



Gender Equity, Sexual Misconduct and Relationship Violence Policy and Procedures

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PURPOSE AND PROHIBITED CONDUCT

Naropa University is committed to cultivating a university environment free of harassment, discrimination and violence and will take steps to prevent such conduct, its reoccurrence and discriminatory effects on members of the Naropa community. The University does not tolerate discrimination on the basis of sex, gender or gender identity/expression in its education programs and activities. In accordance with this commitment, the following conduct is prohibited conduct:

- a. gender discrimination
- b. sexual harassment
- c. sexual assault
- d. sexual exploitation or coercion
- e. dating violence
- f. domestic violence
- g. stalking
- h. retaliation

Title IX of the Education Amendments of 1972 (Title IX) prohibits the discrimination on the basis of sex in education programs or University activities, regardless of whom is the perpetrator. Gender Discrimination includes, but is not limited to, Sexual Assault and Sexual Harassment. Naropa University is firmly committed to impartial investigations and addressing all Gender Discrimination complaints under all circumstances, including when there is a pending criminal investigation or prosecution. The University is also committed to protecting victims of opposite and same-sex relationship violence and shall complete impartial investigations addressing

instances of relationship violence, including dating violence, domestic violence and stalking, under all circumstances, including when there is a pending criminal investigation or prosecution. The University reviews these procedures on a biennial basis to ensure the University is acting to prevent and stop gender discrimination, sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence, stalking and retaliation.

LEGAL BASIS

Federal regulations implementing Title IX of the 1972 Education Amendments, 20 U.S.C. 1681et seq., require educational institutions that receive federal funds to provide a prompt and equitable procedure for resolving complaints of sex discrimination that impair an individual's ability to participate in or benefit from College programs or activities. Sexual Harassment and Sexual Misconduct, as defined in this Policy and various University conduct codes, are forms of Gender Discrimination prohibited by Title IX. Additionally, the Violence Against Women Reauthorization Act of 2013 (VAWA) requires the University to provide a prompt and equitable procedure for resolving complaints of dating violence, domestic violence and stalking.

The Gender Equity, Sexual Misconduct and Relationship Policy and Procedures provide the only mechanism by which such claims can be investigated and addressed. In the event that parties have multiple claims against each other, one of which includes a claim under this policy, the procedures and appeals processes contained herein shall control over any other Judicial Procedures. The term "Gender Discrimination," as used throughout this document includes, but is not limited to, Sexual Assault and Sexual Harassment.

APPLICATION

This policy and procedure applies to all Naropa University employees (faculty, staff, and student employees), students, and other persons who are contractually obligated to comply with the University's policies, such as contractors, vendors, and those engaged to further the interests of the University. This policy applies to all areas of the University's programs and activities, both on and off premises, including but not limited to classes, on-campus housing, university events, and co-curricular activities. This policy applies to conduct occurring off-campus that has the continuing effect of creating a hostile environment on campus. The University will process a complaint under this policy regardless of where the conduct occurred.

POLICY DEFINITIONS AND GENERAL TERMS

For the purpose of the Gender Equity, Sexual Misconduct and Relationship Violence Policy and Procedure, the following definitions¹ apply:

¹ Definitions under Colorado Revised Statutes are available at: <http://www.lexisnexis.com/hottopics/colorado/> and www.naropa.edu/Gender-Equity

1. **Coercion.** Exists when a sexual initiator engages in sexually pressuring and/or oppressive behavior that violates norms of respect in the community, such that the application of such pressure or oppression is intended to coerce or actually causes the object of the behavior to engage in unwanted sexual behavior. Coercion may be differentiated from seduction by the repetition of the coercive activity beyond what is reasonable, the degree of pressure applied, environmental factors such as isolation, and the initiator's knowledge.
2. **Complainant.** A party that makes a Complaint related to a Respondent's alleged violation of Policies.
3. **Consent.** Informed, freely and actively given, mutually understandable words or actions which indicate a willingness to participate in mutually agreed upon sexual activity. Consent is not effectively given if it results from the use of physical force, threats, intimidation, or coercion.
 - a. It is the responsibility of the initiator, or the person who wants to engage in the specific sexual activity to make sure that he or she has consent from their partner(s).
 - b. Consent to some form of sexual activity does not necessarily imply consent to other forms of sexual activity.
 - c. Consent to sexual activity with one party does not equal consent to sexual activity with others.
 - d. The initiator must obtain consent at every stage of sexual interaction. Consent will be determined using both objective and subjective standards. The objective standard is met when a reasonable person would consider the words or actions of the parties to have manifested an agreement between them to do the same thing, in the same way, at the same time, with one another. The subjective standard is met when a party believes in good faith that the words or actions of the parties manifested an agreement between them to do the same thing, in the same way, at the same time, with one another.
 - e. A person who is the object of Sexual Assault is not required to physically or otherwise resist a sexual aggressor.
 - f. Silence, previous sexual relationships, and/or the existence of a current relationship with the Respondent do not imply consent.
 - g. Consent cannot be implied by attire, or inferred from the giving or acceptance of gifts, money, or other items.
 - h. Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly. Withdrawal of consent can be done in numerous ways and need not be a verbal withdrawal of consent.
 - i. A Respondent's intentional use of alcohol/drugs does not excuse a violation of policy.
 - j. Consent may never be given by:
 - i. A minor to an adult.
 - ii. Mentally disabled persons when the mental disability is known or reasonably should have been known.

- iii. Physically incapacitated persons when the incapacitation is known or reasonably should have been known to the initiating party that the person is incapacitated due to illness, consumption of alcohol or drugs, is unconscious, etc.

4. **Dating Violence.** Violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim, and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- i. The length of the relationship
- ii. The type of relationship
- iii. The frequency of the interaction between the persons involved in the relationship

5. **Dean of Students.** The Dean is located in the Office of Student Affairs and is, in addition to the Title IX Coordinator, designated by Naropa University to be responsible for taking Complaints regarding prohibited conduct under this policy from students, investigations when requested and determination and administration of sanctions for student violations of this policy.

6. **Domestic Violence.** Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

7. **Gender Discrimination.** Under Title IX, gender discrimination occurs when an individual suffers an adverse consequence, such as failure to be hired or promoted, denial of admission to an academic program, lack of academic reward or advancement, etc. on the basis of their gender, sex, and/or gender identity/expression. Gender Discrimination also includes Sexual Assault or Sexual Harassment as well as discrimination on the basis of parental, family or marital status or that excludes pregnant or parenting students from participation in educational activities.

8. **Force.** The use of physical violence and/or imposing on someone physically, including threats, intimidation, and coercion that overcome resistance to produce consent.

9. **Harassment.** Verbal or physical conduct based upon an individual's protected class status that unreasonably interferes with that individual's work or academic performance or creates an intimidating or hostile work or educational environment.

10. **Intercourse.** Vaginal or anal penetration by a penis, object, tongue or finger and oral copulation (mouth to genital contact or genital to mouth contact).

11. **Intimate Partner Violence ("IPV").** Physical, sexual or psychological harm by a current or former partner or spouse. IPV is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power or control over another intimate partner. IPV can vary in frequency and severity. It occurs on a continuum, ranging from one hit that may or may not impact the victim to chronic, severe battering.

12. **Investigator.** A party appointed to investigate an alleged breach of this policy. Investigators can be the Dean of Students, the Residence Hall Director, the Title IX Coordinator or the investigation can be delegated to a third party, including Deputy Title IX Coordinators, the Director of Human Resources, or another individual (either from within the University or from outside the University) to conduct or assist with an investigation. In the event that there are multiple charges of a Respondent violating Policies, the Respondent asserts counterclaims against a Complainant, or there are assertions of Retaliation, the University will make reasonable efforts to assign the same Investigator to all claims that appear to be related. All investigators receive training regarding this policy and its application, including sexual assault, dating violence, domestic violence, and stalking.
13. **Policy or Policies.** The written rules and regulations of the University as found in but not limited to, the Gender Equity, Sexual Misconduct and Relationship Violence Policy and Procedures, the Student Handbook, the Community Code of Conduct, Employee Handbook, Faculty handbook, on-campus residential lease agreement and student housing handbook, course catalogs, programmatic handbooks, employment agreements and web pages.
14. **Relationship Violence.** Any violence that includes intimate partner violence, domestic violence, dating violence, stalking or sexual exploitation in a relationship context.
15. **Respondent.** Any person accused of violating this policy.
16. **Responsible Employee.** Any regular full or part-time employee (including staff, faculty and student employees acting within the scope of their employment faculty), unless the employee is authorized or required by law to keep information confidential by virtue of the employee's professional role with the university.
17. **Retaliation.** Any adverse action taken against a witness or complainant by an accused individual or third party because they exercised their rights under anti-discrimination laws, spoke out against discrimination, or assisted someone in exercising their rights.
18. **Sexual Assault, Non-Consensual Sexual Contact.** Any intentional sexual contact or touching, however slight, with any object, by a person upon another person that is without consent and/or by force. Non-Consensual Sexual Contact includes intentional contact with the breast, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts or any other intentional bodily contact in a sexual manner.
19. **Sexual Assault, Non-Consensual Sexual Intercourse.** Any sexual penetration (anal, oral or vaginal), however slight, with any object, by a person upon another person that is without consent and/or by force. Non-Consensual Sexual Intercourse includes vaginal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.
20. **Sexual Exploitation.** When an individual takes non-consensual or abusive sexual advantage of another for that individual's own benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise

constitute one of the other Sexual Assault offenses. Examples of sexual exploitation include, but are not limited to:

- a. Invasion of sexual privacy,
- b. Prostituting anyone,
- c. Non-consensual photography, digital, video- or audio-taping of nudity or sexual activity,
- d. Unauthorized sharing or distribution of digital, video or audio recording of nudity or sexual activity,
- e. Going beyond the boundaries of consent (i.e. allowing others to watch you having consensual sex without the knowledge and consent of your partner),
- f. Engaging in voyeurism,
- g. Knowingly exposing someone to or transmitting an STI, STD or HIV to another,
- h. Intentionally or recklessly exposing one's genitals in non-consensual circumstances,
- i. Inducing another to expose their genitals;
- j. Sexually-based stalking and/or bullying.

21. **Sexual Harassment.** Unwelcome conduct of a sexual nature that is sufficiently severe, persistent, pervasive and/or objectively offensive that it has the effect of unreasonably interfering with, denying, or limiting a community member's ability to participate in or benefit from the University's educational programs and/or activities.

Sexual Harassment also includes conduct that creates a hostile environment and/or is based on power differentials or retaliation. Sexual Harassment is prohibited regardless of the gender, gender identity or sexual orientation of the harassed or the harasser. The determination of whether an environment is "hostile" must be based on the totality of the circumstances. These circumstances could include: the frequency of the conduct; the nature and severity of the conduct; whether the conduct was physically threatening; whether the conduct was humiliating; the effect of the conduct on the alleged victim's mental or emotional state; whether the conduct was directed at more than one person; whether the conduct arose in the context of other discriminatory conduct; whether the conduct unreasonably interfered with the alleged victim's educational or work performance; and whether the statement is a mere utterance of an epithet with engenders offense in an employee or student, or offends by mere discourtesy or rudeness. Sexual Harassment may be in the form of a hostile environment that includes any situation in which there is harassing conduct that is sufficiently severe, persistent, pervasive or objectively offensive that it alters the conditions of employment or limits, interferes with or denies educational benefits or opportunities, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint.

Sexual Harassment may also be in the form of "quid pro quo" when there are unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature and submission to or rejection of such conduct results in adverse education or employment action.

22. **Sexual Misconduct.** Any and all acts, including but not limited to sexual harassment, gender discrimination, domestic violence, dating violence, stalking, sexual assault, sexual touching, sexual exploitation, and retaliation, prohibited under Title IX and VAWA.

23. **Sexual Touching.** Any contact, however slight, with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts.

24. **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.

25. **Title IX.** Title IX of the Education Amendments of 1972 is codified into law in 20 U.S.C. § 1681 and 30 C.F.R. Part 106. This law prohibits Gender Discrimination and provides that “no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.” Gender Discrimination includes, but is not limited to, Sexual Harassment and Sexual Assault.

26. **Title IX Coordinator.** The person who coordinates the University’s compliance with Title IX, including prevention and remediation of sex and Gender Discrimination, including Sexual Assault. The Title IX Coordinator may also take Complaints of Gender Discrimination from any member of the Naropa community. The Title IX Coordinator as referred to in this Policy includes Deputy Coordinators. The Title IX Coordinator may assign a Deputy Coordinator or appoint Investigator(s) to work with such cases.

Naropa’s Title IX Coordinator is:

Sarah K. Silvas-Bernstein
Title IX Coordinator
2130 Arapahoe Avenue
Lincoln Building, 2nd Floor, Room 4230
Boulder, CO 80302
303-245-4843
ssilvas@naropa.edu

REPORTING A CONCERN

If you feel that your rights under this policy have been violated, please use the following procedure:

1. **Where to Report Gender Equity, Sexual Misconduct and/or Relationship Violence Claims.** If your concern involves any of the prohibited conduct outlined in this policy please report your claim directly to the Title IX Coordinator or Dean of Students. The contact information for each is:

Sarah K. Silvas-Bernstein
Title IX Coordinator
2130 Arapahoe Avenue
Lincoln Building, 2nd Floor, Room 4230

Boulder, CO 80302
303-245-4843
ssilvas@naropa.edu

If for any reason you are uncomfortable reporting the claim to the Title IX Coordinator, please report your claim to either the Director of Human Resources or the Vice President of Student Affairs and Enrollment Management. All claims made under this policy will be reported to the Title IX Coordinator regardless of whether you choose to do so directly.

2. **Duty to Report.** All Naropa University faculty and staff are classified as Responsible Employees (defined above). Faculty or staff who become aware of an instance of prohibited conduct outlined in this policy are required to report that information to the Title IX Coordinator. Naropa University students are strongly encouraged to report violations of this policy to the Title IX Coordinator or Dean of Students, regardless of whether they are a victim or a witness. Employees of the Naropa Counseling Center are NOT deemed Responsible Employees under this policy and may keep confidential any information disclosed to them about violations of this policy. Currently, the Naropa Counseling Center is the only on-campus confidential resource.
3. **Confidentiality.** If a Complainant requests confidentiality, the University will take all reasonable steps to investigate and respond to the Complaint consistent with the request for confidentiality and to the extent permitted by law, but such a request may hamper the University's investigation and confidentiality cannot be guaranteed. The Title IX Coordinator will evaluate all requests for confidentiality in the context of the University's responsibility to provide a safe and nondiscriminatory environment to all members of its community. Other university personnel are not permitted to promise or ensure confidentiality of information. At Naropa only employees in the Naropa Counseling Center are authorized and required to keep information confidential. All other faculty and staff are deemed responsible employees and must report any suspected or known incident of conduct prohibited under this policy. All responsible employees will use best efforts to inform potential complainants of this duty to report before any information that the complainant may want to otherwise withhold as confidential is shared. The University will complete any publicly available record keeping, including Clery Act reporting and disclosure, without inclusion of any personally identifiable information about the Complainant.
4. **Making a Complaint.** Any student or employee of Naropa University may make a complaint. Sometimes you may not be sure how far you want to go with a concern, issue or complaint. Please go to the Title IX Coordinator or Dean of Students for support and consultation when you are considering pursuing a Complaint against a faculty, staff member or another student. *Complaint Process.* Individuals who wish to file a Complaint of Gender Discrimination, Sexual Misconduct or Relationship Violence against a student, staff member or faculty should address their concerns to the Title IX Coordinator or Dean of Students. If for any reason you are uncomfortable reporting the Complaint to either party, or they are unavailable, you may report the Complaint to the Director of Human Resources or the Vice President of Student Affairs and Enrollment Management. All Complaints, regardless of whom they are filed against must be in writing, must be filed as soon as possible, but no later than 90 days after the alleged incident leading to the Complaint. The University reserves the right to review Complaints filed more than 90 days after the alleged incident leading to the Complaint

occurred. Written Complaints must include as much of the following information as possible:

- i. The name, department, and position (including all that apply: undergraduate, graduate, faculty, staff, employee) of the person or persons making the Complaint and contact information for the same.
- ii. The name, department, and position of the person or persons who allegedly engaged prohibited conduct under this policy.
- iii. A description of the incident(s), including the date(s), location(s), and the presence of any witnesses.
- iv. If the Complainant is an employee: the alleged effect of the incident(s) on the Complainant's position, salary, benefits, promotional opportunities, or other terms or conditions of employment.
- v. The names of other students or employees who might have been subject to the same or similar acts of Gender Discrimination, Sexual Misconduct or Relationship Violence.
- vi. Any steps the Complainant has taken to try to stop the offensive conduct if any, (not required).
- vii. Any other information the Complainant believes to be relevant to the acts of Gender Discrimination, Sexual Misconduct or Relationship Violence including Harassment or Retaliation.

5. Commencement of Proceedings.

- a. A party who has been subjected to Gender Discrimination, Sexual Misconduct or Relationship Violence, has the right to initiate the Complaint process by filing a Complaint with the Dean of Students or the Title IX Coordinator within 90 days after the incident or later at the discretion of the University, as described in Procedure 4 above.
- b. Depending upon the roles of the parties, the Title IX Coordinator shall coordinate the investigation with the Director of Human Resources if the Complaint involves a staff member, with the Director of Human Resources and the Provost and Vice President for Academic Affairs if the Complaint involves a faculty member, or with the Dean of Students if the Complaint involves a student.
- c. The University may provide interim protective measures for the Complainant in order to avoid contact with the Respondent and remove the potential for further harm or retaliation. Interim protective measures include, but are not limited to, imposition of no-contact orders and/or employment, transportation, dining, housing, academic or extracurricular modifications as reasonable. The Dean of Students, Provost, or Director of Human Resources, as appropriate, may impose an interim suspension on the Respondent pending the resolution of an investigation if, in their sole discretion, such an action is necessary to protect the safety and wellbeing of the Naropa community. Interim protective measures may be put in place during the course of the judicial process and prior to a final determination. Interim protective measures are meant to address the discriminatory effects on the Complainant and are not dependent on a finding that the Respondent violated this policy or sanctions imposed.
- d. All members of the Naropa community are strongly encouraged to report incidents of, or share information about, Gender Discrimination, Sexual

Assault or Relationship Violence as soon as possible. This is true even if the student with a Complaint or a witness may have concern that the Complainant's contemporaneous, relatively minor infractions (e.g. underage drinking associated with the events) were involved. The Dean of Students will not pursue disciplinary violations against a student with a Complaint or a witness for their improper use of alcohol or drugs if the student or witness is making a good faith report of a violation under this policy.

- e. Complainant's have a right to file a Complaint under this policy and a criminal complaint simultaneously.

6. **Notice to Respondent**

- a. If an investigation is initiated, the Title IX Coordinator will send the Respondent a written notification via the individual's Naropa email address and by U.S. mail to the address on record with the University registrar within five business days.
- b. The written notification will include:
 - i. A description of the alleged acts.
 - ii. The prohibited conduct alleged to have occurred.
 - iii. The requirements for the Respondent to set up a conference within five business days of the date of the notice.
- c. The written notification may include a "no contact order" or other interim measures designed to protect the Complainant. If a "no contact" order or other interim measures are detailed in the Written Notification, it is the responsibility of the Respondent to not have any contact with the individual(s) named, directly or through third parties, or via electronic means and to make any modifications identified in the Written Notification. Failure to comply with this request may result in additional disciplinary action.
- d. If the Respondent does not schedule a meeting with the Title IX Coordinator or Investigator(s) named in the Written Notification by the date specified in the notice or if the Respondent schedules or does not attend the meeting, the Title IX Coordinator or Investigator(s) can decide the outcome of the case in the Respondent's absence and shall notify the Respondent of the same within 60 days. The Respondent cannot be found to have violated this policy solely because the Respondent failed to attend the meeting.

7. **Respondent's Rights in the Judicial Process.** All Respondent's accused of violating this policy will be afforded the following rights:

- a. Be provided with all written Complaints regarding the Respondent that have been provided to Naropa University officials.
- b. The right to know the nature of the Complaint, the evidence supporting the Complaint, and the impact of their behavior on the Naropa community.
- c. The right to present their position to the Investigator(s), including the ability to present pertinent and relevant witnesses and documentation to the decision makers if different from the Investigator(s).
- d. The right to understand the Gender Discrimination, Sexual Misconduct and Relationship Violence Policy.

- e. The right for clarification of this Policy when requested.
 - f. Results of the meetings are considered confidential and will be shared with college officials and others, such as alleged victims, only on a need-to-know basis. However, the University retains the right to review meeting issues/decisions with a student's parents and relatives when allowed by law, including when a student appears to be endangering self or others, if the student has violations related to alcohol or drugs, or if the University has a FERPA release of information form on file.
 - g. Receive notification and explanation of decisions, sanctions, as well as consequences for the Respondent not completing sanctions.
 - h. The right to a decision based on a preponderance of the evidence.
 - i. The right to submit an appeal as described below.
 - j. Have a voluntary advisor or advocate; provided that the advisor or advocate may not participate in the investigation or interview.
8. **Complainant's Rights in Judicial Process.** All Complainants bringing claims of a violation of this policy will be afforded the following rights:
- a. Be notified of the University's decision to proceed with the investigation of the Complaint under this Policy and Procedures, the specific allegations that will be investigated, or if the allegations will not be investigated, the reason for not investigating.
 - b. Be provided with all written responses provided by the Respondent to Naropa University officials as well as supporting evidence offered by the Respondent to refute the Complaint.
 - c. The right to present their position to the Investigator(s), including the ability to present pertinent and relevant witnesses and documentation to decision makers if different from the investigator(s).
 - d. The right to understand the Gender Discrimination, Sexual Misconduct and Relationship Violence Policy.
 - e. The right for clarification of this Policy when requested.
 - f. Results of the meetings are considered confidential and will be shared with college officials and others, such as alleged victims, only on a need-to-know basis. However, the University retains the right to review meeting issues/decisions with a student's parents and relatives when allowed by law, including when a student appears to be endangering self or others, or if the University has a FERPA release of information form on file.
 - g. Receive a written explanation of the decisions, and notice of any sanctions imposed upon the Respondent, which are intended to protect the Complainant.
 - h. The right to have a decision made by the Investigator based upon the preponderance of the evidence.
 - i. Have a voluntary advisor or advocate, provided that the advisor or advocate may not participate in the investigation or interview.

- j. No evidence of Complainant's prior sexual history or sexual partners will be considered in cases of Sexual Assault or Sexual Harassment.
 - k. The University will take reasonable steps to deter future discrimination, to limit any discriminatory effects on the victim if it is found that Gender Discrimination occurred and prevent or halt any Retaliation or Harassment the University discovers resulted from a Complainant reporting Gender Discrimination, Sexual Misconduct or Relationship Violence.
 - l. The right to submit an appeal as described below.
9. **Standard of Decision.** In order to find that a student has violated this policy, the standard of decision used is preponderance of evidence. In other words, the Investigator(s) must conclude it is more likely than not that the violation occurred.
10. **Proceedings Are Closed and Confidential.** Investigations, including but not limited to the names of the Complainant, Respondent and witness and information related to the alleged prohibited conduct are confidential and closed to the public. Likewise, outcomes, findings, sanctions and appeals are to remain confidential. Information shall be shared with University officials as is necessary to decide outcomes of the investigation or appeal, to protect the Complainant, to implement sanctions and to prevent retaliation. Notwithstanding the foregoing, decisions, sanctions and findings on appeal shall become part of Respondent's education record (with any personally identifiable information about the Complaint redacted). All participants in Investigation are on notice that the University may record the proceedings. Participants involved in an investigation are required to maintain confidentiality so as to ensure that there is no re-victimizing, Retaliation or Harassment of the Complainant or Respondent and any breach of confidentiality will be considered a violation of the Policies and may subject the individual breaching confidentiality to further disciplinary action. Nothing in this section precludes parties from speaking to a confidential source such as a doctor, clinicians, attorneys, law enforcement or advocates/advisors.

PROCEDURES FOR INVESTIGATING & REMEDIATING GENDER EQUITY, SEXUAL MISCONDUCT AND RELATIONSHIP VIOLENCE COMPLAINTS

For cases involving alleged Gender Discrimination, Sexual Misconduct or Relationship Violence, the Title IX Coordinator shall initiate the following procedure.

1. Naropa University shall endeavor to complete investigations of Complaints within 60 days of actual notice. Appeals may be taken after the 60 day period allowed for the investigation or sooner in circumstances where the investigation took less than 60 days to complete. The parties shall be given periodic updates on the status of the investigation and the estimated time for completion of each stage. Naropa reserves the right to temporarily delay investigations as is reasonable when necessary to avoid interference with concurrent law enforcement investigations. Complex cases, unusual circumstances (such as college breaks) and parallel policy investigations may require the University to extend its investigation beyond the 60 day period. In such cases, the University shall notify the parties of the reason for the delay and provide status updates. A delay in filing a Complaint may be reasonable under some circumstances, as determined on a case-by-case basis. An unreasonable delay in reporting, however, is an appropriate consideration in evaluating the merits of a Complaint.

2. The Title IX Coordinator will receive consent from the Complainant to pursue an investigation. If the Complainant requests confidentiality or asks that the Complaint not be pursued, the University will take reasonable steps to investigate and respond, though the ability to respond may be limited. In some cases, the University may investigate a Complaint without consent, if the issue or concern involves a threat to the greater University community. In either case, the University will attempt to keep both the Complaint and investigation confidential to the extent possible while still allowing for a full investigation.
3. The University will inform members of the University community if the circumstances of an incident of prohibited conduct under this policy suggest a threat to others; this may include, for example, notifying students and employees of areas where harassment occurs.
4. It is the responsibility of the Title IX Coordinator to determine the most appropriate means for addressing a report or Complaint. The Process may include:
 - a. Determining whether the facts of the Complaint, if true, constitute a violation of the Policies; or
 - b. If the allegation, if true, constitutes a violation of the Policies, appointing an Investigator to investigate the Complaint as described below.
5. If both the Complainant and Respondent request mediation or facilitated meeting, the Title IX coordinator will attempt to honor that request. However, mediation will not be used in cases where there is an allegation of Sexual Assault, Domestic Violence, Dating Violence, Stalking or Sexual Exploitation. Furthermore, the Complainant can decline mediation or stop the mediation at any time. The Title IX Coordinator or Dean of Students will also discuss with the Complainant whether s/he has occasion to interact with the Respondent, such as residing in the same housing or has classes with the Respondent and will take interim steps as needed to protect the Complainant prior to the outcome of the investigation. The University may take reasonable precautions as appropriate to prevent any ongoing prohibited conduct or Retaliation, such as changes in academic, extracurricular, living, transportation, dining or work situations, or creating a safety plan. The Complainant is encouraged to report any ongoing prohibited conduct or Retaliation to the Title IX Coordinator. If the Complainant files for a restraining or protective order with the police, the University requests that the Complainant file a copy of that order with the Campus Safety office. The University shall take appropriate and reasonable steps to insure that a restraining or protective order is complied with on University property.
6. The Title IX Coordinator or Dean of Students will determine any remedial action necessary to address and resolve an incident, including, as appropriate, provision of educational resources and counseling for the Complainant as well as other steps that may be needed to address impact on the Complainant, witnesses and the broader student body. Such remedial action may also include, as appropriate, counseling and/or educational resources for the Respondent.
7. The President shall receive a copy of the Complaint for a Title IX investigation. The President shall also be provided with copies of the Written Report (defined below).
8. The Title IX Coordinator may investigate Complaints or may delegate the investigation to another impartial individual. Anyone designated as an Investigator must

adhere to the requirements of the Community Code of Conduct, observe the Rights of the Respondent and Complainant, follow the Gender Equity, Sexual Misconduct and Relationship Policy and provide regular updates to the Title IX Coordinator about the investigation's progress.

9. During the investigation, the Investigator shall:
 - a. Attempt to meet with and interview the Complainant and Respondent. Meetings with the Complainant and Respondent shall be held separately.
 - b. Request the Complainant and Respondent to identify all witnesses and evidence.
 - c. Review and consider all evidence the Investigator can reasonably obtain, including attempting to contact and interview all witnesses.
 - d. In a case concerning an employee, review the employee's employment and department files and interview the employee's supervisor.

10. The University reserves the right to notify law enforcement authorities, where appropriate or as required by Federal, State or Municipal law. In situations where a Respondent faces both a Title IX Complaint and a criminal charge, the University reserves the right to move forward with the Title IX investigation at the same time the criminal process is proceeding.

11. At the conclusion of an investigation, the Investigator(s) shall prepare a written report that shall include a description of the specific steps taken in conducting the investigation, including all interviews conducted and evidence collected, a statement of factual findings and a determination as to whether or not there was a violation of the Policies, and if so, who engaged in the prohibited conduct, and the harm to the Complainant, if any ("Written Summary Report"). The Written Summary Report is submitted to the Title IX Coordinator for review.

12. If the Investigator determines that there was a violation of the Policies, the report(s) shall be provided by the Title IX Coordinator to the disciplinary authority for the Respondent found to have violated the policy, and the disciplinary authority shall either issue sanctions or a disciplinary process against the Respondent. The Investigator and disciplinary authority can be the same person. The disciplinary authority is the Director of Human Resources if the Respondent is a staff member, the Provost and Vice President for Academic Affairs if the Respondent is a faculty member, or the Dean of Students if the Respondent is a student. In the event the disciplinary authority has a conflict, the decision shall be made by the disciplinary authorities' superior. The disciplinary authority shall have access to the Written Summary Report and any supporting documentation. The sanctions or other disciplinary action taken will be reported to the Title IX Coordinator who will then report such action to the President. If disciplinary action is not taken, the Title IX Coordinator shall notify the President. The Title IX Coordinator will notify the Respondent of the outcomes (i.e. the result of the investigation regarding whether or not a violation of the policy was found) and sanctions and an outline of the Written Summary via email and in written form, and will copy the disciplinary authority on this communication. Concurrently, the Title IX Coordinator will notify the Complainant of the outcomes, an outline of the Written Summary, any sanctions imposed on the Respondent that directly relate to the Complainant, and any other steps taken to eliminate a hostile environment, if one is found to have existed, and to prevent recurrence. In cases of sexual violence, Naropa shall inform the Complainant

of the outcome and all sanctions imposed on the Respondent. The disciplinary authority may, if the Respondent is a staff or faculty member, share the outcomes and sanctions with the Respondent's immediate supervisor taking care to avoid disclosing any personally identifiable information about the Complainant.

13. Sanctions which may be imposed upon a student found in violation of this policy include (listed below and defined in the Student Handbook): warning, probation, suspension, expulsion, disciplinary hold, reparative contract, residence hall reassignment or termination, delay or denial of degree award, revocation of degree, transcript notation, organizational sanctions or other actions appropriate under the circumstances. Sanctions which may be imposed against a faculty member or staff member found in violation of this policy are at the discretion of the sanctioning authority and include: warning (written or verbal), performance improvement plan, reduction of course load, required counseling, required training or education, demotion, ineligibility for promotion consideration, suspension without pay, suspension with pay, termination.

14. In all cases, the Title IX Coordinator shall retain copies of the Written Report and letters to Complainant and Respondent for a minimum of five years after the Complaint, or to the standard required by University records management protocols and law, whichever is longer. All records, reports, and investigations obtained pursuant to this process shall be considered confidential and shall not be disclosed publicly except to the extent required by law. All parties will be notified that the information contained in any written report as well as information shared during the investigation should be kept confidential.

15. The Title IX Coordinator will maintain regular contact with the Complainant and Respondent throughout the investigation.

16. The Title IX Coordinator will contact the Complainant within a reasonable period of time after the conclusion of the investigation to determine if the Complainant requires additional support or if there has been any ongoing Retaliation or Harassment.

17. In compliance with the Higher Education Opportunity Act, in cases where the Complainant is deceased the next of kin of the Complainant will receive the outline of the Written Summary Report upon request.

18. The University shall act in accordance with the Family Educational Rights and Privacy Act (FERPA). Should a conflict arise between the University's obligations under Title IX and the University's obligations under FERPA, the mandates of Title IX shall override the mandates of FERPA.

COMPLAINTS BY AND AGAINST UNIVERSITY EMPLOYEES AND STUDENTS ARISING IN AN AFFILIATED ENTITY

University employees and students sometimes work or study at the worksite or program of another organization affiliated with the University. When a violation is alleged by or against University students in those circumstances, the Complaint shall be handled as provided in the affiliation agreement between the University and the other entity. In the absence of an affiliation agreement or a provision addressing this issue, the University may, in its discretion, choose to: 1) conduct its own investigation; 2) conduct a joint investigation with the affiliated entity; 3) defer to the findings of an investigation by the

affiliated entity where the University has reviewed the investigation process and is satisfied that it was fairly conducted; or 4) use the investigation and findings of the affiliated entity as a basis for further investigation.

Please note that students, faculty and staff participating in Naropa University international or out-of-state programs (including LeapNow and study abroad) are protected by and accountable under this policy. As such, Naropa University will conduct investigations regarding alleged violations of Gender Discrimination, Sexual Misconduct and Relationship Violence in these programs.

APPEAL PROCESS

1. **Students.** A Complainant or Respondent may file an appeal to the findings, sanctions or both only in circumstances where procedural error or previously unavailable relevant information could significantly impact the outcome of the investigation or where a sanction is substantially disproportionate to the findings. The review of the appeal will be based on the existing record or any new, relevant and previously unavailable information provided. A letter detailing reasons for an appeal must be submitted to the Vice President of Student Affairs and Enrollment Management within ten (10) business days of the issuance of the notice of the outcome and sanctions and outline of the written summary report to the Complainant and Respondent.

The Vice President of Student Affairs and Enrollment Management may serve as the appeals officer or may assign the appeal to a school official who has had no prior involvement with the case to act as the appeals officer. The appeals officer will review the investigation and any arguments made by the parties. The appeals officer shall determine whether a procedural error occurred and, if so, whether such error materially altered the outcome; whether new information provided is relevant and was previously unavailable and, if so, whether the new, relevant and previously unavailable information tips the preponderance of evidence against the original findings; and/ or whether the resulting sanction was proportionate to the findings of fact. If deemed appropriate by the appeals officer, the appeals officer may elect to refer the matter to the Investigator to consider new evidence, overrule the finding that there was a violation of the Policies, or issue new or amended sanctions. The decision of the appeals officer is final.

2. **Faculty.** A Complainant or Respondent may file an appeal to the findings, sanctions or both only in circumstances where procedural error or previously unavailable relevant information could significantly impact the outcome of the investigation or where a sanction is substantially disproportionate to the findings. The review of the appeal will be based on the existing record or any new, relevant and previously unavailable information provided. The review of the appeal will be based on the existing record or any new information provided. A letter detailing reasons for an appeal must be submitted to the President within ten business days of the issuance of the notice of the outcome and sanctions and outline of the written summary report to the Complainant and Respondent.

The President may serve as the appeals officer or may assign the appeal to a school official who has had no prior involvement with the case to act as the appeals officer. The appeals officer will review the investigation and any arguments made by the parties. The appeals officer shall determine whether a procedural error occurred and, if so, whether such error materially altered the outcome; whether new information provided is

relevant and was previously unavailable and, if so, whether the new, relevant and previously unavailable information tips the preponderance of evidence against the original findings; and/ or whether the resulting sanction was proportionate to the findings of fact. If deemed appropriate by the appeals officer, the appeals officer may elect to refer the matter to the Investigator to consider new evidence, overrule the finding that there was a violation of the Policies, or issue new or amended sanctions. The decision of the appeals officer is final.

3. **Staff.** A Complainant or Respondent may file an appeal to the findings, sanctions or both only in circumstances where procedural error or previously unavailable relevant information could significantly impact the outcome of the investigation or where a sanction is substantially disproportionate to the findings. The review of the appeal will be based on the existing record or any new, relevant and previously unavailable information provided. A letter detailing reasons for an appeal must be submitted to the Vice President of Finance and Business Affairs within ten business days of the issuance of the notice of the outcome and sanctions and outline of the written summary report to the Complainant and Respondent.

The Vice President of Finance and Business Affairs may serve as the appeals officer or may assign the appeal to a school official who has had no prior involvement with the case to act as the appeals officer. The appeals officer will determine whether a procedural error occurred and, if so, whether such error materially altered the outcome; whether new information provided is relevant and was previously unavailable and, if so, whether the new, relevant and previously unavailable information tips the preponderance of evidence against the original findings; and/ or whether the resulting sanction was proportionate to the findings of fact. If deemed appropriate by the appeals officer, the appeals officer may elect to refer the matter to the Investigator to consider new evidence, overrule the finding that there was a violation of the Policies or issue new or amended sanctions. The decision of the appeals officer is final.

RESOURCES FOR VICTIMS OF SEXUAL MISCONDUCT, DATING VIOLENCE, DOMESTIC VIOLENCE AND STALKING

ON-CAMPUS RESOURCES

Naropa University Safety Office 303-245-4686, or 720-309-8211 in case of emergency

The Naropa University Safety Office can assist victims in connecting to resources, including law enforcement, and work with victims to ensure their ongoing safety.

Naropa University Counseling Center 303-546-3570, or 1-855-254-3944 after hours

Crisis Counselors available to provide immediate support for involved parties. This service is free to Naropa University students, and is considered a confidential resource. Counselors are available for ongoing appointments, for drop-ins and for emergencies. Visiting the Naropa University Counseling Center will not initiate a complaint under this policy.

Naropa University Residence Life 303-447-3846, or 720-319-9793 between 7pm-7am

If you are a resident of the Snow Lion residence hall community, the Resident Assistants and the Residence Hall Director have training to respond to situations involving sexual assault, dating violence, domestic violence and stalking. RAs are on duty between 7pm and 7am every night while classes are in session.

COMMUNITY RESOURCES

Boulder Police Department 303-441-3300, or 911 in case of emergency

If you need assistance in contacting Boulder Police, the Title IX Coordinator or Dean of Students may assist you. Victims have the right to file a complaint with the University regardless of whether they choose to file criminal charges.

Moving to End Sexual Assault 303-443-7300 (24-hour hotline)

MESA is a Boulder-based resource that works with sexual assault survivors through client services. MESA is the only rape crisis center serving Boulder and Broomfield Counties. MESA provides confidential resources.

SPAN Shelter and Hotline 303-444-2424 (24-hour hotline)

Safehouse Progressive Alliance for Nonviolence (SPAN) offers support services for survivors of domestic violence and abuse, including emergency shelter, crisis line support, individual counseling, support groups, legal advocacy, assistance with protection orders, immigration legal clinic, transition housing, and community education. SPAN provides confidential resources.

Medical Treatment and Sexual Assault Nurse Examiner (SANE) Services: *Please note that some SANE providers require criminal charges to be filed to cover the cost of the exam; please clarify that with the provider before receiving an exam.*

Boulder Community Health's Foothills Hospital (provides SANE exams)

Foothills Hospital Emergency Department at 4747 Arapahoe Avenue in Boulder (303) 415-7000

Boulder Community Hospital (treatment only) 303-444-2620

Boulder Valley Women's Health (treatment only) 303-442-5160

St Anthony's North Hospital (Westminster, provides SANE exams) 303-430-2648

Medical Center of the Rockies (Loveland, provides SANE exams) 970-495-7000

Important Notes for Victims of Sexual Assault:

1. In the event that a Sexual Assault occurred, please do everything possible to preserve evidence by making certain that the crime scene is not disturbed. (The decision to press charges does not have to be made at this time. However, following these procedures will help preserve this option for the future.) Survivors should not bathe, urinate, douche, brush teeth, or drink liquids. Clothes should not be changed but if they are bring all the original clothing to the hospital in a paper bag. (Plastic bags damage evidence.)
2. When necessary seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination.
3. A Rape Victim Advocate can offer support at the hospital; however survivors generally must ask for the advocate at the hospital.
4. Survivors may choose whether or not to speak to the police at the hospital. If they do, the option to choose whether to file charges against the accused still exists.
5. Private physicians are not required to notify the police. If a survivor desires police involvement, they may request this contact. Also, with a private physician, survivors may have to ask for a rape kit to be completed. Please keep in mind: having a rape kit or rape exam does not mean that survivors are mandated to press charges. This action only keeps the survivor's options open.