

**University of Colorado Denver  
Student Code of Conduct**



September 2020

The conduct educators in the Office of Student Conduct and Community Standards work with CU Denver faculty, staff, students, and other stakeholders to address behavior that negatively impacts the university community. We help students learn and grow, repair harm, and succeed, while creating a climate of safety and support across campus. We create better tomorrows.

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#### **A. How to Utilize this Document**

This document outlines educational policies and processes. While some aspects of these policies could reflect some standards codified by laws, this document outlines the CU Denver student conduct process, which is a separate process from any legal standards or proceedings. Words utilized in this document are not based on the legal definition, but instead will be referring to the administrative definition of the word found within this document.

#### **B. Inclusive Practices**

Society is often oppressive to certain groups of people. However, many individuals carry particular types of privilege(s). Often this allows us to advocate for social justice and change in various situations. The Office of Student Conduct and Community Standards is committed to carrying out conduct work in a manner that meets the needs of our diverse community. This is accomplished by:

- Continually educating ourselves and our stakeholders,
- Intentionally engaging in inclusive practices,
- Striving to refine our procedures to reduce bias, and
- Appreciating students' intersecting identities and acknowledging our own power and privilege.

Furthermore, inclusive practices are always evolving, and thus we commit to regularly revisiting these strategies.

#### **C. Our Philosophy of Student Conduct**

CU Denver strives to make the campus community a place of study, work, and residence where people are treated, and treat one another, with respect and civility. The university views the student conduct process as a learning and growth experience that aims to repair harm and can result in personal understanding of one's responsibilities and privileges.

As members of the CU Denver community, students are expected to uphold university standards that assist in promoting a safe and welcoming community. These standards include, but are not limited to, local, state, federal, and university laws, policies, and regulations. Students who potentially violate these standards may be subject to the procedures described below. These procedures are designed to provide learning opportunities dedicated to fairness to all involved in the conduct process.

Every CU Denver student assumes responsibility for knowing and understanding the various local, state, federal, and university laws, policies, and regulations as well as this Student Code of Conduct.

#### **D. Learning Objectives**

Aligned with the CU Denver vision, the Office of Student Conduct and Community Standards has established a set of learning objectives. These statements identify the

knowledge and skills students should acquire by participation in the conduct process. The fourteen learning objectives are grouped into four domains:

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

#### **E. Authority and Jurisdiction**

Article 7, Part B, of the [Laws of the Regents](#) requires each campus to develop a student code of conduct and related processes. The Dean of Students is the designated authority to establish and enforce the CU Denver Student Code of Conduct. Any questions regarding interpretation of this document 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 Appeal Readers. The Director of Student Conduct and Community Standards or their designee shall determine which Conduct Educator shall be assigned to hear each matter.

The Dean of Students and/or their designee shall develop policies for the administration of the student conduct process and procedural rules. Decisions made by a Conduct

Educator shall be final, pending the appeal process. Proceedings initiated under this policy are separate from civil or criminal proceedings that may exist in connection 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 assigned Conduct Educator.

The CU Denver Student Code of Conduct shall apply to a student's behavior that violates local, state, federal, or university laws, policies, or regulations, and as a result can adversely affect the university community or damages the institution's reputation or relations with the greater community. A student's behavior may be addressed through the student conduct process if it occurs on campus, off campus, or at university-sponsored programs or activities, including, but not limited to, study abroad programs, alternative break trips, and student organization sponsored events and programming.

The CU Denver Student Code of Conduct shall apply to a student/campus organization's behavior that adversely affects the university community, violates local, state, federal, or university laws, policies, or regulations, or damages the institution's reputation or relations with the greater community. A student/campus organization's behavior may be addressed through the Organizational Conduct Process if it occurs in connection with a campus organization. An organization's involvement in the Organizational Conduct Process does not preclude one or more individuals from being held accountable through the student conduct process for behavior connected to the same incident.

## **F. Definitions**

1. **Acceptance of Responsibility:** The student alleged to have violated a policy (as defined Section F of this Student Code of Conduct) agrees that their behavior constitutes a violation of the CU Denver Student Code of Conduct as outlined in the Conduct Conference Notice
2. **Aggravating Factor:** Any circumstance(s) accompanying the violation that add(s) to its seriousness, including, but not limited to, use of violence or force, serious injury, violation of a trust or duty, premeditation of an incident, and the existence of a previous conduct history violation
3. **Alleged:** Any student (or student organization) accused of violating the Student Code of Conduct
4. **Appeal Reader:** An individual appointed and trained by the university to process student conduct appeals
5. **Behavior:** The way in which one acts or conducts oneself to respond to a particular situation or stimulus, including, but not limited to, those listed in Section F of this Student Code of Conduct
6. **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, Lynx Crossing, the CU Building, the Lawrence Street Center, and the Business School

7. **Conduct Educator:** Any individual appointed by the Director of Student Conduct and Community Standards to process student conduct matters
8. **Conduct Charges:** Specific prohibited behaviors the alleged are accused of violating.
9. **Conduct Conference:** A meeting between the student who has potentially violated the CU Denver Student Code of Conduct and the conduct educator
10. **Conduct Conference Notice:** Notification sent to a student containing information about alleged violation(s) of the CU Denver Student Code of Conduct and meeting date, time, and location
11. **Conduct Procedure:** Any process outlined in the CU Denver Student Code of Conduct
12. **CU Denver Housing & Dining:** The office that oversees on-campus residence life, specifically Lynx Crossing
13. **Designation:** A student's classification within the university, including, but not limited to, graduate, undergraduate, continuing education, and non-degree seeking
14. **Disciplinary Suspension:** Conduct sanction resulting in the separation of a student from CU Denver for a specified period of time. While suspended, the student is not entitled to attend classes, use university facilities, participate in university activities, or be employed by the university. If the suspension is accompanied by other sanctions, the suspension is not completed until all sanctions are completed
15. **Faculty Member:** Any person hired by the university to facilitate classroom or teaching activities
16. **Force:** The use of physical violence and/or imposing on someone physically, including, but not limited to, threats, intimidation, implied threats, and coercion that overcomes resistance or produces consent
17. **Interim Suspension:** Conduct sanction resulting in an intervening removal of a student from the CU Denver Community on a provisional basis pending final disposition of the conduct case
18. **Investigated Parties:** Individuals or organizations whose behavior is being examined as a part of the Student Conduct Process or the Organizational Conduct Process.
19. **Member of the University Community:** Any person who is connected to the university, including, but not limited to, a CU Denver student, faculty member, university official, any other person employed by CU Denver, CU Denver Housing & Dining, the Metropolitan State University of Denver, the Community College of Denver, and the Auraria Higher Education Center
20. **Mitigating Factor:** Extenuating circumstances that may be taken into account to reduce a sanction, but do not constitute a justification or excuse for the charged behavior
21. **Normal University Activity:** Any activity that regularly occurs or can be presumed to occur within a university setting and on the CU Denver campus,

- including, but not limited to, teaching, research, recreation, meetings, public events, and conduct proceedings
22. **Not Responsible:** A finding which indicates, using a preponderance of the information, that an individual student or organization is not accountable for the charged behavior
  23. **Parent:** A student's parent or legal guardian
  24. **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)
  25. **Policy:** The written regulations of the university or a local, state, or federal authority found in documents that include, but are not limited to, the CU Denver Student Code of Conduct, Laws and Policies of the Board of Regents, policies of CU Denver offices, the Lynx Crossing Resident Handbook, the university web page and computer use policy, graduate/undergraduate catalogs, expectations, protocols, and public health orders
  26. **Preponderance of Information:** The standard of proof used in all conduct proceedings under the CU Denver Student Code of Conduct, which means if it is *more likely than not* that a student engaged in a prohibited behavior, the student will be found responsible during the conduct process
  27. **Reporting Party:** Any person who submits a report, orally or in writing, alleging that a student violated the CU Denver Student Code of Conduct
  28. **Responsible:** A finding which indicates, using a preponderance of the information, that an individual student (or organization) is accountable for the charged behavior
  29. **Student:** Any person with a current or continuing academic relationship with CU Denver, including, but not limited to, a person taking full-time, part-time, non-degree seeking, and concurrent high school enrollment coursework at CU Denver, a person active in an academic program, a person pursuing undergraduate, graduate, or professional studies, a person admitted to or in the process of admission to CU Denver, and a person attending orientation at CU Denver
  30. **Support Person (or Advisor):** An individual selected by a student involved in the Student or Organizational Conduct Process who provides support, advice, and guidance to the student who is not another student involved in the incident(s) being addressed, including, but not limited to, a parent/guardian, partner, lawyer, staff or faculty from the university, therapist, and friend
  31. **University:** The University of Colorado Denver
  32. **University Employee:** Full-time, part-time and contract employees, and student workers of CU Denver, CU Denver Housing & Dining, and the Auraria Higher Education Center (AHEC) who are performing their duly authorized duties
  33. **Weapon:** An instrument of offensive or defensive combat, anything used or designed to be used in destroying, defeating, or injuring a person, an instrument designed or likely to produce bodily harm, including, but not limited to, 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 from which the blade can be opened by a flick of a button, pressure on the handle, or other mechanical contrivance

34. **Witness:** Any individual who may have information relating to a conduct case

35. **Working Day:** Any Monday through Friday, except for official university holidays

#### **G. Prohibited Student Behavior**

The following has been developed in accordance with CU Regent Law 7.B.1. and Regent Policy 7.B.1. All behaviors contained in this Student Code of Conduct are subject to the Student/Organizational Conduct Process.

1. Abusive Behavior: Engaging in any act or acts that, based on a reasonable person standard, would cause substantial emotional distress to the impacted party or parties, including, but not limited to:

- a. Verbal abuse
- b. Intimidation
- c. Coercion

NOTE: This policy should not be construed, and will not be enacted, to deny any student the right of free speech and expression.

2. Aiding and Abetting: Attempting to commit, aid, abet, or incite others to engage in behavior prohibited by law, the CU Denver Student Code of Conduct, the CU Housing & Dining Handbook, or other AHEC or university policies

3. Alcohol: Violating any local, state, federal, or university law, policy, or regulation pertaining to alcohol, including, but not limited to:

- a. Manufacturing, selling, or providing alcohol to an individual(s) under the age of 21
- b. Possessing or using alcohol while under the age of 21
- c. Using alcohol on campus, regardless of age, with the exception of responsible use at an authorized restaurant or event and in compliance with the CU Denver Housing & Dining policy
- d. Being in the presence of alcohol or alcohol use on campus when knowledge of the alcohol or alcohol use is reasonable with the exception of responsible use at an authorized restaurant or event and in compliance with the CU Denver Housing & Dining policy
- e. Using or possessing alcohol in the presence of an individual(s) under the age of 21 on campus, with the exception of responsible use at an authorized restaurant or event
- f. Attending classes or university functions under the influence of alcohol

4. Bullying: Engaging in severe aggressive behavior likely to intimidate or intentionally harm, control, or diminish another person, physically or mentally

5. Cyberbullying: Tormenting, threatening, harassing, humiliating, embarrassing, or otherwise targeting of another person by an individual using the internet, interactive and digital technologies, or mobile telephones
6. Disrupting Emergency Response: Engaging in any act(s) that interfere with, obstruct, or disrupt the response or official action of an emergency responder, including, but not limited to:
  - a. Interfering with the performance of police or fire department duties
  - b. Resisting arrest
  - c. Failing to abide by the directions of a police officer
7. Disruption: Materially and substantially interfering with, obstructing, or disrupting a normal university activity, including, but not limited to:
  - a. Behavior resulting in injury to persons or damage to property on the campus
  - b. Interference, obstruction, or disruption of the freedom of movement of students or other members of the university community and their guests
8. Driving Under the Influence: Driving under the influence of, or while one's ability is impaired by, alcohol, marijuana, or other illicit or prescription drugs
9. Failure to Comply: Failing to comply with the direction of employees of CU Denver, CU Denver Housing & Dining, and AHEC who are performing their duties
10. Failure to Report: Failing to report the behavior of another individual/student when that behavior may be a violation of any local, state, federal, or university law, policy, or regulation including, but not limited to, the CU Denver Student Code of Conduct, the CU Denver Housing & Dining Handbook, or other AHEC or university policies
11. False Information: Providing false or misleading information, including, but not limited to:
  - a. Making a false statement to emergency responders or an employee of CU Denver, CU Denver Housing & Dining, and AHEC who is performing their duties
  - b. Using a false identification or the identification of another to gain entrance to a facility or business
  - c. Forging, altering, falsifying, or misusing documents or records
  - d. Using or possessing forged, altered, or false documents or records
12. Fighting: Assaulting another person, being involved in a fight or brawl, or physically harming another person

13. Fire Safety: Violating local, state, federal, or campus fire policy, including, but not limited to:
- a. Intentionally or recklessly causing a fire
  - b. Tampering with, impairing, disabling, or misusing fire protection systems such as smoke detectors, fire extinguishers, sprinklers, and alarms
  - c. Failing to evacuate a university controlled building during a fire alarm
  - d. Improper use of university safety equipment
14. Hazing: Engaging in or planning any act, typically associated with belonging to a group of peers, 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, including, but not limited to:
- a. Paddling in any form
  - b. Inducement of excessive fatigue
  - c. Required exercise inconsistent with the mission of the organization, team, or group
  - d. Physical or psychological shocks
  - e. Personal servitude
  - f. Forced or coerced consumption
  - g. Forced or coerced engagement in public stunts, morally degrading or humiliating games and activities, drinking games, late work sessions, other unorganized activities, and other obligations that interfere with scholastic pursuits

NOTE: See Appendix 4 – Colorado Law Regarding Hazing

15. Illicit Drugs: Violating any local, state, federal, or university law, policy, or regulation pertaining to federally illegal drugs other than marijuana, including, but not limited to:
- a. Manufacturing, selling, providing, using, or possessing federally illegal drugs other than marijuana
  - b. Being in the presence of federally illegal drugs other than marijuana or drug paraphernalia when knowledge of the drugs or drug paraphernalia is reasonable
  - c. Attending classes or university functions under the influence of federally illegal drugs other than marijuana

NOTE: See Section G.17 for marijuana

16. Inhalants: Using household or industrial chemicals in a manner not intended by the manufacturer with the intention of getting high
- a. Also known as huffing, sniffing, or bagging

17. Marijuana: Violating any local, state, federal, or university law, policy, or regulation pertaining to marijuana, including, but not limited to:
- a. Manufacturing, selling, or providing marijuana without authorization or to an individual(s) under the age of 21
  - b. Possessing or using marijuana or drug paraphernalia while under the age of 21
  - c. Possessing or using marijuana, including medical marijuana, or drug paraphernalia on campus, regardless of age
  - d. Being in the presence of marijuana, marijuana use, or drug paraphernalia that violates policy when knowledge of the marijuana, marijuana use, or drug paraphernalia is reasonable
18. Attending classes or university functions under the influence of marijuana
19. Prescription Drugs: Violating any local, state, federal, or university law, policy, or regulation pertaining to prescription drugs, including, but not limited to:
- a. Manufacturing, selling, or providing prescription drugs
  - b. Possessing or using prescription drugs prescribed to another
  - c. Using prescription drugs in a manner not prescribed
20. Property Damage: Intentionally or recklessly damaging property that belongs to the university, an organization, or another person
21. Public Exposure: Deliberately and publically exposing one's intimate body parts including, but not limited to:
- a. Public urination and defecation
  - b. Mooning
  - c. Public sex acts
22. Retaliation: Engaging in retaliatory acts against another person
23. Rioting: Engaging in, inciting, or arming someone for a riot or public disturbance

NOTE: See Appendix 5 – Colorado Law Regarding Riots

24. Theft: Taking property of another without permission or possessing property known to be stolen, even with the intent to return the property
25. Threats: Threatening the health or safety of a person(s) that, based on a reasonable person standard, would cause the impacted person(s) distress
26. Unauthorized Presence or Access: Entering into, exiting from, being present in, or accessing property, including, but not limited to, buildings, vehicles,

belongings, and digital accounts and systems, that belongs to the university, an organization, or another person without authorization

27. Unauthorized Recording: Making an audio and/or visual recording of another person without the person's expressed permission when such recording could, based on a reasonable person standard, cause the impacted person(s) substantial emotional distress and the storing, sharing, or distribution of such recordings by any means
28. Violation of Law, Policy, or Regulation: Violating any local, state, federal, or university law, policy or regulation; which includes but is not limited to noncompliance with a public health order
29. Violating the CU Denver Housing & Dining Resident Handbook: Engaging in any act or acts that violate any policy or procedure listed in the CU Denver Housing & Dining Resident Handbook while on Lynx Crossing property, regardless of individual student's status as a resident or guest
30. Weapon: Possessing firearms, explosives, fireworks, incendiary devices, ammunition, or other weapons on campus except as permitted by law, or the possession of a harmless instrument designed to look like a firearm, explosive, or dangerous weapon with the intent to cause fear in or assault to another person

NOTE: See [Regents Policy 14I](#)

- a. Students, faculty, and staff possessing a valid Concealed Handgun Permit are allowed to carry concealed handguns on campus in accordance with the law.
- b. CU Denver Housing & Dining does not permit handguns regardless of an individual's possession of a Concealed Handgun Permit.

## **H. Student Conduct Process**

Formal rules of process, procedure, or evidence as established and applied to the civil or criminal justice system do not apply to this process. Instead, the following procedures will be used for student conduct proceedings when one or more individual students may have engaged in one or more prohibited student behaviors as outlined in Section F of this document or any other local, state, federal, or university law, policy, or regulation (hereafter referred to as: Prohibited Student Behavior). This process could be conducted in consultation with the Office of University Counsel.

For reports/incidents involving allegations of sexual misconduct, discrimination, and bias including, but not limited to, sexual assault, sexual harassment, intimate partner violence, and stalking, and/or nondiscrimination, accompanied by other alleged violations of the CU Denver Student Code of Conduct, the Office of Equity and the Office of Student Conduct and Community Standards will determine the most appropriate way

to address these incidents. For more information about the University's Sexual Misconduct and Nondiscrimination process and procedures visit the [Office of Equity website](#).

### **1. Report Received**

The student conduct process can be initiated by a written or oral account of an incident (a "report") to the Office of Student Conduct and Community Standards, including, but not limited to, police reports, CU Denver Housing & Dining incident reports, and accounts from any university employee, student, or other member of the university or campus community.

Upon receipt of a report, the Director of Student Conduct and Community Standards (Director) or their designee will determine if the behavior alleged may be a Prohibited Student Behavior in accordance with this Code of Student Conduct.

- a. If the behavior would be a Prohibited Student Behavior, the Student Conduct Process will continue.
  - I. In some cases, an 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 the agreements reached during the process 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 the student conduct process.
- b. If the behavior would not be a Prohibited Student Behavior, the may be notified, the incident will be documented, and the case will be closed.

### **2. Conduct Conference Notice**

All allegations shall be presented to the alleged student in a Conduct Conference Notice provided by the Conduct Educator in electronic form to the student's official CU Denver email address.

- a. This notice will include:
  - I. A description of the alleged prohibited student behavior and violation.
  - II. The CU Denver Student Code of Conduct provision(s) that are alleged to have been violated.
  - III. Instructions on how to request copies of records obtained from outside agencies.
  - IV. An explanation of the student conduct process.
  - V. Information on how to obtain or review the initiating report(s).
  - VI. The Conduct Conference date, time, and location.
- b. The notice may contain specific requirements or restrictions pending the resolution of the matter through the student conduct process to protect the

interests of involved students, other members of the campus community, or the university, and could include, but are not limited to:

- I. Temporary relocation in student housing
  - II. Restriction from specific campus locations
  - III. Orders prohibiting contact with the reporting party or witnesses
  - IV. Interim suspension from the university
- c. "Notice" to student is considered effective when the Conduct Conference Notice is sent to the student's official CU Denver email address.

### **3. Conduct Conference**

Conduct Conferences will be facilitated by university Conduct Educators to assist in the determination of responsibility and the identification of appropriate sanctions if the student is found responsible. Conduct Conferences will focus on a balance between student success and the safety of the campus community. Topics of discussion may include, but are not limited to: the reported incident from the student's perspective, the student's motivation behind their behavior, the student's goals and progress toward achieving those goals, potential harm to the campus community, and subsequent repair of the harm.

If the student is unable to participate in the conduct process due to incarceration or hospitalization (or similar circumstances) the conduct process will be paused until the student can participate in the process. A conduct hold will be placed on the student's record to assure the conduct process takes place once they are able to participate.

Conduct Conferences will be facilitated according to the following guidelines:

- a. Conduct Conferences are scheduled no less than three (3) working days nor typically more than fifteen (15) working days after the Conduct Conference Notice was sent to the student.
  - I. If less than the three (3) day minimum is necessary from the student's perspective, such an expedited process would require mutual agreement between the student and the Conduct Educator and a signed Waiver of Due Process by the student.
  - II. If an expedited process is deemed necessary by the Conduct Educator for reasons including, but not limited to, the end of the semester, the student's pending graduation, and substantial concern for the health, safety, or welfare of a member of the university community, the Conduct Educator may require that the Conduct Conference occur within a shortened timeframe.
  - III. If the student is unable to participate in the conduct process due to incarceration or hospitalization (or similar circumstances) the conduct process will be paused until the student can participate in the process. A conduct? Disciplinary? hold will be placed on the student's

record to assure the conduct process takes place once they are able to participate.

- b. Conduct Conferences are typically held in person and at a time scheduled by the Conduct Educator; however, in times of health and safety concerns (or other circumstances deemed appropriate), a Conduct Educator may alter the meeting time based on the student's availability and/or hold the meeting remotely via telephone or by utilizing an audio/video digital platform (platform to be determined by the conduct educator).
- c. The reporting party and/or students alleged to have engaged in Prohibited Student Behavior(s) may each be accompanied by one (1) support person (advisor) during their respective parts of the Student Conduct Process.
  - I. A Support person must be selected by the individual; the Office of Student Conduct and Community Standards will not select a support person for the process.
    - i. The individual is responsible for selecting a support person whose schedule allows attendance at the originally scheduled Conduct Conference.
  - II. A Support person is not permitted to speak for or on behalf of the individual at any time.
    - i. With permission from the Conduct Educator, a support person may make a statement and/or ask questions of the student to present relevant information that informs the student conduct process.
  - III. The Conduct Educator reserves the right to remove the support person at any time should the support person not adhere to the guidelines established or if the support person becomes a disruption to the Student Conduct Process.
  - IV. Inclusion of any individual other than the student(s) involved in a Conduct Conference and student's support person shall be at the discretion of the conduct educator, and all parties will be notified in advance of additional participants.
- d. If an incident involves more than one alleged student, the Conduct Educator will determine if the Conduct Conferences will be conducted jointly or separately.
- e. Any information and meeting involved in the Student Conduct Process falls under the guidance of the Family Educational Rights and Privacy Act (FERPA) and is therefore is considered private, educational interactions between the student(s) and the university. Deliberation between university officials within this process are closed.
- f. Pertinent records, exhibits, and written statements, including personal impact statements, may be accepted as information for consideration. The reporting party and the alleged shall be allowed to present their own version of the incident.

- I. Reports may be redacted in order to protect the privacy of educational records of all parties involved.
- g. If information presented in the Conduct Conference creates additional need for clarification or investigation, the Conduct Educator may schedule additional meetings.
- h. The Conduct Educator will consider making adjustments to a proposed Conduct Conference structure if appropriate based on concerns for personal safety, well-being, and/or fears of confrontation between involved parties during the Conduct Conference.
- i. Accommodations may 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. Information regarding this process is included in every Conduct Conference Notice.
- j. If the alleged does not appear for the scheduled Conduct Conference, a decision may be made in their absence based on the totality of the information related to the alleged violations available at the time of the decision.

#### 4. Decision

After the Conduct Conference concludes or the alleged fail to participate in the Conduct Conference, the Conduct Educator will review all pertinent information and make a determination related to each of the specific allegations from the CU Denver Student Code of Conduct.

- a. The determination is based on the preponderance of information standard, whether it is more likely than not that the alleged engaged in the identified Prohibited Student Behavior(s).
  - I. If the alleged is found **responsible** for one or more alleged Prohibited Student Behaviors (i.e. a violation of the Student Code of Conduct), the Student Conduct Process will continue with sanctions.
  - II. If the alleged is found **not responsible** for all alleged prohibited behaviors, the Student Conduct Process will end and the case will be closed. A decision letter will be sent to the alleged.

#### 5. Sanctions

Sanctions are imposed when a student is found responsible for one or more violations of the Student Code of Conduct and are based upon a consideration of all of the circumstances in a particular case including, but not limited to, the individual student's prior conduct history, mitigating and aggravating factors, the severity of the violation, and the impact on individuals or the campus and greater community.

- a. Repeated violations are likely to result in progressively severe sanctions.
- b. One or more sanctions 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.

- c. All decisions regarding responsibility and appropriate sanctions will be provided to a student in writing in electronic form to the student's official CU Denver email address.
- d. The following types of sanctions may be applied when appropriate to individual students.
  - I. Advocacy Sanctions: sanctions that may seem to be disconnected to the Prohibited Student Behavior but are intended to help the student be successful at CU Denver
  - II. Educational Sanctions: sanctions that aim to help a student learn information about a specific topic, including, but not limited to, reflection or research papers, and educational courses about alcohol and marijuana
  - III. Disciplinary Sanctions: sanctions that acknowledge that the behavior does not meet community expectations, or that provide boundaries to help prevent the behavior from occurring again in the future, including, but not limited to, restitution, parent/guardian notification, probation, housing removal, suspension, and expulsion
    - i. Disciplinary suspension and expulsion result in a transcript notation and these sanctions apply to all University of Colorado campuses in accordance with Regent Policy 7.B.

## 6. Conduct Decision Letter

Written notice of the conduct educator's decision in a Conduct Decision Letter will generally be sent to the student within fifteen (15) working days of the Conduct Conference. The Conduct Decision Letter shall be sent electronically to the student's official CU Denver email address.

- a. If a student is found **responsible** for one or more violations of the student code of conduct, the Student Conduct Process will continue, and the notice will consist of:
  - I. The determination of responsibility.
  - II. A complete description of any sanctions or requirements.
  - III. A summary of the basis for the determination.
- b. If a student is found **not responsible** for all alleged prohibited behaviors, the Student Conduct Process concludes, and the notice will consist of:
  - I. The determination of no responsibility.
  - II. A summary of the basis for the determination.
  - III. The case will be closed

Conduct Educators may communicate conduct outcomes to the reporting party and with appropriate campus offices when relevant to academic, financial, student involvement, or issues specific to FERPA guidelines.

## 7. Appeal of Decision

A student who is found **responsible** for Student Conduct Code violation(s) may appeal the Conduct Decision to the Dean of Students or their designee (Appeal Reader) by submitting a written request for an appeal through the [CU Denver Student Conduct Appeal Form](#).

- a. The appeal form must be submitted within three (3) working days of the date the student requesting an appeal (the “appellant”) is issued the Conduct Decision Letter by the Conduct Educator.
  - I. Failure to submit a request for appeal within the specified time will render the decision of the Conduct Educator final and conclusive.
  - II. An extension may be granted upon appellant’s written request at the discretion of the Appeal Reader.
- b. The appeal must be specific and clearly state the reasons for the request. Except as necessary to explain the basis of new information, an appeal shall generally be limited to a review of the record of the Conduct Conference and supporting documents for one or more of the following reasons:
  - I. To determine whether the **Conduct Conference was not conducted fairly** in light of the charges and information presented and in conformity with proscribed procedures giving both the alleged and reporting parties the opportunity to prepare and present relevant information to be considered in the determination of an appropriate outcome.
    - i. 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 Conduct Conference.
  - II. To determine whether the **sanction(s) imposed were appropriate** for the student code of conduct violation(s) for which the student was found responsible.
  - III. To consider **new information** sufficient to alter the Conduct Decision, or other relevant facts not brought out in the original Conduct Conference, because such information and/or facts were not known to the appellant at the time of the original Conduct Conference.
    - i. Information that was known to the appellant, but not presented during the Conduct Conference will not be accepted.
- c. The Appeal Reader will review the written request for appeal to determine if one or more of the acceptable grounds for the appeal are met.
  - I. If the appeal does not meet one or more of the acceptable grounds for appeal, the appeal will be denied, and the matter shall be considered final and binding upon all involved.
  - II. If the appeal meets one or more of the acceptable grounds for appeal, the Appeal Reader will do one of the following:
    - i. Affirm the decision, meaning that the Appeal Reader agrees that the information supports the decision reached by the

conduct educator, and the matter shall be considered final and binding upon all involved.

- ii. Return the case to the original conduct educator or another conduct educator (if available) for further consideration, meaning that the student conduct process will begin again and address any concerns that arose from the appeal criteria.
  - iii. Overturn the decision or adjust the sanctions assigned by the conduct educator, and the matter shall be considered final and binding upon all involved.
- d. The Appeal Reader will communicate their decision in writing electronically to appellant's official CU Denver email address generally within fifteen (15) working days unless circumstances exist that require additional time for the decision to be made.
- I. If an extension is necessary, the parties involved will be notified accordingly.

#### **8. Completion of Sanctions**

The Student Conduct Process concludes when all sanctions assigned by the Conduct Educator or Appeal Reader have been successfully completed by the student.

1. Conduct Educators reserve the right to inform a student that an attempt at sanction completion does not meet the expectations outlined in the Conduct Decision Letter.
2. Failure to complete sanctions within required deadlines will result in a conduct hold being placed on the student's registration status and/or additional conduct charges that will initiate a new process based on the student conduct process.

#### **H. Organizational Conduct Process**

Organizations registered with the CU Denver Office of Student Life & Campus Community are required to abide by the CU Denver Student Code of Conduct. Behavior displayed in connection to, on behalf of, or organized by a registered student organization, or behavior engaged in by one or more individual(s) who are members of a registered student organization that potentially indicates one or more prohibited student behaviors as outlined in Section F of this Code or any other local, state, federal, or university law, policy, or regulation (hereafter referred to as: prohibited student behaviors) could result in the organization being involved in the Organizational Conduct Process.

The initiation of the Organizational Conduct Process does not prohibit the Office of Student Conduct and Community Standards from initiating the Student Conduct Process outlined in Section G of this Code in connection to the behavior of individual student(s) who may have engaged in one or more prohibited student behaviors or any other local, state, federal, or university law, policy, or regulation.

The following procedures will be used during the Organizational Conduct Process.

For incidents involving allegations of sexual misconduct, discrimination, and bias including, but not limited to, sexual assault, sexual harassment, intimate partner violence, and stalking, and/or nondiscrimination, accompanied by other alleged violations of the CU Denver Student Code of Conduct, the Office of Equity and the Office of Student Conduct and Community Standards will determine the most appropriate way to address these incidents. For more information about the University's Sexual Misconduct and Nondiscrimination process and procedures visit the [Office of Equity website](#).

## **1. Report Received**

- a. The Organizational Conduct Process can be initiated by any written or oral account of an incident to the Office of Student Conduct and Community Standards or the Office of Student Life & Campus Community, including, but not limited to, police reports, CU Denver Housing & Dining incident reports, and accounts from any university employee, student, or other member of the university or campus community. The above mentioned offices will communicate with each other regarding the existence of a report involving a registered student organization.
- b. Upon receipt of a report, the Director of Student Conduct and Community Standards (Director) or their designee will determine if the behavior alleged may be a Prohibited Student Behavior.
  - I. If the behavior would be a violation of prohibited student behavior, the Organizational Conduct Process will continue.
    - i. In some cases, an 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 the agreements reached during the process will be sent. 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.
  - II. If the behavior would not be a Prohibited Student Behavior, the reporting party will be notified, the incident will be documented, and the case will be closed.

## **2. Initial Investigation**

- a. The Director or their designee will select one or more staff members to facilitate the investigation (Facilitator).
- b. The Facilitator(s) shall conduct a preliminary review into any alleged violation(s) to determine if interim restrictions, including, but not limited to, interim suspension of the organization, no contact orders between all

members of an organization, and no contact orders between specific individuals, will be assigned.

- I. Interim restrictions may be deemed necessary to protect the health or safety of members of the CU Denver community, or to protect the integrity of the investigation.
- c. The Facilitator(s) shall conduct an initial investigation into any alleged violation(s) to establish a timeline of events and determine whether to initiate the Conduct Conferences with relevant organization members.
  - I. The initiation of an investigation, the alleged violations, and any interim restrictions will be communicated via email based on official CU Denver email records to the president of the involved organization and any students, advisors, or other stakeholders who have a specific need to know, including, but not limited to, the alleged, reporting parties, witnesses, the national organization's office headquarters, and other appropriate university officials.
- d. The Facilitator(s) will hold investigative meetings with involved parties, including, but not limited to, the alleged, the reporting party, witnesses, and any other relevant individuals.
  - I. Individuals who are requested to attend an investigative meeting have the right to decline the opportunity to have their perspective heard.
  - II. The Office of Student Life & Campus Community may determine that any individual who does not participate in an investigative meeting may be interim suspended from participation in any registered student organization.
- e. After the investigative meeting and upon completion of the initial investigation, the Facilitator(s) will provide a summary of investigative findings to the Director or their designee.
- f. The Director or their designee reviews the summary of investigative findings to determine if continuing the Organizational Conduct Process is warranted.
  - I. If the summary of investigative findings indicates that, based on the preponderance of information standard, behavior that occurred is a Prohibited Student Behavior, the Organizational Conduct Process will continue.
  - II. If the summary of investigative findings indicates that, based on the preponderance of information standard, behavior that occurred is not a Prohibited Student Behavior, the investigated parties, advisors, other stakeholders, and the reporting parties will be notified and the case will conclude.
  - III. If the summary of investigative findings indicates that, based on the preponderance of information standard, individuals have displayed behaviors that are allegedly Prohibited Student Behavior, the Student Conduct Process will be initiated with the involved students

if that process has not already been initiated by the Office of Student Conduct and Community Standards.

### **3. Organizational Conduct Conference Notice**

- a. All allegations against a registered student organization shall be presented to the president of the said organization based on the records held by the Office of Student Life & Campus Community via email.
  - I. A copy of the Organizational Conduct Conference Notice will be sent to the following individuals as applicable:
    - i. Faculty/staff advisor of the registered student organization based on the records held by the Office of Student Life & Campus Community
    - ii. The national organization's office headquarters
    - iii. Other appropriate university officials
  - II. This notice to the president, and will set will include:
    - i. Information on how to obtain or review the official summary of investigative findings (redacted as legally necessary)
    - ii. The date, time, and location for the Conduct Conference
    - iii. A description of the alleged behavior and violation
    - iv. The Prohibited Student Behavior(s) that are alleged to have been engaged in
    - v. Instructions on how to request copies of records obtained from outside agencies
    - vi. An explanation of the Organizational Conduct Process
  - III. Organizational Conduct Conferences are scheduled not less than three (3) working days nor typically more than fifteen (15) working days after the president of the organization has been sent the Organization Conduct Conference Notice. If less than the three (3) day minimum is necessary in the president's perspective, such an expedited process would require mutual agreement between the president and the Conduct Educator and a signed Waiver of Due Process by the president.
    - i. Expedited Process – When the Conduct Educator determines that a prompt review is essential (e.g., end of the semester, 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 Organization Conduct Conference occur within a much shorter period of time.
  - IV. The Organizational Conduct Conference Notice may reiterate previously initiated restrictions or sanctions and/or assign new interim restrictions pending the resolution of the matter.

#### **4. Conduct Conference**

Conduct Conferences shall be facilitated by a university Conduct Educator according to the following guidelines:

- a. The purpose of the Conduct Conference is focused on a balance between student organization success and the safety of students and the campus community. The organization's president, or another member of the organization in the instance that the president cannot perform this duty, and the Conduct Educator will have a face-to-face discussion. However, in times of health and safety concerns (or other circumstances deemed appropriate), a Conduct Educator may alter the meeting time based on the student's availability and/or hold the meeting remotely via telephone or by utilizing an audio/video digital platform (platform to be determined by the conduct educator). The organization's president will be expected to honestly discuss the incident to the best of their understanding as the organization's leader, goals the organization has set, the progress toward achieving those goals, the organization's responsibility and/or involvement in the 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.
- b. The organization's president may be accompanied by one support person of their choosing during the Conduct Conference (this person cannot be a student who was involved in the incident).
- c. If it is determined by the Conduct Educator that more members of the recognized organization should be involved in the Organizational Conduct Conference, the Conduct Educator may hold Conduct Conferences either jointly or separately.
- d. Conduct Conferences, investigative meetings, and administrative meetings are considered private, educational interactions between the student(s) and the university. The alleged and their support person shall be allowed to attend the Organizational Conduct Conference(s). Inclusion of any other person in the Organizational Conduct Conference(s) 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.
- e. If the organization's president does not appear for the scheduled Organizational Conduct 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.
  - I. The Conduct Educator may inform the Faculty/staff advisor of the registered student organization, national organization, and/or other relevant university officials if the president does not appear.
- f. If information presented in the Organizational Conduct Conference creates additional need for clarification or investigation the Conduct Educator may seek more information, which may include, but is not limited to, scheduling

additional meetings and requesting that the Facilitator provide additional detail.

- g. The Conduct Educator may accommodate availability and/or remote location of the alleged, the reporting party, 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 reporting party, the alleged, and/or other witness during the Conduct 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.
- h. Formal rules of process, procedure, or evidence as established and applied in the civil or criminal justice system do not apply to this process.

## **5. Decisions**

- a. After the Organizational Conduct 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 or any other local, state, federal, or university law, policy, or regulation. The determination is based on the preponderance of information standard, whether it is more likely than not that the alleged engaged in a prohibited student behavior or any other local, state, federal, or university law, policy, or regulation.
- b. Written notice of the conduct educator's decision will typically be sent to the president within fifteen (15) working days of the Organizational Conduct Conference via email to the president of the organization's official CU Denver email account. The notification shall consist of the determination of responsibility, and a complete description of any sanctions or requirements. If the recognized organization is found responsible for the charges, the notification will also include a summary of the basis for the determination.
- c. Conduct educators may communicate conduct outcomes with appropriate campus offices when relevant to academic, financial, student involvement, or safety issues.

## **6. Sanctions**

- a. Sanctions imposed when an organization is found responsible for one or more violations of the Student Code of Conduct will be based upon a consideration of all of the circumstances, including the individual organization's prior conduct history. Mitigating and aggravating factors will be considered. Repeated violations are likely to result in progressively severe sanctions.
- b. In all cases, the Conduct Educator reserves the right to use their discretion in determining the appropriate sanction(s) for a case.

- c. The Conduct Educator may consult with the Office of Student Life & Campus Community.
- d. The following describe the types and examples of sanctions that may be assigned when appropriate. Failure to complete disciplinary sanctions within required deadlines will result in the Office of Student Life & Campus Community removing the organization's registered student organization status.
  - I. Advocacy Sanctions: sanctions that may seem to be disconnected to the prohibited student behavior but is intended to help an organization be successful at CU Denver
  - II. Educational Sanctions: sanctions that aim to help an organization learn information about a specific topic, including, but not limited to, reflection or research papers, policy development, and educational courses
  - III. Disciplinary Sanctions: sanctions that acknowledge that the organization's members behavior does not meet community expectations or provide boundaries to help prevent the behavior from occurring again in the future, including, but not limited to, restitution, probation, suspension as related to the student organization

## 7. Appeal of an Organization Conduct Decision

- a. A student organization found responsible for a violation of the Student Code of Conduct may appeal the decision if at least one of the criteria listed below is satisfied.
- b. The Appeal Panel shall consist of the Assistant Vice Chancellor for Student Community and the Dean of Students.
- c. Except as necessary to explain the basis of new information, an appeal shall generally be limited to a review of the record of the Organization Conduct Investigation, Organization Conduct Conference(s), and supporting documents for one or more of the following reasons:
  - I. To determine whether the **Organizational Conduct Conference(s) was/were conducted fairly** in light of the charges and information presented, and in conformity with proscribed procedures giving both the alleged and reporting 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 Organizational Conduct Conference.
  - II. To determine whether the **sanctions(s) imposed were appropriate** for prohibited organizational behavior or any other local, state, federal, or university law, policy, or regulation which the recognized

- student organization was found to have violated.
- III. To consider **new information** sufficient to alter the decision, or other relevant facts not brought out in the original Organizational Conduct Conference, because such information and/or facts were not known to the appealing organization at the time of the original Organizational Conduct Conference. NOTE: This does not include information that was known by the organization at the time of the Organizational Conduct Conference but was not shared.
- d. If the organization wishes to appeal the decision (the appellant organization), the appellant organization must 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) working days of the date the Conduct Decision Notice is sent to the appellant organization 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 of the appellant organization at the discretion of the Appeal Panel?.
- e. The Appeal Panel will review the written request for appeal to determine if the acceptable grounds for the appeal are met.
- I. If one or more of the acceptable grounds for appeal is not satisfied, the appeal will be denied.
- II. If one or more of the acceptable grounds for appeal document is satisfied, the Appeal Panel shall take one of the following actions:
- i. Affirm the decision: the Appeal Panel agrees that the information before him or her supports the decision reached by the conduct educator.
- ii. Return the case to the original Conduct Educator, or another conduct educator for further consideration.
- a. If an appeal is returned to a Conduct Educator to consider new information, the general organization Conduct Process will be used.
- iii. Overturn the decision or adjust the sanctions assigned by the original Conduct Educator.
- f. The Appeal Panel will communicate their Appeal Decision to appellant in writing electronically to appellant's official CU Denver email address 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 after the Appeal Decision is issued, unless the matter is returned to the Conduct Educator for further consideration.

## **I. Additional Information**

### **1. Disciplinary Records**

- a. Student disciplinary records will be maintained in accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA) and subsequent amendments and the guidelines for implementation. The student and/or those university officials who demonstrate a legitimate educational need for disciplinary information may have access to the student's conduct record.
  - I. Every student may review, upon request, the contents of their conduct record, to the extent permitted by law.
    - i. Students may submit a [Request to Inspect Records form](#).
    - ii. The Student Conduct and Community Standards Office will comply with a request within a reasonable time frame, not to exceed 45 days.
      - a. Parts of the records may be redacted if the record contains information related to other students or other information which is protected under FERPA or other applicable laws.
  - II. Parent/guardian 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 record without the student's consent. In this case, guardians may have access to a conduct record even if the student has requested otherwise.
  - III. Parent/guardian may be notified if a student under 21 years of age and is found responsible for a violation involving alcohol or other drugs.
  - IV. 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 any student conduct records is granted.
  - V. 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. This 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.
  - VI. When a student chooses to transfer to other institutions of higher education, FERPA allows reporting of educational records. CU Denver will provide conduct records when requested by the other institution for students seeking admittance to other schools, and will not report said requests to the student.

- b. The record of disciplinary actions will be kept by the Office of Student Conduct and Community Standards. Conduct records are actively maintained for a minimum period of seven (7) years from the date that the conduct case is concluded.
  - I. Suspension and expulsion records will be kept indefinitely. There is no process to have conduct records expunged prior to this timeframe or to have suspension and expulsion records expunged.
  - II. Suspension is noted on official transcripts until the suspension, including any additional or associated sanctions, is completed.
  - III. Expulsion is a permanent notation on the official transcript.

## **2. Refund Policy After Disciplinary Action**

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. Should a student wish to appeal their tuition charges, they may complete the tuition appeal process through the university. This is a separate process and will not be initiated by the university on the student's behalf. The student is solely responsible for initiating a tuition appeal.

*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.*

## **Appendix 1**

### **Student Infectious Disease Mitigation Protocols**

1. Purpose and scope of Student Conduct Code
  - a. The health and safety of members of the university community are the primary concerns of CU Denver. To this end, CU Denver has instituted protocols for students pertaining to the mitigation of the spread of infectious disease. The Office of Student Conduct and Community Standards outlines prohibited conduct for students to provide the structures necessary to maintain an in-person academic experience, while mitigating the spread of infectious disease.
  - b. Within the Student Code of Conduct there are three specific statements of prohibited behavior which apply to noncompliance of the established to mitigate the spread of disease (See Section G of the Code):
    - a. G.8 - Disruption: Materially and substantially interfering with, obstructing, or disrupting a normal university activity.
    - b. G.10 - Failure to Comply: Failing to comply with the direction of employees of CU Denver, CU Denver Housing & Dining, and AHEC who are performing their duties.
    - c. G.27 - Violation of Law, Policy, or Regulation: Violating any local, state, federal, or university law, policy or regulation which includes noncompliance with a public health order
2. Beyond the expectations found in the student code of conduct and to mitigate the risk of spread of infectious diseases, students are strongly encouraged to take personal responsibility for the health and safety of themselves and others by following these recommendations:
  - a. Educating oneself about the infectious disease and following all CDC guidelines. Information about the COVID-19 pandemic can be found here:  
<https://www.cdc.gov/coronavirus/2019-ncov/index.html>
  - b. Understanding the local, regional, and statewide recommendations. These can be found here:
    - a. <https://www.colorado.gov/cdpheii>
    - b. <https://www.denvergov.org/content/denvergov/en/covid-19.html>
    - c. Understanding the campus protocols. These can be found here:  
<https://www.ucdenver.edu/safe-return-to-campus-fall-2020>
  - c. If contacted by an individual performing contact tracing, students are strongly urged to participate in a timely manner.
  - d. Monitoring public health orders and university policies and ensure that one is informed of their requirements and recommendations as they are updated.
3. Reasonable Accommodations to the Student Code of Conduct:
  - a. If a student feels they may require an accommodation due to a disability in order to comply with all or parts of these protocols, they should contact Office of Disability Resources and Services (DRS) at [disabilityresources@ucdenver.edu](mailto:disabilityresources@ucdenver.edu).

DRS will go through their normal accommodation process and provide a student with an accommodations letter if appropriate.

- b. If a student feels they may require an accommodation due to religion or creed in order to comply with all or parts of these protocols, they should contact The Office of Equity at [equity@ucdenver.edu](mailto:equity@ucdenver.edu).

## **Appendix 2**

### **Parent/Guardian Contact Policy Pursuant to FERPA**

If a Parent or guardian contacts CU Denver 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 website, and this link to the [Release of Information](#).

When CU Denver is aware of an alcohol or drug overdose requiring hospitalization, and the student is personally unable to make contact with family, an informed CU Denver 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. This request must be made in writing to the Conduct Educator prior to the Conduct Decision Letter being issued in the conduct 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 3**

#### **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 Provision 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 CU Denver’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 their own 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 CU Denver/AHEC? staff to act as required at the time of an alleged violation of University standards or state or local laws.

## **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.

## **Appendix 5**

### **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."