate office in a timely manner.

5. **Public Exposure:** Public exposure includes deliberately and publicly exposing one's intimate body parts which includes but is not limited to public urination, defecation, mooning, and public sex acts, etc.
6. **Non-Gender/Sex Based Stalking:** Directly or indirectly through another person, repeatedly following, approaching, contacting, placing under surveillance or making any form of communication with another person, a member of that person's immediate family or someone with whom that person has or has had a continuing relationship, whether or not a conversation ensues, in a manner that would cause a reasonable person to (a) fear for their safety or the safety of others or; (b) suffer substantial emotional distress, including causing a person to respond by altering their activities.
7. **Hazing:** Any act which may produce, or is intended to produce, mental or physical discomfort, embarrassment, harassment, or ridicule, or any acts which are humiliating, intimidating, or demeaning, or that endanger the health and safety of another person. Such acts include, but are not limited to, paddling in any form, inducement of excessive fatigue, required exercise inconsistent with the mission of the organization, or physical or psychological shocks; personal servitude; engaging in public stunts, morally degrading or humiliating games and activities; forced or coerced consumption, drinking games, or other unorganized activities, late work sessions, and other obligations which interfere with scholastic purposes of the organization; and any other activity inconsistent with the purposes of the organization's constitution, by-laws, standing rules and policies, or university policy. (See Appendix 4)
8. **Abusive Behavior:** Behavior including verbal abuse, threats, intimidation, coercion, or other behavior which has caused a person substantial emotional distress and where the circumstances would cause a reasonable person to suffer substantial emotional distress.
 - a. This policy should not be construed, and will not be enacted, to deny any student the right of free speech and expression.
9. **Bullying:** Severe aggressive behavior likely to intimidate or intentionally harm, control, or diminish another person, physically or mentally (that is not speech or behavior otherwise protected by the First Amendment)
 - a. Cyber-Bullying occurs when an individual is tormented, threatened, harassed, humiliated, embarrassed, or otherwise targeted by another person using the internet, interactive and digital technologies or mobile phones.
10. Violating any federal, state, local, or university law, regulation, or policy.
11. **Interference, Obstruction, or Disruption of University Activity:** Materially and substantially interfering with, obstructing, or disrupting a university activity.
 - a. University activities include, but are not limited to, all normal university activities, such as teaching, research, recreation, meetings, public events, and disciplinary proceedings.
 - b. This prohibition includes, but is not limited to, the following: behavior disruptive of university functions; behavior resulting in injury to persons or damage to property on the campus; and interference, obstruction, or disruption of the freedom of movement of students, or other members of the university community and their guests. Interference in any manner with the public or private rights of citizens, behavior that threatens or endangers the health or safety of any person, and damage to property are prohibited.
12. **Interfering with, Obstructing, or Disrupting Police or Fire Responses:** This prohibition includes, but is not limited to:
 - a. Making false statements.
 - b. Interfering with the performance of police or fire department duties.
 - c. Resisting arrest.
 - d. Failing to abide by the directions of a peace officer.
 - e. Tampering with, impairing, disabling, or misusing fire protection systems such as smoke detectors, fire extinguishers, sprinklers, or alarms.
 - f. Failing to evacuate during a fire alarm.
 - g. Arson/setting fires.

13. Failure to Comply: Failing to comply with the direction of CU Denver, CU Denver Housing and Dining, and Auraria Higher Education Center employees who are performing their duties.
14. Knowingly Providing False Information to University Employees in Performance of their Duties: This section prohibits use of false identification or the identification of another person to gain entrance to a facility or business. This also includes forging, altering, falsifying or misusing documents or records, or knowingly using/possessing forged, altered or false documents or records.
15. Retaliation: Retaliating against or discouraging an individual from participating in a university process, or acting in any way that would improperly influence a university process.
16. Violating any policy or procedure listed in the CU Denver Housing and Dining Resident Handbook while in Campus Village: See a complete list of Campus Village policies and procedures by clicking [here](#).
17. Unauthorized Presence: Unauthorized entry into, exit from, or presence in a university facility or on university property, including CU Housing and Dining, or property belonging to another.
18. Damaging Property: Damaging university property or property belonging to another.
19. Rioting: Engaging in, inciting, or arming someone for a riot or public disturbance (see Appendix 3).
20. Unauthorized Recording: Use of an electronic or other device to make an audio and/or visual recording of another person (including, but not limited to photographing, videotaping, filming, or audio recording) without the person's expressed permission when such recording causes the person to suffer substantial emotional distress and would cause a reasonable person to suffer substantial emotional distress. The storing, sharing, and/or distribution of such records by any means is also prohibited.
21. Weapon: Possessing firearms, explosives, fireworks, incendiary devices, ammunition, or other weapons on campus except as permitted by law. "Weapon" as used in this provision may be an instrument of offensive or defensive combat; anything used, or designed to be used, in destroying, defeating, or injuring a person; an instrumentality designed or likely to produce bodily harm. A weapon may include, but not be limited to, the following: any firearm, slingshot, cross-knuckles, knuckles of lead, brass or other metal, any bowie knife, dirk, dagger or similar knife, or any knife having the appearance of a pocket knife the blade of which can be opened by a flick of a button, pressure on the handle or other mechanical contrivance. A harmless instrument designed to look like a firearm, explosive, or dangerous weapon which is used by or is in the possession of a person with the intent to cause fear in or assault to another person is expressly included within the meaning of weapon. See [Regents Policy 14](#)
Note: Students, faculty, and staff possessing valid Concealed Handgun Permits are allowed to carry concealed handguns on campus in accordance with the law. CU Housing and Dining is an exception to the ability to possess legally concealed handguns.
22. Theft: Including but not limited to, possessing property known to be stolen, or taking property of another without permission, even with an intent to return the property.
23. Drugs: Possessing, using, providing, manufacturing, distributing, or selling drugs or drug paraphernalia in violation of law or university policies. Use or possession of marijuana, including medical marijuana used or possessed under Colorado Constitution Article 18, section 14, is strictly prohibited on campus. Any such use or possession is a violation of the student code of conduct.

In addition, the state constitutional amendment authorizing individuals over the age of 21 to recreationally use marijuana ("Amendment 64") does not change this prohibition or authorize a student to use marijuana. Federal law, including the Drug Free Schools Act, prohibits the presence or use of drugs, including marijuana. Thus marijuana use or possession, even if in compliance with Amendment 64, is prohibited on campus.

- a. Students may violate the student code of conduct if in the presence of prohibited behavior involving drugs. This includes students who knew, or reasonably should have known they were in the presence of drugs, or possessed, displayed, or was in the presence of drug paraphernalia.
 - b. Misuse of legal substances; use of general products as intoxicants or “means to get high”; and inhaling or ingesting a substance (including but not limited to nitrous oxide, glue, paint, gasoline, solvent, etc.) other than in connection with its intended purpose is also prohibited.
 - c. Driving while under the influence of drugs.
 - d. Use of a prescription drug other than by the person to whom the drug is prescribed and in accordance with the prescription is prohibited. This includes sharing drugs such as Ritalin or Adderall.
 - e. Attending classes or university functions under the influence of drugs shall also be considered a violation of this student code of conduct. This includes disruptive behavior while under the influence of alcohol at official university functions.
24. Alcohol: Possessing, using, providing, manufacturing, distributing, or selling alcoholic beverages in violation of law or university policies.
- a. If an underage student is at CU Housing and Dining, this prohibition includes a student who knew, or reasonably should have known they were in the presence of alcoholic beverages, or possessed, displayed, or was in the presence of alcohol containers.
 - b. Attending classes or university functions under the influence of alcohol shall also be considered a violation of this student code of conduct. This includes disruptive behavior while under the influence of alcohol at official university functions where alcohol is served.
 - c. Driving while under the influence of alcohol.
25. Disruption: Disruption of a university learning environment. Behavior a reasonable individual would view as interfering with normal academic functions.

The health and safety of members of the University of Colorado Denver are the primary concerns of the University. The University is committed to ensuring that students obtain timely medical assistance for themselves and for their peers. To this end, we have instituted a “Good Samaritan” provision for drug, alcohol, and intimate partner violence related incidents. For more information about this provision please see Appendix 2.

F. Definitions

1. **Acceptance of Responsibility.** The charged student agrees that their behavior constitutes a violation of the student code of conduct, as outlined in the conference notice.
2. **Aggravating Factor.** Any circumstances accompanying the violation that add to its seriousness. Examples may include the use of violence or force, serious injury, violation of a trust or duty, premeditation of an incident, the existence of a previous conduct violation, and elements of hate or bias.
3. **Appeal Officer.** Any individual appointed by the university to process student conduct appeals.
4. **Behavior.** The way in which one acts or conducts oneself, usually a conscious choice to respond to a particular situation or stimulus, including but not limited to those actions listed in Section D of this student code of conduct.
5. **Campus.** The Auraria Campus in Denver, Colorado and all buildings associated with CU Denver on and/or adjacent to that campus including but not limited to: Campus Village Apartments, the CU Building, Lawrence Street Center, and The Business School Building.
6. **Complainant.** Any person who submits a report, orally or in writing, alleging that a student violated this student code of conduct.
7. **Conduct Educator.** Any individual appointed by the Director of Student Conduct and Community Standards to process student conduct matters.
8. **Conduct Process.** Any process outlined in this student code of conduct policies and procedures.
9. **Conference Notice.** Notification sent to a student containing information about an alleged violation of the student code of conduct.

10. **CU Denver Housing and Dining:** On campus residence hall, also referred to as Campus Village.
11. **Designation.** A Student's classification; i.e., graduate, undergraduate, continuing education, degree seeking, or non-degree-seeking.
12. **Disciplinary Conference.** A meeting between the respondent and the conduct educator to determine whether violations of the student code of conduct occurred.
13. **Faculty Member.** Any person hired by the university to facilitate classroom or teaching activities or who is otherwise considered by the university to be an employee.
14. **Force.** The use of physical violence and/or imposing on someone physically. Force also includes, threats, intimidation, (implied threats), and coercion that overcomes resistance or produces consent.
15. **Interim Suspension.** An intervening suspension of a student on a provisional basis pending final disposition of the case.
16. **Member of the University and Campus Community.** Includes any person who is a student, faculty member, university official or any other person employed by the university. This term also applies to students, faculty members, and university officials of the other institutions on the Auraria Campus, including but not limited to: the Metropolitan State University of Denver (MSU Denver), the Community College of Denver (CCD), and the Auraria Higher Education Center (AHEC). A person's status in a particular situation shall be determined by the Director of Student Conduct and Community Standards.
17. **Mitigating Factor.** Extenuating circumstances that may be taken into account to reduce a sanction. They do not constitute a justification or excuse for the offense in question.
18. **Parent.** A student's parent or legal guardian.
19. **Peace Officer.** A person designated by the University of Colorado, its agents, or the state or federal government with the responsibility of enforcing laws or policies. C.R.S. 16-2.5-101.
20. **Policy.** The written regulations of the university as found in, but not limited to, the student code of conduct, Laws and Policies of the Board of Regents, policies of CU Denver, Campus Village Resident Handbook, the university web page and computer use policy, and graduate/undergraduate catalogs.
21. **Preponderance of Evidence.** This shall be the standard of proof used in all conduct proceedings under this student code of conduct. Meaning what happened more likely than not.
22. **Respondent.** Any student accused of violating this student code of conduct.
23. **Student.** The term student includes all persons taking courses at the university, either full time or part time, active in a program, pursuing undergraduate, graduate, or professional studies, as well as non-degree Students and concurrently enrolled high school Students.
This also includes individuals admitted or in the process of being admitted, those attending orientation sessions, and those that were enrolled at the date of an alleged incident. Persons who withdraw after allegedly violating the student code of conduct are considered "students."
24. **University.** The University of Colorado Denver.
25. **University Employee.** A university employee working in the performance of their duly authorized duties. University employees may be full or part time, or may be student staff members. Also includes employees of CU Denver Housing and Dining.
26. **Witness.** Any individual who may have information relating to a conduct case.
27. **Working Day.** Any Monday through Friday, except for official university holidays.

G. Student Code of Conduct Procedures

The following procedures will be used for student conduct proceedings, except as noted below.

For cases involving allegations of sexual misconduct (including sexual assault, sexual harassment, intimate partner violence, and gender/sex-based stalking), and/or nondiscrimination, accompanied by other alleged violations of the student code of conduct, the Office of Equity and Office of Student Conduct and Community Standards will determine the most appropriate way to address incidents of these type. For more information about the University's Sexual Misconduct and Nondiscrimination process and procedures visit the Office of Equity website at equity.ucdenver.edu.

1. Commencement of a Conduct Process

1. The discipline process can be initiated by, but not limited to, police reports, CU Housing and Dining incident reports, or a report from any university employee, student, or other member of the university or campus community. This process is initiated through the submission of a written or oral account of the incident to the Office of Student Conduct and Community Standards.

2. Upon the receipt of a report, the Director of Student Conduct and Community Standards (Director) or their designee will determine if the behavior alleged, if true, may rise to the level of a violation of the student code of conduct.
 - a. If the behavior would violate the student code of conduct the Director (or their designee) will initiate conduct process.
 - b. If it is determined that the facts of the complaint or report, even if true, would not constitute a violation of the student code of conduct or applicable university policy, the Director (or their designee) will notify the reporter and close the case.
 - c. In some cases, a third option of alternative dispute resolution such as restorative justice or mediation may be offered by mutual agreement of the parties involved, and on a basis acceptable to the conduct educator. Upon successful completion of this process, a written summary of these agreements is provided to all parties. At any point in this process, either party may decide that they wish to end the alternative dispute resolution process, and the situation may be returned to be adjudicated through conduct process for resolution.

B. Conference Notice

1. All allegations shall be presented to the respondent by the conduct educator in electronic form via the student's official CU Denver email account. This notification will provide the respondent with information on how to obtain or review the initiating reports, and set a time for the disciplinary conference. The notification shall also include:
 - a. A description of the alleged misconduct and violation.
 - b. The student code of conduct provisions that are alleged to have been violated.
 - c. Instructions on how to request copies of records obtained from outside agencies.
 - d. An explanation of the student conduct process.
2. Disciplinary conferences are scheduled not less than three (3) working days nor typically more than fifteen (15) working days after the student has been notified of the allegations. If less than the three day minimum is necessary, such an instance would require mutual agreement between the student and the conduct educator.
 - a. Expedited Process – When the conduct educator determines that a prompt review is essential (e.g., end of the semester, the student is graduating, or there is substantial concern for the health, safety, or welfare of a member of the university community), the conduct educator may require that the disciplinary conference occur within a much shorter period of time.
3. The conference notice may contain specific requirements or restrictions, pending the resolution of the matter through the conduct process, as needed to protect the interests of involved students or the university. These requirements could include but are not limited to: temporary relocation in student housing, restriction from specific campus locations, or orders prohibiting contact with complainants or witnesses. *The conference notice will be sent to the student's official university e-mail address.*

C. Disciplinary Conferences

Disciplinary conferences shall be facilitated by university conduct educators according to the following guidelines:

1. The purpose of the disciplinary conference is focused on a delicate balance between student success and the safety of the campus community. The student and the conduct educator will have a face-to-face discussion. The student will be expected to discuss goals they have set, their progress toward achieving those goals, the incident as it relates to those goals, the student's motivation behind their behavior, and the potential harm to the campus community. When a violation is present the discussion will concentrate on determination of responsibility as well as the identification of appropriate sanctions.
2. A student alleged to be in violation of the student code of conduct and an alleged victim, if applicable, may be accompanied by an advisor during their respective parts of conduct process. (See section D of this document for more information about advisors).

3. If the disciplinary conference involves more than one respondent, the conduct educator, in their discretion, and upon agreement between all the parties, may permit the disciplinary conferences concerning each student to be conducted either jointly or separately.
4. Disciplinary conferences, investigative meetings, and administrative meetings are considered private, educational interactions between the student(s) and the university. The complainant, respondent, and their advisors, if any, shall be allowed to attend the disciplinary conference. Inclusion of any other person in the disciplinary conference shall be at the discretion of the conduct educator and all parties will be notified, in advance, of additional participants. Deliberations between university officials are closed.
5. Pertinent records, exhibits, and written statements, including personal impact statements, may be accepted as information for consideration. The complainant and the respondent shall be allowed to present their own version of the incident. The complainant and respondent shall be allowed to review and respond to any reports or statements the conduct educator will consider in making a decision.
 - a. Reports may be redacted in order to protect the privacy of educational records of all parties involved.
6. If a respondent does not appear for the scheduled disciplinary conference, a decision may be made in their absence taking into consideration the totality of the information related to the alleged violations available at the time of the decision.
7. If information presented in the disciplinary conference creates additional need for clarification or investigation the conduct educator may schedule additional conferences and or meetings.
8. The conduct educator may accommodate availability and/or remote location of respondent, complainant or witnesses through conference phone calls or other alternate means. Accommodations may also be made related to concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, respondent, and/or other witness during the disciplinary conference. Accommodations may also be requested for any disability documented with the Office of Disability Resources and Services (DRS), and, when applicable, the conduct educator will work with DRS to determine appropriate and reasonable accommodations.
9. Formal rules of process, procedure, or evidence as established and applied in the civil or criminal justice system do not apply to this process.

D. Decisions

After the disciplinary conference concludes, the conduct educator will review all pertinent information and make a determination related to each of the allegations specified from the student code of conduct. The determination is based on the preponderance of evidence standard, *whether it is more likely than not* that the respondent violated the student code of conduct. The respondent and an alleged victim may provide an impact statement or character references for consideration during the sanction process.

Written notice of the conduct educator's decision will generally be sent to the student within fifteen (15) working days of the disciplinary conference. The notification shall consist of the determination of responsibility, level of discipline imposed, and a complete description of any sanctions or requirements. If the respondent is found responsible for the charges, the notification will also include a summary of the basis for the determination.

Conduct educators may communicate conduct outcomes with appropriate campus offices when relevant to academic, financial, student involvement, or safety issues.

F. Sanctions

Sanctions imposed for misconduct will be based upon a consideration of all of the circumstances in a particular case including the individual student's prior conduct history. Mitigating and aggravating circumstances will be considered. Repeated violations are likely to result in progressively severe sanctions. One or more of the sanctions below may be imposed. In all cases, the conduct educator reserves the right to use their discretion in determining the appropriate sanction(s) for a case. All decisions regarding responsibility and appropriate sanctions will be given to a student in writing via the student's official university email address.

Conduct educators have the authority to determine the appropriate level of disciplinary action taking into consideration the severity of the violation, impact on individuals or the community, and the past record of discipline. In addition to the sanctions listed below, the conduct educator in consultation with CU Housing and Dining may require relocation within or removal from the CU Housing and Dining, limit a student's access to all or part of campus, and or alter the student's academic schedule, monetary restitution, community service, and/or specify participation in educational programs or interventions.

The following sanctions may be applied when appropriate to individual students. More than one of the sanctions listed below may be imposed for any single violation. Failure to complete disciplinary sanctions within required deadlines will result in a hold being placed on the student's registration status. These sanctions may include but are not limited to:

1. **Disciplinary Warning.** A student may be given an oral or written warning.
2. **General Disciplinary Probation.** Probation is for a designated period of time during which the student is required to show appropriate changes in attitude and behavior. Specific terms may be imposed as a part of this sanction but do not result in loss of good standing with the university. A violation of the terms of general disciplinary probation, or subsequent misconduct after discipline, is grounds for further disciplinary action, including loss of good standing, suspension, or expulsion. Disciplinary probation is separate from academic probation.
3. **Disciplinary Probation/Loss of Good Conduct Standing.** Probation is for a designated period of time in which appropriate changes in attitude and behavior are expected to occur. Specific terms may be imposed as a part of this probation. A student on this disciplinary probation is not in good standing with the university. Good standing, at a minimum, is a requirement for eligibility to represent the university, to serve on a university committee, to participate in club sports or student organizations, and for recognition by the university including any office held in a student organization, among other things. A violation of the terms of disciplinary probation, or subsequent misconduct, is grounds for further disciplinary action, including suspension, or expulsion. Disciplinary probation is separate from academic probation.
4. **Discretionary/Educational Sanctions.** Educational programs or assignments, restorative justice, mediation, community service, individual assessment, counseling evaluations, substance abuse education, intervention or treatment, testing, or other related discretionary sanctions may be offered or required.
5. **Residential Reassignment.** A student may be reassigned to another student housing room when disruption has occurred CU Housing and Dining or in order to separate persons on a temporary or permanent basis. The student will be responsible for all costs and fees associated with relocation as a result of this sanction.
6. **Residential Termination/Eviction.** Permanent separation of the student from CU Housing and Dining. The university expects students who live in student housing to manage their behavior and comply with all policies. If a student is evicted or removed from the CU Housing and Dining, the Student Conduct and Community Standards office will determine if the student may be allowed to continue as a student.
7. **Restitution.** Compensation may be required if a student damages university property or engages in behavior that causes financial damage or loss to the university.
8. **Disciplinary Suspension.** Suspension for a distinct period of time and/or the specification that a student must fulfill certain requirements before re-enrollment or re-admission will be considered. A disciplinary suspension is in effect in regards to any University of Colorado campus including CU Boulder, CU Denver, CU Anschutz, and CU Colorado Springs. While suspended, the student is not entitled to attend classes, use university facilities, participate in university activities, or be employed by the university. Special conditions may be stipulated for reinstatement at the conclusion of the period of suspension. The student is not in good standing with the university during the term of the suspension.
9. **Disciplinary Expulsion.** Expulsion is permanent removal from the University with no opportunity to return to any University of Colorado Campus. All CU Denver expulsions will include an Auraria Campus exclusion as well,

10. **Guardian Notification.** Parents may be notified of disciplinary decisions when a student under the age of 21 is found responsible for engaging in an infraction(s) involving alcohol, drugs, or the threat or use of violence. Letters are sent to the primary parent address provided to the university.
11. **Exclusion.** The Student is denied access to all or a portion of campus. Unless otherwise noted, exclusion includes all buildings and property on the Auraria Campus and any building owned or operated by CU Denver | Anschutz Medical Campus. When a student is excluded from campus that student may be permitted onto campus for limited periods and specific activities with the permission of the Director of Student Conduct and Community Standards or their designee. Should the student enter campus without permission, action may be taken by the student conduct office and/or police for trespass, including arrest.

G. Appeal of a Disciplinary Decision

A Student may only appeal if they have received a sanction including probation with loss of good standing, residential termination/eviction, suspension, or expulsion. A decision reached by a conduct educator may be appealed to an appeal officer by either the respondent(s) or complainant(s) based on their perceptions of the conduct process as well as sanctions assigned (too severe, not severe enough, or additional specific sanctions needed). For an appeal to be considered it must meet at least one of the criteria listed below.

The appellant shall submit a written request for an appeal through the [Student Conduct and Community Standards website](#). The appeal must be specific and clearly state the reasons for the request. The appeal request must be submitted within three (3) business days of the date the appellant is notified of the decision rendered by the conduct educator. Failure to submit a request for appeal within the specified time will render the decision of the conduct educator final and conclusive. An extension may be granted upon written request at the discretion of the appeal officer.

1. Except as necessary to explain the basis of new information, an appeal shall generally be limited to a review of the record of the disciplinary conference and supporting documents for one or more of the following reasons:
 - a. To determine whether the **disciplinary conference was conducted fairly** in light of the charges and information presented, and in conformity with proscribed procedures giving both the respondent and complaining parties the opportunity to prepare and present relevant information to be considered in the determination of an appropriate outcome. Minor deviations from designated procedures will not be a basis for sustaining an appeal unless there is a demonstrable adverse effect on the outcome of the disciplinary conference.
 - b. To determine whether the **sanctions(s) imposed were appropriate** for the violation of the student code of conduct which the student was found to have committed.
 - c. To consider **new information**, sufficient to alter the decision or other relevant facts not brought out in the original disciplinary conference, because such information and/or facts were not known to the person appealing at the time of the original disciplinary conference. This does not include information that was known at the time of the disciplinary conference but was not shared.
2. The appeal officer will review the written request for appeal to determine if the acceptable grounds for the appeal are met. After review of the appellant's request, which may include but is not limited to review of the record, the appeals officer shall take one of the following actions:
 - a. If the appeal does not meet one or more of the stated criteria, the appeal will be denied.
 - b. Affirm the decision: the appeals officer agrees that the information before him or her supports the decision reached by the conduct educator.
 - c. Return the case to the original conduct educator, or another conduct educator for further consideration.
 - d. Overturn the decision or adjust the sanctions assigned by the original conduct educator.
3. If an appeal is returned to a conduct educator to consider new information, the general process outlined under Section D (Decisions) will be used.
4. The appeals officer will communicate their decision in writing generally within fifteen (15) working days unless circumstances exist that require additional time for the decision to be made. If an extension is necessary, the parties will be notified accordingly. The matter shall be considered final and binding upon all involved unless the matter is returned for further consideration.

H. Additional Information

1. Student Organizations.
 - a. Student organizations may be charged with violations of the student code of conduct to the same extent as students.
 - b. Student organizations, as well as their members and other students, may also be held collectively and/or individually responsible for violations of the student code of conduct on-campus as well as off-campus.
 - c. The student organization officers, leaders, or individuals currently listed in an official position in CU Denver Student Organization records may be held collectively and/or individually responsible when such violations are committed by persons associated with the organization who have received consent or encouragement from the organization officers or leaders if those officers or leaders knew or reasonably should have known that such violations were being or would be committed.
 - d. The officers or leaders of a student organization may be directed to take action designed to prevent or end such violations by the organization or by any persons associated with the organization. Failure to comply with a directive may be considered a violation of the student code of conduct, both by the officers or leaders of the organization, and by the organization.
2. Student disciplinary records will be maintained in accordance with the Federal Family Educational Rights and Privacy Act of 1974 (FERPA) and subsequent amendments and the guidelines for implementation. The record of disciplinary actions will be kept by the Student Conduct and Community Standards office. Disciplinary records are actively maintained for a minimum period of seven years from the date that the conduct case is concluded. Expulsion and suspension records will be kept indefinitely. Expulsion is a permanent notation on the official transcript. Information regarding a Student's disciplinary record is available to persons or offices internal to the university or at institutions where a Student seeks to enroll who have a "demonstrated educational need to know." Disclosure of disciplinary records outside of the above listed entities generally requires a written release from the student. This may also include notifying guardians and releasing written documentation relating to the process.
3. Every Student may review, upon request, the contents of their conduct file, to the extent permitted by law. Parts of the file may be redacted if the record contains information related to other students which is protected under FERPA. Students may submit a Request to Inspect Records form by downloading the form [here](#) and submitting it to the Office of Student Conduct and Community Standards. The Student Conduct and Community Standards office will comply with a request to review records for access within a reasonable time frame, not to exceed 45 days.
4. Release of Conduct information
 - a. FERPA governs access to a Student's educational record, which includes their academic transcript and conduct file. The Student and/or those university officials who demonstrate a legitimate educational need for disciplinary information may have access to the Student's conduct file. Guardians who provide proof that a Student is a dependent as defined in Section 152 of the Internal Revenue Code of 1954, i.e., a copy of the last Federal income tax return listing the Student as a dependent, can have access to the student's conduct file without written Consent of the Student. In this case, Parents may also have access to a conduct file even if the Student has requested otherwise.
 - b. In addition, Guardians may be notified if a Student under 21 years of age is found responsible for a violation involving alcohol or other drugs. All other inquiries, including, but not limited to, inquiries from employers, government agencies, news media, family, friends, or police agencies, require a written release from the Student before access to university conduct files is granted. Information may be released pursuant to a lawfully issued subpoena and as provided by the Campus Security Act as amended by the Higher Education Amendments of 1992.
 - c. FERPA also allows reporting of educational records when a student chooses to transfer to other institutions of higher education. CU Denver will provide conduct records when requested for students seeking admittance to other schools and will not report said requests.

- d. The Campus Security Act permits higher education institutions to disclose to alleged victims of any crime of violence (murder, robbery, sexual assault, assault, burglary, motor vehicle theft, arson) the results of the conduct proceedings conducted by the institution against an alleged perpetrator with respect to such crime.
4. Registration Holds and Transcript Notations
 - a. Holds will be placed if students do not complete the conduct process as required and in the case of students who are not currently enrolled at the time of the incident.
 - i. The student must adequately address the conduct issue before they can reenroll.
 - b. Notations of disciplinary action on the Student's transcript will only be made to note specific disciplinary sanctions.
 - i. Disciplinary expulsion will be permanently noted on the academic transcript.
 - ii. Disciplinary suspensions will be noted on the transcript during the period of suspension.
 5. Pending Discipline Hold
 - a. While conduct proceedings are pending, the university may place a hold on the Student's records. The disciplinary hold is honored by the University of Colorado System, including CU Boulder, CU Colorado Springs, CU Online, and Extended Studies. This hold prohibits the Student from registering for classes until the Conduct Process, including sanctions, been completed.
 - b. A disciplinary suspension hold shall be placed on a Student's record if they are suspended as the outcome of the conduct proceedings. A conduct hold is honored by all University of Colorado campuses and prohibits a Student from being admitted to any of the campuses and from registering for classes until the suspension period is over and all sanctions have been completed.
 6. Refund Policy After Disciplinary Action
 - a. If a Student is suspended or expelled from the university, assessment or refund of tuition and fees are made in the same way as when a Student voluntarily withdraws. The date used for determining the amount due will be the first day of the suspension or expulsion, as decided upon by the Conduct Educator.
 7. **Interim Suspension.** The Director of Student Conduct through the Chancellor, Provost, Vice Chancellor for Student Affairs, and the Dean of Students have the authority to suspend any student on a provisional basis, pending final disposition of the case, when, in the opinion of these officials, such a suspension is necessary to:
 - a. Maintain order on the campus;
 - b. Preserve the orderly functioning of the university;
 - c. Stop interference in any manner with the public or private rights of others on campus;
 - d. Stop actions or potential actions that threaten the health or safety of any person; or
 - e. Stop actions or potential actions that destroy or damage property of the university, its students, faculty, staff, or guests.

Interim suspension will also include excluding the Student from campus pending a final outcome. This exclusion begins immediately upon notice from the appropriate university employee, without a disciplinary conference with a conduct educator. A disciplinary conference with a conduct educator is then scheduled as soon as possible (usually within 10 calendar days) to determine how the case will continue and to begin the conduct process. In extreme matters, an interim suspension may be put in place until a student receives a final disposition in a court process after having been charged with a serious crime.

I. Related Information

Office of Equity

Cases involving sexual misconduct (including sexual assault, sexual harassment, intimate partner violence, and gender/sex based stalking), discrimination based on a protected characteristic, and any related retaliation are subject to the Office of Equity Process and Procedures equity.ucdenver.edu. For more information regarding Sexual Misconduct, or Discrimination, contact the Office of Equity at 303-315-2567 or <http://equity.ucdenver.edu>

J. Resources

Student and Community Counseling Center

Tivoli 454 (4th floor)

303-315-7270

<http://www.ucdenver.edu/counselingcenter>

Offers counseling, programs and activities for all members of the university. All contacts are confidential.

CU Housing and Dining

318 Walnut Street, Denver, CO 80204

303-573-5272

<http://www.ucdenver.edu/life/services/housing>

On campus housing with associated dining hall.

Ombuds Office

303-315-0046

<http://www.ucdenver.edu/ombuds>

Assists Students, faculty, and staff in resolving complaints or disputes with other individuals, offices, or departments within the university. Does not maintain records and is independent of any department or office. All contacts are confidential.

Phoenix Center at Auraria

Tivoli Student Union, suite 259

303-556-6011

<http://www.thepca.org>

The Phoenix Center at Auraria (PCA) serves CU Denver, MSU Denver, and CCD communities. The Center provides **free and confidential** resources and assistance to survivors of interpersonal violence and their friends and families. The PCA provides victim advocacy and support that includes academic advocacy, assistance reporting to your school and/or police, safety planning, court/hospital/police accompaniment, and a listening ear.

Health Center at Auraria

Plaza Building, Suite 150

303-556-2525

<http://www.mscd.edu/healthcenter>

Auraria Police Department

Administration Building, Suite 110

303-556-5000

<http://www.ahed.edu/police.htm>

Office of Identity and Inclusion

Academic Building 1, 2007

303-315-1880

<http://www.ucdenver.edu/eop>

Gay, Lesbian, Bisexual, Transgender Student Services

Tivoli Student Union, Suite 213

303-556-6333

<http://www.msudenver.edu/glbts>

Disability Resources and Services

Academic Building 1, Suite 2116

303-315-3510

www.ucdenver.edu/disabilityresources

Veteran and Military Student Services

Tivoli Suite 124

303-315-7300

<http://www.ucdenver.edu/life/services/Veteran>

Title IX Coordinator

Callie Rennison

Lawrence Street Center 14th Floor

1-844-CU Title (288 4853)

titleix.ucdenver.edu

CARE Team

303-315-7306

<http://www.ucdenver.edu/life/services/CARE/Pages/default.aspx>

Case Management

Brooke Farley

Tivoli Student Union, Room 227

303-315-7306

K. Appendices

**APPENDIX 1: Parent/Guardian Contact Policy Resulting from FERPA
Amendments Related to Section 952:**

If a Parent or guardian contacts the University seeking information regarding a Student's alcohol or drug-related conduct record, and the Student is under 21 years of age, information may be shared by an informed, full-time staff member in the Office of Student Conduct and Community Standards or their designee.

The designated staff member will share information regarding any alcohol or drug-related infraction in which a Student, afforded due process through the conduct procedures, has been found responsible for the infraction. Parents seeking information regarding behaviors, for which charges are pending or in process, must have their Student's written consent to the disclosure. The Release of information form can be downloaded from the Student Conduct and Community Standards Office, and is available on the Information for Students section by clicking on the ["Forms" link](#).

When the University is aware of an alcohol or drug overdose requiring hospitalization, and the Student is personally unable to make contact with family, an informed University staff member may notify the Parents or guardians, regardless of whether or not an infraction occurred.

Further, notification to Parents/guardians is allowed when:

- The violation involved was of sufficient severity or related to a pattern of drug or alcohol related infractions which warrant a drug or alcohol evaluation; or
- The violation involved was of sufficient severity or related to a pattern of drug or alcohol related infractions which, should a further infraction occur, would likely result in suspension or expulsion from the University; or
- The violation involved harm or threat of harm to self or another person; or
- There was a significant risk to the health or safety of the Student as a result of consumption of alcohol or use of drugs.

Any Student may request that information not be disclosed to Parent/guardians, if the nondisclosure request is related to personal safety or other serious family circumstances. The request must be made in writing to the Conduct Educator, prior to the disposition of the case. The Conduct Educator may, at their discretion, honor the non-disclosure request.

In order to best facilitate communication with Parents/guardians, Conduct Educators should encourage Students to speak first to their Parents/guardians regarding conduct issues.

Appendix 2: Good Samaritan Provision

The health and safety of members of the University of Colorado Denver are of high concern to the University. The University is committed to ensuring that Students obtain timely medical assistance for themselves and for their peers. To this end, we have instituted a “Good Samaritan” Provision.

The Auraria Campus Police Department will assist those individuals whose judgment or health is severely affected due to alcohol consumption by facilitating transport to a local detox center or hospital, or by taking other protective measures. Students are encouraged to inform local or state police, Student housing staff, or security when assistance is needed.

Whenever a Student assists an intoxicated individual in obtaining the assistance of local or state police, security, residence life staff, or other medical professionals, neither the intoxicated individual, nor the individual who assists will be subject to formal University disciplinary action (such as probation, suspension in abeyance, suspension or expulsion) with respect to the alcohol incident. (This provision does not preclude disciplinary action regarding other violations of University standards, such as theft, sexual harassment/assault, vandalism, harassment, etc.).

This provision offers a health related response to the incident rather than a disciplinary consequence **and does not excuse or protect those individuals or organizations that deliberately or repeatedly violate the University’s Alcohol Policy.**

In order for this Policy to apply, the intoxicated Student(s) must agree to a timely discussion focused on the level of concern for Student health and safety to identify avenues of support and necessary resources. Serious or repeated incidents will prompt a higher degree of medical concern. Failure to complete recommended follow-up may result in disciplinary action and could prompt the imposition of a medical withdrawal. Likewise, organizations involved in an incident must agree to take recommended steps to address concerns.

This provision only governs the application of the University’s Student Code of Conduct and has no status in other jurisdictions such as local or state courts. It should also be noted that this provision may only be invoked by a Student at the time when his or her case is being heard or investigated by a Conduct Educator or investigator. Based on the totality of the incident, the Conduct Educator will make the final determination as to the applicability of this provision and reserves the right to reduce sanctions or dismiss charges.

The Good Samaritan provision does not limit the authority of law enforcement personnel or University staff to act as required at the time of an alleged violation of University standards or state or local laws.

Appendix 3: Colorado Law Regarding Riots

Section 18-9-101(2), Colorado Revised Statutes states:

“**Riot** means a public disturbance involving an assemblage of three or more persons which by tumultuous and violent conduct creates grave danger of damage, destruction or death.”

Section 18-9-102, C.R.S. states:

“Inciting riot.

1. A person commits inciting riot if he:
 - a. Incites or urges a group of five or more persons to engage in a current or impending riot; or
 - b. Gives commands, instructions, or signals to a group of five or more persons in furtherance of a riot.
2. A person may be convicted under sections 18-2-101, 18-2-201, or 18-2-301 of attempt, conspiracy, or solicitation to incite a riot only if he engages in the prohibited conduct with respect to a current or impending riot.
3. Inciting riot is a class 1 misdemeanor, but, if injury to a person or damage to property results therefrom, it is a class 5 felony.”

Section 18-9-103, C.R.S. states:

“Arming rioters.

1. A person commits arming rioters if he:
 - a. Knowingly supplies a deadly weapon or destructive device for use in a riot; or
 - b. Teaches another to prepare or use a deadly weapon or destructive device with intent that any such thing be used in a riot.
2. Arming rioters is a class 4 felony.”

Section 18-9-104, C.R.S. states:

“Engaging in a riot.

1. A person commits an offense if he or she engages in a riot. The offense is a class 4 felony if in the course of rioting the actor employs a deadly weapon, a destructive device, or any article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon, or if in the course of rioting the actor represents verbally or otherwise that he or she is armed with a deadly weapon; otherwise, it is a class 2 misdemeanor.
2. The provisions of section 18-9-102 (2) are applicable to attempt, solicitation, and conspiracy to commit an offense under this section.”

Section 23-5-124, C.R.S. states:

“Student enrollment - prohibition - public peace and order convictions.

1. No person who is convicted of a riot offense shall be enrolled in a state-supported institution of higher education for a period of twelve months following the date of conviction.
2. A student who is enrolled in a state-supported institution of higher education and who is convicted of a riot offense shall be immediately suspended from the institution upon the institution's notification of such conviction for a period of twelve months following the date of conviction; except that if a student has been suspended prior to the date of conviction by the state-supported institution of higher education for the same riot activity, the twelve month suspension shall run from the start of the suspension imposed by the institution.
3. Nothing in this section shall be construed to prohibit a state-supported institution of higher education from implementing its own policies and procedures or disciplinary actions, in addition to the suspension in subsection (2) of this section, regarding students involved in riots.
4. The court in each judicial district shall report to the Colorado commission on higher education the name of any person who is convicted in the judicial district of a riot offense.
 - a. The Colorado commission on higher education shall make the conviction reports received pursuant to paragraph (a) of this subsection (4) available to all state-supported institutions of higher education with the notification that the persons included in the conviction reports are subject to the provisions of this section and that the state-supported institution of higher education in which any of such persons are enrolled shall consider appropriate disciplinary action against the

student.

5. Each state-supported institution of higher education shall notify its students and prospective students of the requirements of this section. The governing board of each state-supported institution of higher education shall prescribe the manner in which this information shall be disseminated.
6. For purposes of this section, unless the context otherwise requires:
 - a. 'Convicted' means having received a verdict of guilty, pleaded guilty or nolo contendere, or having received a deferred judgment and sentence.
 - b. 'Riot offense' means:
 - i. Inciting riot, as described in section 18-9-102, C.R.S.;
 - ii. Arming rioters, as described in section 18-9-103, C.R.S.;
 - iii. Engaging in a riot, as described in section 18-9-104, C.R.S."

Appendix 4: Colorado Law Regarding Hazing

Section 18-9-124(2), C.R.S. defines hazing as follows:

(2) As used in this section, unless otherwise requires:

(a) ‘Hazing’ means any activity by which a person recklessly endangers the health or safety of or causes a risk of bodily injury to an individual for purposes of initiation or admission into or affiliation with any student organization; except that “hazing” does not include customary athletic events or other similar contests or competitions, or authorized training activities conducted by members of the armed forces of the state of Colorado or the United States.

(b) ‘Hazing’ includes but is not limited to:

- (I) Forced and prolonged physical activity;
- (II) Forced consumption of any food, beverage, medication or controlled substance, whether or not prescribed, in excess of the usual amounts for human consumption or forced consumption of any substance not generally intended for human consumption;
- (III) Prolonged deprivation of sleep, food, or drink.

*The University of Colorado Denver student code of conduct is adapted in part from the NCHERM Group Model Developmental Code of Student Conduct and is used here with permission.