



Student Conduct & Conflict Resolution  
UNIVERSITY OF COLORADO **BOULDER**

# STUDENT CODE OF CONDUCT

## Policies and Procedures

2022 – 2023

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# Contents

A. Why Do We Have a Student Code of Conduct? (Authority).....	1
B. What We Believe .....	1
C. Key Words and Phrases for SCCR Processes (Definitions).....	2
D. Student Rights and Responsibilities in SCCR .....	3
E. When and Where Does the Student Code of Conduct Apply? (Jurisdiction) .....	3
F. What is a Violation? (Prohibited Student Conduct) ....	4
1. Abusive Conduct .....	4
2. Alcohol .....	4
3. Damage to Property .....	5
4. Drugs .....	5
5. Endangerment of Person(s).....	5
6. Failure to Comply .....	5
7. False Application Materials .....	5
8. False Identification .....	5
9. Fire Safety .....	5
10. Hazing .....	5
11. Interference, Obstruction, or Disruption of CU Boulder Activity.....	6
12. Obstruction of Peace Officers .....	6
13. Physical Harassment .....	6
14. Physical Misconduct.....	6
15. Public Exposure .....	6
16. Recording .....	6
17. Retaliation .....	6
18. Riots .....	6
19. Sanction Noncompliance.....	6
20. Theft .....	6
21. Threats to Person(s) .....	6
22. Threats to or Endangerment of Animal(s).....	7
23. Unauthorized Access .....	7
24. Violating any Residential Handbook Policy .....	7
25. Violating Infectious Disease Mitigation.....	7
26. Violation of CU Boulder Policy or Regulation ....	7
27. Violation of Law .....	7
28. Weapons .....	7
G. What are Resolution Processes and How Do They Work? .....	7
a. Informal Resolution .....	9
b. Formal Resolution .....	10
c. Restorative Justice .....	11
d. Policy Reminders .....	11
H. Who Can You Bring With You? (Advisors).....	12
I. What are Resolution Outcomes? (Sanctions).....	12
J. Can Someone Else Review My Case? (Appeals).....	15
K. How Are Student Conduct Records Maintained and Protected? (Records & Refunds) .....	17
L. What Action Can SCCR Take in Addition to a Resolution Process? (Interim Measures & Directives).....	19
M. My Concern Is Not Included in the Student Code of Conduct. What Resolution Resources are Available to Me? (Sexual Misconduct, Protected Class Discrimination and Harassment, Honor Code, Classroom Behavior).....	20
N. Student Support Resources .....	20
O. APPENDICES .....	22
APPENDIX 1: Colorado Law Regarding Riots.....	22
APPENDIX 2: Colorado Law Regarding Hazing .....	23
APPENDIX 3: Amnesty Provision .....	23
APPENDIX 4: Infectious Disease Mitigation .....	24
APPENDIX 5: Student Conduct Policy: Marijuana... ..	25



*The information contained within this document is intended to provide general information to members of the CU Boulder community and is not intended to, nor does it, create a contract between Student Conduct & Conflict Resolution (SCCR) or the University of Colorado Boulder and community members. SCCR reserves the right to change or eliminate any of the language herein at its discretion and without notice.*

## **A. Why Do We Have a Student Code of Conduct? (Authority)**

Article 7, Part B, of the Laws of the Regents of the University of Colorado requires each campus to develop a student code of conduct. Student Conduct & Conflict Resolution (SCCR) is authorized to establish and administer this policy. Any questions regarding interpretation of this code or any of its provisions should be directed to the Dean of Students or their designee for final determination.

Questions regarding student behavior should be directed to Student Conduct & Conflict Resolution, [studentconduct@colorado.edu](mailto:studentconduct@colorado.edu), 10 UCB Boulder, CO 80309, phone 303-492-5550.

## **B. What We Believe**

SCCR strives to provide students with individualized responses to support community standards and conflict resolution that emphasize accountability and growth by:

- fostering reflection on the impact of their behaviors.
- promoting responsible community membership and repairing harm; and
- cultivating the wellbeing and safety of the CU Boulder community.

### **What is Important to Us**

1. The student will understand the impact of their behavior on others.
2. The student will demonstrate ethical development, will comply with institutional policy, and will engage in no further violations of policy.
3. The student will gain an understanding of the institutional values reflected in institutional policies.
4. The student will gain a better understanding of the importance of personal integrity.
5. Through SCCR processes, the student will be asked to reflect on their beliefs, ethics, and values.
  - a. The student will be able to articulate their personal ethics and values, will act in congruence with those ethics and

values, and will make decisions that reflect their beliefs.

6. The student will contribute positively to the CU Boulder community and beyond.
7. The student will gain a better understanding of the consequences and potential consequences of their personal actions and will learn the purposes of institutional policies.
8. The student will employ critical thinking in problem solving and ultimately obtain a degree.

## C. Key Words and Phrases for SCCR Processes (Definitions)

Unless the context requires a different meaning, the following definitions apply.

**SCCR** stands for Student Conduct & Conflict Resolution for the purposes of this document.

1. **Acceptance of Responsibility.** The responding student agrees that their behavior constitutes a violation of the Student Code of Conduct, as outlined in the Resolution Meeting Notice.
2. **Advisor.** An advocate, attorney, or other person chosen by the student who is not a potential witness or could otherwise compromise a resolution process.
3. **Aggravating Circumstance.** Circumstance accompanying the commission of prohibited conduct that may increase its severity and that may increase the severity of the resolution outcomes for prohibited conduct.
4. **Attempt [to commit prohibited conduct].** An individual or group has the direct and specific intent to commit a violation of the Student Code of Conduct, whether or not they are aware of the policies within the Student Code of Conduct.
5. **Business Day.** Monday through Friday, except for official CU Boulder holidays.
6. **Circle Process.** A dialogue that emphasizes listening, reflection, and building community among participants and creates a space to share differences. Circles value non-judgement, multiple truths, and inclusion.
7. **Complainant.** A person who is subjected to alleged prohibited conduct under these policies.
8. **Conduct Appeal Board.** A body of students, staff, and faculty charged with reviewing cases that have been appealed through SCCR. See Section J.
9. **CU Boulder.** The University of Colorado Boulder.
10. **CU Boulder Official.** A CU Boulder employee working in the performance of duly authorized duties. CU Boulder officials may be full-time or part-time and may be student staff members.
11. **CU Boulder Property.** Land, buildings, digital space, and facilities in possession of or owned, used, or controlled by CU Boulder, or funded by CU Boulder budgets.
12. **Designation.** A student's classification; i.e., graduate, undergraduate, continuing education, degree seeking, or non-degree seeking.
13. **Mitigating Circumstance.** Circumstance that may reduce the severity of a violation and resolution outcomes for prohibited conduct. These do not change whether someone violated the Student Code of Conduct and are not a justification or excuse for prohibited conduct in question.
14. **Parent.** A student's parent or legal guardian.
15. **Peace Officer.** A person designated by the University of Colorado or the state or federal government with the responsibility of enforcing laws or policies.
16. **Preponderance of Evidence.** This is the standard of proof used in the formal resolution process under this code; meaning it is more likely than not the alleged behavior occurred.
17. **Reporting Party.** An individual who submits a report of being subject to, a witness of, or a third party to an alleged violation.
18. **Responding Student.** An individual who is alleged to have violated the Student Code of Conduct.
19. **Resolution Process.** Any processes outlined in this Student Code of Conduct. These include, but are not limited to, SCCR procedures, informal processes, investigations of alleged prohibited conduct, and appeal processes.
20. **Resolution Specialist.** Resolution specialists include any CU Boulder staff member designated to investigate and/or make decisions about facts and violations in student conduct cases and determine resolution outcomes.
21. **Restorative Justice.** Restorative justice helps to address the relationship between victims, responding students, and the community in a way that repairs the impacts of an incident, holds the responding student accountable for their actions, and builds community. The CU Restorative Justice Program (CURJ) facilitates the restorative justice process at CU Boulder.

22. **Student.** All persons taking courses at CU Boulder, either full time or part time, pursuing undergraduate, graduate, or professional studies, as well as non-degree seeking students. This includes individuals who confirm their intent to enroll in programs, those attending new student welcome or orientation sessions, students between academic terms, and those that were enrolled at the date of an alleged incident. This also includes persons who are eligible to enroll but are not enrolled at CU Boulder, persons who are suspended from CU Boulder, and persons participating in a leave of absence. Persons who withdraw after allegedly violating CU Boulder policies or who are not officially enrolled for a particular term but who have a continuing relationship, as determined by Academic Advising, with CU Boulder are considered students.
23. **Witness.** Any individual who may have information relating to a conduct case.

## **D. Student Rights and Responsibilities in SCCR**

### **When interacting with SCCR, students have the right to:**

- Receive notice of any alleged CU Boulder policy violations and meet with a resolution specialist to discuss the allegations.
- Request and receive reasonable accommodations due to a disability in order to fully participate in any SCCR process.
  - Students who are requesting accommodations due to a disability must contact Disability Services and should do so as soon as possible in order to receive timely assistance. Disability Services will go through the applicable accommodation process and provide the student with an accommodations letter, if appropriate. Disability Services information is available online at: <https://www.colorado.edu/disabilityservices/>.
- Request and receive language interpretation in order to fully participate in any SCCR process.
  - Students who are requesting language interpretation must contact SCCR and should do so as soon as possible in order to receive timely assistance.
- Authorize SCCR to communicate about their student conduct information to others.
  - Students seeking to release records or information must complete a release of information form, which is located on the SCCR website. Limits to information release are defined in Section K.
- Have an advisor, support person, or other person they identify and trust present during SCCR meetings.
  - Students bringing an advisor, support person, or other person they identify and trust, must complete a release of information form for that person. The form is located on the SCCR website.
- Review their SCCR file upon request.

### **Students have the responsibility to:**

- Educate themselves, seeking clarification when needed, on standards of conduct and other policies they are responsible for upholding as a CU Boulder student.
- Communicate conscientiously and honestly in any SCCR process.
- Adhere to stated deadlines and attend scheduled meetings.
- Cooperate and discuss relevant information with resolution specialists and other SCCR staff.

*Knowingly providing false or misleading information to SCCR is a violation of the Student Code of Conduct. This provision does not apply to reports made or information provided in good faith, even if the facts alleged are not later substantiated.*

Failure to uphold these responsibilities may result in a decision being made without the benefit of the student's participation and may result in an alleged violation of F.6.

## **E. When and Where Does the Student Code of Conduct Apply? (Jurisdiction)**

1. The Student Code of Conduct applies to:
  - a. Student conduct that occurs on, or as it relates to, CU Boulder property or at official functions and CU Boulder sponsored programs conducted away from the campus.
  - b. Student conduct that occurs off CU Boulder property is subject to this policy if it:
    - i. adversely affects the health, safety, or security of any member of the CU Boulder community, including the student alleged to have violated CU Boulder policy, or the mission of CU Boulder; or
    - ii. involves any records or documents of CU Boulder; or
    - iii. involves conduct that may be a violation of federal, state, or local law, as determined by SCCR.

For purposes of this policy, CU Boulder's mission is broadly defined to include both its academic goals and the importance of developing civic responsibility in our students.

2. Recognized Student Organizations and Recognized Social Greek Organizations
  - a. Wherever the Student Code of Conduct refers to "responding student", the same also applies to Recognized

Student Organizations (RSOs) and Recognized Social Greek Organizations (RSGOs). RSOs, as described in the Student Organization Handbook (<https://www.colorado.edu/involvement/>), are general student organizations recognized by the Center for Student Involvement (CSI) and CU Boulder. Recognized Social Greek Organizations are recognized by Fraternity & Sorority Life (FSL) and CU Boulder.

- b. RSOs and RSGOs, as well as their members and other students, may be held collectively and/or individually responsible for violations.
  - c. The RSO and RSGO officers, leaders, signers, or individuals currently listed in an official position in the Center for Student Involvement records or Fraternity and Sorority Life records may be held collectively and/or individually responsible for violations when such violations are committed by persons associated with the organization who have received consent or encouragement from the organization officers or leaders, if those officers or leaders knew, or reasonably should have known, that such violations were being or would be committed.
  - d. The officers or leaders of a student organization may be directed by CU Boulder officials to take action designed to prevent or end violations by the organization or by any persons associated with the organization. Failure to comply with a directive may be considered a violation of the Student Code of Conduct, both by the officers or leaders of the organization, and by the organization.
3. Actions taken under a resolution process are separate and apart from any law enforcement or other court process or proceeding, such as a civil lawsuit or criminal prosecution, that may relate to the same underlying factual incident. SCCR's jurisdiction does not depend on whether a responding student is criminally charged through the criminal justice system. A resolution process is not postponed while criminal or civil proceedings are pending unless otherwise determined by the resolution specialist. Dismissal of criminal charges or acquittal in a criminal case does not prevent SCCR from investigating and resolving an incident.
  4. The unexcused failure of a responding student to appear and/or respond to a resolution process does not prevent CU Boulder from proceeding with or completing a resolution process.
  5. For jurisdictional information related to sexual misconduct (including sexual assault, sexual harassment, intimate partner violence, and gender/sex-based stalking), protected class discrimination, harassment, and any related retaliation, see Section M.
  6. For jurisdictional information pertaining to academic misconduct, see Section M.
  7. Questions or concerns regarding policy and procedures for students charged or convicted of a crime that occurred prior to being admitted should be directed to SCCR.

## **F. What is a Violation? (Prohibited Student Conduct)**

The conduct listed below is prohibited, as are attempts to engage in conduct prohibited by this code, and/or aiding or abetting in conduct prohibited by this code or CU Boulder policy. Prohibited conduct also includes conduct engaged in by electronic means, including, but not limited to, computers (such as with use of the internet for email or social media purposes), any type of phone (such as by calls, texts, instant messaging, or the internet), or any other means of electronic communication. These provisions should not be construed, and will not be enacted, to deny any student any rights protected by the United States and/or Colorado Constitution.

### **1. Abusive Conduct**

Any severe, persistent, or pervasive verbal abuse, threats, intimidation, coercion, or other conduct which has caused a person substantial emotional distress and where the circumstances would cause a reasonable person to suffer substantial emotional distress.

### **2. Alcohol**

Possessing, using, providing, manufacturing, distributing, or selling alcoholic beverages in violation of law or CU Boulder policies. This includes, but is not limited to:

- a. Possessing, using, providing, manufacturing, distributing, or selling alcoholic beverages in violation of law or CU Boulder policies, as determined by the resolution specialist.
- b. Use or possession of alcoholic beverage by an individual under the age of 21.
- c. Intoxication to the point of endangering oneself or another person's health or safety, regardless of age.
- d. Driving while under the influence of alcohol.

### **3. Damage to Property**

Damaging CU Boulder property or property belonging to another. This includes, but is not limited to, graffiti and the alteration of property such that it is temporarily or permanently unusable.

### **4. Drugs**

Possessing, using, providing, manufacturing, distributing, or selling drugs, or drug paraphernalia in violation of CU Boulder policies or law, including, but not limited to, marijuana, methamphetamine, cocaine, opiates, LSD, hallucinogenic mushrooms, heroin, designer drugs such as Ecstasy and GHB, or other controlled substance or any substance used for an intoxicating effect. This includes a prohibition of any marijuana use or possession, including medical marijuana, on campus, campus properties, or while participating in CU Boulder sponsored activities (See Appendix 5). This includes, but is not limited to:

- a. Possessing, using, providing, manufacturing, distributing, or selling drugs, or drug paraphernalia in violation of CU Boulder policies or law, including, but not limited to, marijuana, methamphetamine, cocaine, opiates, LSD, hallucinogenic mushrooms, heroin, designer drugs such as Ecstasy and GHB, or other controlled substance or any substance used for an intoxicating effect. This includes a prohibition of any marijuana use or possession, including medical marijuana, on campus, campus properties, or while participating in CU Boulder sponsored activities (See Appendix 5), as determined by the resolution specialist.
- b. Misuse of legal substances; use of general products as intoxicants or “means to get high”; and inhaling or ingesting a substance (including but not limited to nitrous oxide, glue, paint, gasoline, solvent, etc.) other than in connection with its intended purpose is also prohibited.
- c. Providing, possessing, selling, or use of a prescription drug other than by the person to whom the drug is prescribed, or use not in accordance with the prescription, is prohibited. This prohibition includes sharing prescription drugs such as Ritalin or Adderall.
- d. Driving while under the influence of drugs.

### **5. Endangerment of Person(s)**

Any act that directly or indirectly endangers the health or safety of oneself or another person, regardless of intent.

### **6. Failure to Comply**

Failing to comply with the direction of CU Boulder officials who are performing their duties. Students are required to comply with instructions or directions given by a CU Boulder official, including, but not limited to, an instruction to present identification or a no contact directive from SCCR.

### **7. False Application Materials**

Providing materially false information, or omitting information, on an application for admission to CU Boulder which would have materially impacted eligibility or conditions for admission when one knew it was false or did not use one’s best efforts to determine the accuracy of the information provided.

### **8. False Identification**

Impersonation of another, using another person’s identity, or furnishing materially false information to law enforcement or any CU Boulder official. This includes but is not limited to:

- a. Manufacturing, use, or possession of false identification;
- b. Using the identification of another person;
- c. Forging or altering another person’s signature or any official CU Boulder document; or
- d. Providing materially false information, or omitting information, on an official CU Boulder document.

### **9. Fire Safety**

Violation of local, state, federal, or CU Boulder fire policies including, but not limited to:

- a. intentionally, or recklessly, causing a fire, which damages CU Boulder or personal property;
- b. failure to evacuate a CU Boulder-controlled building during a fire alarm;
- c. improper use of CU Boulder safety equipment;
- d. tampering with or improperly engaging a fire alarm or fire detection equipment while on CU Boulder property; or
- e. blocking or barring an exit during an evacuation.

### **10. Hazing**

Any action or situation that recklessly or intentionally endangers the health, safety, or welfare of, or causes a risk of bodily injury to, an individual for the purpose of initiation, participation, admission into, or affiliation with any organization or CU Boulder group. Hazing includes but is not limited to: any abuse of a mental or physical nature, forced consumption of any food, liquor, drugs, or substances, any forced physical activity that could adversely affect the health or safety of an individual, any activity that would subject the individual to embarrassment or humiliation, or any forced violation of CU Boulder policy, and/or local, state, or federal law.

The willingness of the participant in such activities are notwithstanding (See Appendix 2).

**11. Interference, Obstruction, or Disruption of CU Boulder Activity**

Materially and substantially interfering with, obstructing, or disrupting a CU Boulder activity.

- a. CU Boulder activities include, but are not limited to, all typical CU Boulder activities, such as teaching, learning, research, Residence Life activities or operations, recreation, meetings, public events, and disciplinary proceedings. CU Boulder activities include off-campus CU Boulder programs or CU Boulder activities.
- b. This prohibition includes, but is not limited to, interference, obstruction, or disruption of the freedom of expression or movement of students or other members of the CU Boulder community and their guests.

**12. Obstruction of Peace Officers**

Interfering with, obstructing, or disrupting police, fire response, or medical response. This prohibition includes, but is not limited to, resisting arrest and/or failing to abide by the directions of a peace officer and/or paramedics.

**13. Physical Harassment**

No person shall, with intent to harass or annoy another, strike, shove, kick, spit on, or otherwise touch or subject an individual to physical contact.

**14. Physical Misconduct**

Any physical force, causing, or that could reasonably cause, bodily harm upon any person including, but not limited to, assault, fighting, brawling, or restraining someone against their will.

**15. Public Exposure**

Recklessly and publicly exposing one's intimate body parts or engaging in public urination, defecation, or sex acts that do not fall under the Office of Institutional Equity and Compliance's Process and Procedures jurisdiction.

**16. Recording**

Use of an electronic or other device to make an audio and/or visual recording of another person (including, but not limited to, photographing, videotaping, filming, or audio recording) without the person's express consent when such recording causes the person to suffer substantial emotional distress and would cause a reasonable person to suffer substantial emotional distress. The storing, sharing, and/or distribution of such records by any means is also prohibited.

**17. Retaliation**

Retaliating against or discouraging, directly or through third parties, an individual from participating in a grievance, adjudication, or resolution process, including a CU Boulder, civil, or criminal process. To be considered retaliation there must be a causal connection between a materially adverse action and the act of reporting a violation or participating in such a process. A materially adverse action is one that would dissuade a reasonable person from reporting a violation, and includes, but is not limited to, property damage, intimidation, threats, or coercion. A determination of whether an action is materially adverse is a fact-dependent inquiry made after an individualized review by the resolution specialist.

**18. Riots**

Engaging in, inciting, or arming someone for a riot or public disturbance (See Appendix 1).

**19. Sanction Noncompliance**

Failing to abide by or complete a CU Boulder-required resolution outcome in a satisfactory manner.

**20. Theft**

Theft, including but not limited to, possessing property one knows, or reasonably should know, to be stolen, taking property of another without consent or taking property even with an intent to return the property.

**21. Threats to Person(s)**

Threatening the health or safety of another person(s). This includes a verbal or written threat, if:

- a. it was a serious expression of an intent to commit an act of unlawful violence to a particular individual, group of individuals, or foreseeable recipient, after taking into consideration the context and totality of the circumstances whether they would reasonably perceive that a serious expression of intent to commit an act of unlawful violence had been made; or
- b. its very utterance inflicts injury or tends to incite an immediate breach of the peace.



## 22. Threats to or Endangerment of Animal(s)

Threatening or endangering the health or safety of an animal(s).

## 23. Unauthorized Access

Unauthorized use of, entry into, exit from, or presence on, CU Boulder property, property belonging to another, and/or digital property. This includes, but is not limited to, unauthorized exit or entry through windows, locked doors, construction sites, areas closed to the public, or locked areas of residence halls, such as balconies.

## 24. Violating any Residential Handbook Policy

Violating any policy appearing in the Residential Handbook, the Graduate & Family Housing Handbook, or any policy communicated through Housing and Dining Services staff. See the Residential Handbook and Graduate & Family Housing Handbook for more information: <https://www.colorado.edu/living/housing>.

## 25. Violating Infectious Disease Mitigation

Violating CU Boulder requirements or public health orders in place to reduce the risk of spreading infectious disease (See Appendix 4).

- a. Failing to follow any and all applicable federal, state, and/or local public health orders, or applicable public health recommendations, policies or directives when required by CU Boulder policy or other CU Boulder requirements. If multiple orders, directives, or recommendations apply, or in the event of conflict between or among them, students are required to follow the most restrictive public health order directive, or recommendation.
- b. Failing to follow CU Boulder policies, procedures, and any other requirements in place to help reduce the risk of contracting or spreading infectious diseases. This includes CU Boulder vaccine guidance and requirements.
- c. To the extent consistent with CU Boulder policy, failing to comply with any additional or more specific actions required by a campus department, unit, or building proctor, to limit the contraction or spread of infectious disease, while participating in a program or activity, utilizing a service or benefit, or using CU Boulder facilities.

## 26. Violation of CU Boulder Policy or Regulation

This includes but is not limited to:

- a. "Campus Use of CU Boulder Facilities" policy: [http://www.colorado.edu/policies/campus-use-CU Boulder-facilities](http://www.colorado.edu/policies/campus-use-CU-Boulder-facilities)
- b. "Acceptable Use of CU Boulder's IT Resources": <https://www.colorado.edu/policies/information-technology>

## 27. Violation of Law

Violating any federal, state, or local law, as determined by SCCR.

## 28. Weapons

Possessing firearms, explosives, incendiary devices, ammunition, or other weapons on campus, in a CU Boulder leased building, or other areas where such possession interferes with the learning and working environment, except as permitted by law. "Weapon" as used in this provision may be an instrument of offensive or defensive combat; anything used, or designed to be used, in destroying, defeating, or injuring a person; any instrumentality designed, or likely to produce, bodily harm. A weapon may include, but not be limited to, the following: any firearm, slingshot, cross knuckles, knuckles of lead, brass, or other metal, any bowie knife, dirk, dagger, or similar knife, or any knife having the appearance of a pocketknife, the blade of which can be opened by a flick of a button, pressure on the handle, or other mechanical contrivance. A harmless instrument designed to look like a firearm, explosive, or dangerous weapon which is used by, or is in the possession of, a person with the intent to cause fear in or assault to another person is expressly included within the meaning of weapon.

# G. What are Resolution Processes and How Do They Work?

## Overview of Procedures

- SCCR receives notification of a potential violation
- SCCR sends a Resolution Meeting Notice to the responding student
- Students have the opportunity to participate in the resolution process
  - In the **Formal Resolution Process**, the student has the opportunity to meet with a resolution specialist. If the student does not accept responsibility, SCCR determines whether it is more likely than not that the student is responsible. If the student is responsible, the student is assigned resolution outcomes and the process is complete upon completion of those outcomes.
  - In the **Informal Resolution Process**, the student meets with a resolution specialist and accepts responsibility. The process is complete when the student completes the resolution outcomes assigned in the meeting.

- In the **Restorative Justice Process**, the student participates in a facilitated dialogue with community members. The group collaboratively determines reparative agreements for the student to complete. The process is complete when the student completes all reparative agreements.
- At the discretion of the resolution specialist, a student may receive a **Policy Reminder** in lieu of a resolution process. A policy reminder is a summary of the potential violation and reminder of the relevant policy in the Student Code of Conduct. No factual findings or decision about whether a policy violation occurred are made and no action is required on the part of the student.

### 1. Commencement of a Resolution Process

A resolution specialist may initiate a resolution process on the basis of a complaint or report received from any source, including, but not limited to, an individual, a residence hall official, or a law enforcement agency.

Upon receipt of a complaint or report, the resolution specialist may review the information to decide whether the allegations fall within the jurisdiction of the Student Code of Conduct and whether a resolution process should occur. The resolution specialist may:

- b. initiate a formal resolution process by sending the responding student or Recognized Student Organization (RSO) or Recognized Social Greek Organization (RSGO) a Resolution Meeting Notice;
  - i. RSO and RSGO Resolution Meeting Notices will be sent to the email address provided by the student organization to the Center for Student Involvement or Fraternity & Sorority Life.
  - ii. Communications with RSOs and RSGOs will be directed to the president, principal officer, student group signatory, or other student(s) designated by the group to act on behalf of the group.
- c. resolve the situation through an informal resolution process including, but not limited to, mediation or a meeting between the responding student and a student resolution specialist or a third party.
- d. refer the complaint or report to the restorative justice process.
- e. determine that the facts of the complaint or report, even if true, would not constitute a violation of the Student Code of Conduct or applicable policy, and take no further action.

### 2. Resolution Meeting Notice

As noted in the Student Email Policy (<http://www.colorado.edu/policies/student-e-mail-policy>), email is an official means of communication with CU Boulder. Therefore, CU Boulder has the right to send communications to responding students via email and the right to expect that those communications will be received and read in a timely fashion.

- a. When the resolution specialist initiates a resolution process, a Resolution Meeting Notice will be sent to the responding student who is the subject of the report or complaint via the responding student's official CU Boulder email address. At the resolution specialist's discretion, the notice may also be hand delivered or sent via standard U.S. mail to the mailing or permanent address appearing in CU Boulder's student information system or police report. Notice to the responding student will be considered furnished on the date of hand delivery, on the date emailed, or three business days after the date the notice is placed in the U.S. mail.
- b. The Resolution Meeting Notice shall include:
  - i. a summary of the known factual information supporting the alleged prohibited conduct, including the date and location of any incident, to the extent known and available;
  - ii. alleged violations of the Student Code of Conduct; and
  - iii. the requirement that the responding student schedule a resolution meeting with SCCR within the time frame designated in the letter; or
  - iv. at the resolution specialist's discretion, the letter may specify a specific date, time, and location for the resolution meeting and the resolution meeting will be scheduled based on the availability of the resolution specialist and the student's scheduled classes.
- c. If a "no contact" directive is detailed in the Resolution Meeting Notice, it is the responsibility of the responding student not to have any contact with the individual(s) named, directly, through third parties, or via electronic means. If an "exclusion" directive is detailed in the Resolution Meeting Notice, it is the responsibility of the responding student to abide by the directives as outlined in the notice.
- d. In cases where a responding student has been contacted for a Student Code of Conduct violation by police at a sporting or other event, notice for a resolution process may be issued at the time of the incident by SCCR staff. Such notice may include a preset resolution meeting time with SCCR.
- e. Expedited Formal Process. When the resolution specialist determines that a prompt resolution meeting is

essential (including but not limited to CU Boulder new student welcome or orientation, end of the semester, the responding student is graduating, or there is substantial concern for the health, safety, or welfare of any person), the resolution specialist may require that the responding student meet with them within 48 hours. In addition, in these cases, notice may be given via email, telephone, hand delivery, or by an end of semester contact form.

### **3. Resolution Processes**

SCCR resolves alleged prohibited conduct through the informal resolution process, the formal resolution process, or the restorative justice process. Resolution specialists have the authority and sole discretion to determine the type of resolution process. This decision is primarily based on, but not limited to, the following factors:

- if the responding student admits or otherwise takes responsibility for the alleged prohibited conduct;
- the responding student's prior conduct record;
- the nature and severity of the alleged prohibited conduct;
- the alleged impact and/or harm caused to another person or community;
- whether the alleged conduct would violate the Student Code of Conduct; and/or
- any other factors that the resolution specialist finds relevant to the specific allegations.

The formal resolution process is an adjudication of the alleged prohibited conduct, considered an educational but disciplinary process, and may result in resolution outcomes and a disciplinary conduct record.

The informal resolution process and restorative justice process are intended as forms of alternative dispute resolution, are voluntary, primarily educational in nature, not an adjudication of the allegations, not considered a disciplinary process, and instead will result in a written agreement with the responding student. Because SCCR does not consider the informal resolution process or restorative justice process to be disciplinary processes, they will not result in a disciplinary conduct record or file. Informal resolutions and restorative justice will never result in resolution outcomes such as suspension or expulsion.

The first step in each resolution process is initiated by the resolution specialist issuing a written Resolution Meeting Notice to the responding student, which prompts the responding student to attend a scheduled meeting with the resolution specialist as outlined in the notice.

#### **a. Informal Resolution**

This process may generally include, but is not limited to, a meeting with a resolution specialist, completion of the assigned resolution outcomes, and/or participation in the restorative justice process.

During the meeting, if the resolution specialist determines that the informal resolution process may be appropriate, the resolution specialist will offer it as an option to the responding student and address any questions the responding student may have about the process. If the responding student accepts responsibility for the alleged prohibited conduct and completes educational resolution outcomes assigned by the resolution specialist, then SCCR will consider the matter to be resolved informally.

The educational resolution outcomes may include, but are not limited to, the following required actions:

- alcohol or substance use class;
- participation in a circle process;
- participation in conflict coaching and/or a mediation process;
- meeting with campus resources; and/or
- other educational requirements.

To identify appropriate and meaningful requirements in agreements, responding students are encouraged to engage in interactive communications with the resolution specialist.

The resolution specialist reserves the right to stop the informal resolution process and initiate the formal resolution process at any time prior to the responding student's completion of the informal process including, but not limited to:

- a responding student failing to schedule or attend the meeting with the resolution specialist;
- a responding student's denial of responsibility for the alleged prohibited conduct;
- if a responding student does not want to participate in the informal resolution process;
- if a responding student fails to complete assigned educational outcomes; or
- the resolution specialist determines that the matter is more appropriately resolved under the formal resolution process.

## **b. Formal Resolution**

This process generally includes:

- i. written notice of the factual allegations and alleged violations of the Student Code of Conduct;
- ii. the opportunity to meet with the resolution specialist to address the allegations and provide information to the resolution specialist;
- iii. the resolution specialist reviewing the allegations and making factual and violation determinations based on preponderance of the evidence; and
- iv. written notice to the responding student of the resolution specialist's determinations.

The resolution specialist will consider the following in making this determination:

- i. the allegations in the Resolution Meeting Notice and the responding student's response to those allegations;
- ii. any documents or information that the resolution specialist finds relevant, including without limitation, relevant documents presented by the responding student, complainant, or any other interested party; and/or
- iii. the oral or written statements of any witnesses with relevant information, as presented by the responding student, any alleged victim, or other interested party, as it appears in a report, or as requested by the resolution specialist.

The responding student may identify witnesses believed to have relevant information to impart to the resolution specialist. If the resolution specialist determines that the witness may have relevant information, a good faith effort to contact such witnesses will be made to obtain a statement from them.

- i. SCCR cannot guarantee the participation of an identified witness.
- ii. The resolution specialist may decline to contact any witnesses if the resolution specialist believes that the witness does not have any additional information relevant to the facts in dispute.
- iii. The responding student may submit questions to the resolution specialist to be asked of the witnesses but is not entitled to be present during the resolution specialist's interview of witnesses, including any victim. It is within the discretion of the resolution specialist to decide whether to ask the witnesses any question(s) submitted by the responding student and the resolution specialist may decline to ask a question that is not reasonably calculated to lead to the discovery of probative information or when the probative value of the information is outweighed by the danger of unfair prejudice or confusion of the issues or by considerations of undue delay or needless presentation of cumulative information.
- iv. Students are expected to respond as requested in a resolution process as a responsibility of membership in the CU Boulder community, and failure to do so may result in disciplinary action.
- v. The resolution specialist may choose to meet again with the responding student or any other witnesses, including any reporting party, in order to obtain responses to additional questions or information gathered during the formal resolution process.

Prior to the resolution specialist's decision in a formal resolution process, responding students may request to know the names of any witness or any complainant, if not already provided, and have access to review and respond to the relevant information any such individuals have provided to resolution specialists.

Technical rules of evidence and procedures applicable to civil and criminal court cases do not apply to the formal resolution process. The resolution specialist is authorized to consider any information relevant to the allegation of prohibited conduct.

The resolution specialist may exclude any person, including the responding student and/or the student's advisor, who disrupts a meeting.

### ***Standard of Proof and Process***

In order to find that a responding student has engaged in prohibited conduct, the standard of proof required is a preponderance of the information contained in the record. The information must demonstrate that it is more likely than not that the responding student violated the Student Code of Conduct.

The resolution specialist will make determinations about the facts and the credibility and reliability of the information provided and determine whether the responding student has violated the Student Code of Conduct based on a preponderance of the evidence. If the evidence weighs so evenly that the resolution specialist is unable to determine that there is a preponderance on either side, the resolution specialist must determine that there is insufficient evidence to conclude there has been a violation. In applying the preponderance of the evidence standard, the resolution specialist may consider both direct and circumstantial information. The resolution specialist may determine the credibility of witnesses, and the weight to be given their statements, taking into consideration their means of knowledge, strength of memory, and opportunities for observation, the reasonableness or unreasonableness of their statements, the consistency or lack of consistency of their statements, their motives, whether their statements are

contradicted or supported by other information, any evidence of bias, prejudice or interest, and their manner and demeanor when providing statements.

If the responding student is found responsible for violating the Student Code of Conduct, the resolution specialist will determine any aggravating or mitigating circumstances and assign resolution outcomes.

The complainant and a victim of a “crime of violence”, as defined in Section K.9. may provide an impact statement to the resolution specialist for consideration as an aggravating or mitigating circumstance for the purpose of assigning resolution outcomes.

The resolution specialist will notify the responding student and appropriate CU Boulder officials of the decision in writing. The appeal process, if applicable, is outlined in Section J.

SCCR maintains a record of the information obtained pursuant to the formal resolution process. The record includes copies of all correspondence between the responding student and SCCR, copies of any audio records, all documents, and the decision. Please see Section K. for more information about record retention.

If the responding student does not schedule or attend a scheduled meeting with the resolution specialist or attends a meeting but does not participate by the date specified in the notice, the resolution specialist may decide the outcome of the case in the responding student’s absence or without the responding student’s participation based on the information available to the resolution specialist.

Requests for any delay in the process or rescheduling of any meeting are discouraged, will be considered on a case-by-case basis, and granted only if the resolution specialist determines that the circumstances are appropriate.

#### **c. Restorative Justice**

The Director of SCCR, or their designee, has discretion to refer a report or complaint for resolution through a restorative justice process. Restorative justice helps to address the relationship between victims, responding students, and the community in a way that repairs the impacts of an incident, holds the responding student accountable for their actions, and builds community. In order to participate in a restorative justice process, the responding student must take responsibility for what occurred and be willing to participate in the restorative justice process. All parties must agree on the resolution and the responding student will be bound by the decision with no review/appeal.

Depending on the violation, what happened, and the needs of those involved, the restorative justice process will involve the responding student(s) and may involve people impacted or affected by the incident, community members, and SCCR staff and/or volunteers. The process overall has three steps in which the student will:

- i. Attend one or more intakes with a staff member who explains the restorative justice process, confirms the student is taking responsibility for what happened, and schedules the responding student into their restorative justice conference.
- ii. Participate in a restorative justice conference where the responding student shares their story, discusses harm and impact, and agrees to a reparative agreement to make things right.
- iii. Complete a reparative agreement that aims to repair harm, provide education, and address underlying needs.

The restorative justice process is complete after the responding student has completed these three steps.

Responding students who do not successfully complete the restorative justice process will be referred to a resolution specialist for resolution through the formal or informal resolution process, as determined by the resolution specialist.

#### **d. Policy Reminders**

SCCR may send students a policy reminder if a submitted report indicates a possible violation of CU Boulder policy. The policy reminder is a letter providing a summary of the report and reminding the student of the relevant policy in the Student Code of Conduct. No action is required on the part of the student. The student is not alleged to have violated the relevant policy nor is a finding issued based on the report received. A policy reminder does not result in a disciplinary action or a disciplinary record with CU Boulder.

## H. Who Can You Bring With You? (Advisors)

Responding students may bring a support person/advisor of their choice, including but not limited to, an advocate, attorney, or other person who is not a potential witness or could otherwise compromise the process, to any resolution process meeting, including, but not limited to, meetings in the formal resolution process. Support persons/advisors are not permitted to speak for, or on behalf of, the responding student during any phase of a resolution process, including meetings in the formal resolution process. However, with permission from the resolution specialist, advisors may make a statement and/or ask questions of the responding student to present relevant information after the resolution specialist has completed discussions with the responding student. If a responding student chooses to bring an advisor to the meeting, it is the responding student's obligation to select an advisor whose schedule allows attendance within the time frame designated in the Resolution Meeting Notice. The resolution specialist may exclude any person, including the responding student and/or the student's advisor, who disrupts a meeting.

SCCR, or the designated resolution specialist, is not obligated to reschedule the meeting to accommodate an advisor's schedule.

## I. What are Resolution Outcomes? (Sanctions)

### 1. Overview of Resolution Outcomes

There are three types of Resolution Outcomes:

- **Administrative Outcomes** impact a student's status with CU Boulder.
- **Educational Outcomes** are educational activities assigned to help a student address factors impacting behavior, and the impact of their behavior.
- **Restriction Outcomes** impact a student's interaction with campus and/or communication with others.

In an informal resolution, or a formal resolution where the student has been found responsible, a student will likely be assigned at least one administrative outcome and at least one educational outcome. In the restorative justice process, students complete reparative agreements in lieu of resolution outcomes.

A registration hold may be placed if a responding student fails to complete assigned resolution outcomes. The registration hold will not be removed until all resolution outcomes are completed. The registration hold is honored by all University of Colorado campuses, including Continuing Education, and prohibits the responding student from registering for classes until the resolution process has been completed.

### 2. Resolution Factors

Resolution Outcomes in the formal resolution process will be assigned based upon a consideration of all of the relevant circumstances in a particular case. Mitigating and aggravating circumstances will be specifically considered.

- **Aggravating circumstances** are any circumstances accompanying the commission of prohibited conduct that may increase its severity and that may increase the severity of the resolution outcomes for prohibited conduct.
- **Mitigating circumstances** are any circumstances that may reduce the severity of a violation and resolution outcomes for prohibited conduct. These do not change whether someone violated the Student Code of Conduct and are not a justification or excuse for prohibited conduct in question.

Resolution specialists will typically consider circumstances from the list below and may consider other circumstances relevant to a particular incident:

- Previous violations of the Student Code of Conduct
- Number of violations in an incident
- Influence of alcohol or other drugs, specifically:
  - public intoxication;
  - medical transport;
  - providing alcohol/drugs to minors;
  - driving a vehicle under the influence of alcohol/drugs;
- Violence or force
- Violation of trust or duty
- Premeditation to the incident
- Accompanying damage to property
- Obstruction of a peace officer
- Accompanying failure to abide by a CU Boulder official

- Responding student's understanding of the impact their actions had on others
- Any impact statement submitted by a complainant and a victim of a "crime of violence", as defined in Section K.

In all cases, the resolution specialist or Conduct Appeal Board, to the extent applicable, has the discretion to determine the proportional resolution outcome for a case, based on the nature, severity, and frequency of any found violations.

Character witnesses, statements, and reference letters shall not be considered aggravating or mitigating circumstances because the formal resolution process does not review or make factual and violation determinations regarding a student's character.

### 3. Example Resolution Outcomes

The following is a non-exhaustive list of the possible Resolution Outcomes that a resolution specialist may assign based upon a finding of a violation of the Student Code of Conduct.

#### a. Administrative Outcomes

- **Warning**

A warning/written reprimand is a written statement from the resolution specialist or conduct body that the behavior was in violation of a specific CU Boulder policy and that more serious conduct action will likely be taken should subsequent policy violations occur.

- **Probation**

A responding student is placed on probation, which lasts for a period of time, as specified in writing. Further prohibited conduct, including, but not limited to, violations of the Student Code of Conduct, Residential Handbook, the Sexual Misconduct Policy, or the Discrimination and Harassment Policy, occurring during the probationary period will likely result in outcomes which impact the student's status with CU Boulder.

- **Loss of Good Standing**

The responding student is not in good standing with CU Boulder for a designated period of time, as specified in writing. Further prohibited conduct, including, but not limited to, violations of the Student Code of Conduct, Residential Handbook, the Sex Misconduct, Intimate Partner Violence, and Stalking Policy, or the Discrimination and Harassment Policy, is likely to result in suspension. Loss of good standing may prohibit or impact a responding student from:

- representing CU Boulder through official events;
- participating in Education Abroad; and/or
- serving in a leadership position or on a CU Boulder committee.

- **Community Re-engagement Program**

Consistent with its educational and developmental goals, SCCR maintains a Community Re-engagement Program designed to help responding students on Loss of Good Standing to re-engage with their community in positive ways and become eligible for SCCR to consider early termination of their Loss of Good Standing. More information about the program can be found on the SCCR website.

- **Suspension**

The responding student is not eligible to take any courses or otherwise participate as a student in any university programs, services, benefits, or activities for a specific period of time. A suspension notation appears on the responding student's transcript. After the period of suspension has expired, the transcript notation will be removed.

A suspension decision results in the responding student being suspended from all campuses of the University of Colorado system. This includes CU Continuing Education courses. Upon completion of the suspension, if the responding student wishes to return to CU Boulder, they are eligible to reapply. Undergraduate students must complete the readmission process through the Office of Admissions. Graduate and professional students must complete the readmission process as defined by their school or college.

- **Suspension in Abeyance**

The responding student is suspended, but due to mitigating circumstances the suspension is deferred, allowing the responding student to remain a student at CU Boulder and providing the responding student with a final opportunity to make decisions following the Student Code of Conduct. If the responding student, through a resolution process, is found to have violated the Student Code of Conduct during the period of suspension in abeyance, the responding student will likely be immediately ineligible to take any courses or otherwise participate as a student in any university programs, services, benefits, or activities for the duration

of the abeyance, and may be assigned additional resolution outcomes, including an extension of the suspension period or expulsion.

- **Expulsion**

The responding student permanently ineligible to take any courses or otherwise participate as a student in any university programs, services, benefits, or activities. A notation of expulsion remains permanently on the responding student's transcript. In the event of an expulsion, SCCR will keep the incident file indefinitely.

An expulsion decision results in the responding student being expelled from all campuses of the University of Colorado system. This includes CU Continuing Education courses.

- **Revocation of Admission**

The responding student's admission is revoked. If the student wishes to enroll in classes at the institution in the future, they must reapply as a potentially newly incoming student.

b. **Educational Outcomes**

The responding student may be required to attend a class, program, or lecture or be involved with the community in a way that brings about a new understanding of the community and how the responding student's behavior may have impacted others. The responding student is responsible for any costs associated with completing educational outcomes.

c. **Restriction Outcomes**

- **Residence Hall Reassignment**

A responding student who resides in a residence hall is assigned to a different residence hall on campus.

- **Residence Hall Termination**

A responding student's residence hall agreement is terminated through a resolution process and the responding student is prohibited from residing in any CU Boulder residence hall on either a permanent or a temporary basis. Specific exclusion from the residence halls may also be imposed. Termination may occur in cases where a responding student is allegedly involved in violations of the Student Code of Conduct and the behavior or pattern of behavior has a significant negative impact on their living community.

- **Residence Hall Termination in Abeyance**

The responding student's residence hall agreement is terminated, but due to mitigating circumstances the termination is deferred, allowing the responding student to continue living in the residence hall and providing a responding student with a final opportunity to prove they can operate responsibly within the living community. If the responding student, through a resolution process, is found to have violated the Student Code of Conduct during the period of termination in abeyance, the responding student will likely be immediately terminated from the residence hall for the duration of the abeyance, and may be given additional resolution outcomes, including an extension of the termination and/or suspension.

- **No Contact Directive**

The Director of SCCR, or their designee, has discretion at any point during a resolution process, formal or informal, to assign a no contact directive, including after a decision has been made, regardless of finding. When a responding student is issued a no contact directive, the responding student may request to meet with a resolution specialist to discuss the factors of the no contact directive or to request that SCCR lift the no contact directive. These directives will remain in effect for the duration of a resolution process and until otherwise notified by the Director of SCCR or their designee.

If a responding student is assigned a no contact directive, they are prohibited from having any contact with the person(s) as described in the notice. Contact includes, but is not limited to, direct contact, and all forms of communication, extending to email, social media sites, phone, texting, or any contact initiated through a third party.

Failure to abide by the no contact directive may result in the resolution specialist issuing a Resolution Meeting Notice for an alleged violation of E.12 and subject the responding student to resolution outcomes. Any retaliatory contact directed toward any person connected to a resolution process is prohibited as described in E.16, may result in the resolution specialist issuing a Resolution Meeting Notice and subject the responding student to resolution outcomes.

- **Exclusion**



The responding student is denied access to all or a portion of CU Boulder property. When a responding student is excluded from CU Boulder property, that responding student may be permitted on to CU Boulder property for limited periods and specific purposes with the written permission of the Director of SCCR or their designee. Should the responding student access CU Boulder property without permission, the responding student may be subject to law enforcement action and/or an alleged violation of the Student Code of Conduct.

- **Restriction or Denial of CU Boulder Services**

The responding student is restricted from using, or is denied access to, specified CU Boulder services and/or CU Boulder activities.

- **Adjudication Fee**

When a student is assigned probation, loss of good standing, or suspension, a \$75 fee will be assessed to the responding student's bursar account. For subsequent incidents resulting in probation, loss of good standing, or suspension, a \$100 fee will be assessed. This fee is used by the Division of Student Affairs to support educational programs and presentations. SCCR does not receive any of the adjudication fee. Failure to pay the adjudication fee by the due date will result in late fees and/or service charges per the Bursar's Office. **A financial hold\*** will be placed on the responding student's record if the responding student fails to pay the adjudication fee by the due date. This hold will prevent the responding student from:

- registering for future terms;
- participating in drop/add;
- receiving an academic transcript; and
- receiving a diploma.

**\*Student Conduct & Conflict Resolution cannot release this hold from a student's account.**

2. **Recognized Student Organization Outcomes and Recognized Social Greek Organization Outcomes**

In addition to the resolution outcomes listed above, violations by RSOs and RSGOs may result in the RSO or RSGO being placed on Probation or Loss of Good Standing (as outlined in the Student Organization Handbook) within CSI, which includes, but is not limited to, revocation of the following:

- being listed on CU Boulder's public directory;
- reserving campus space;
- hosting or sponsoring events;
- access to campus funding and fundraising opportunities; and/or
- access to the organization's operational account with CU Boulder.

RSOs and RSGOs may still be required to complete resolution outcomes even if the violation of the Code was engaged by a member, or members, of the organization when there was knowledge or consent given by the organization's officers, or when they acted as a cohort with other members of the organization.

## J. Can Someone Else Review My Case? (Appeals)

1. **Introduction**

A responding student may only appeal if the resolution outcomes of loss of good standing, revocation of admission, residence hall reassignment, residence hall termination, suspension, exclusion, or expulsion are assigned. All appeals must be made in accordance with procedures outlined in this section. The Conduct Appeal Board will review the case file, the written appeal, and supporting documentation received by the deadline set in the student conduct decision letter. The appeal is the final step in the resolution process.

An appeal does not provide a second or new ("de novo") review of the case. The review on appeal will be based on the existing record, or new information provided per J.2.a.ii., below. The information provided to the Conduct Appeal Board in the responding student's request for appeal and information the resolution specialist may present regarding the rationale for the decision will be used to render an appeal decision. Deviation from any of the process or procedures in this document will not invalidate a proceeding or decision or be a basis for appeal except where such deviation has clearly resulted in significant prejudice to a responding student or complainant.

A responding student may file an appeal by electronically submitting a request for appeal form, available on the SCCR website. **Appeal request forms must be written and submitted by the responding student.** Appeal request forms submitted by another on behalf of the responding student will not be considered.

## 2. Appeal Criteria

- a. A responding student may appeal upon one or more of the following grounds:
  - i. The established procedures were not followed in a significant way, and, as a result, the factual findings, the resolution outcome, or both, were not correct.
  - ii. There is new information that would have been material to the decision, had the information been presented at the resolution meeting. The new information must be included with the responding student's request for appeal. In addition, the responding student must show that the new information was not known or otherwise available to the person appealing at the time of the original resolution meeting.
  - iii. The resolution outcome was not proportional based on the nature of the violation or the circumstances. Students may only appeal based on this criterion when assigned suspension or expulsion.

### **Disagreement with the decision is not grounds for appeal.**

- b. Unless the welfare of an individual, group, or the community is threatened, the resolution outcomes imposed will not go into effect until either the deadline for filing an appeal passes and no appeal is filed, or if a timely appeal is filed, and the appeal is decided, whichever comes first.
- c. An appeal must be filed by the date specified in the original decision letter from SCCR. If a responding student files an appeal, they will be informed of the outcome when the appeal process has been completed. An appeal will only be considered if it includes the request to appeal form, the responding student's criteria for appeal, and rationale for appeal. It is the responding student's obligation to provide all materials they wish to have considered at the time of appeal submission. Subsequent information and/or revisions to the appeal will not be accepted. The Director of SCCR or their designee will make the decision as to whether these conditions have been met.

Responding students are encouraged to consult with all resources about the appeal process prior to submitting the request for an appeal.

### *Appeal Exemptions*

There are no responding student appeals for the following:

- Colorado Law regarding riots; and
- Colorado Law regarding hazing. (See Appendices 1 & 2)

## 3. Conduct Appeal Board

The Dean of Students, or their designee, shall appoint the Conduct Appeal Board members. Board members shall have no prior involvement with the case through SCCR. Students, staff, and faculty members are eligible to sit on the Appeal Board. The Board shall only consider information contained in the record of the case that is transmitted to the appeal officers; however, the Board may request clarification of the decision rendered by the resolution specialist. Any Board member who believes they are unable to be an objective participant for a given appeal is expected to recuse themselves from the Board for that particular appeal.

The Board shall consist of three voting members and a non-voting Lead Appeal Reader (LAR). When feasible, a student will serve as one of the three voting members. The Dean of Students or designee will serve as the LAR and is responsible for management of the board. SCCR staff may not serve as the LAR or as a voting member of the board.

- a. The Board will review the responding student's appeal and decide on an action, as outlined in J.3.b., by a majority vote. The LAR will compose and submit an Appeal Decision Letter to the responding student.
- b. Actions Available to the Conduct Appeal Board. The board shall have the authority to:
  - i. Affirm the initial decision.
  - ii. Find that improper procedures were used to the significant prejudice of the responding student. In this case, the Board can refer the case back to the resolution specialist with a recommendation on how to correct the procedures. The resolution specialist may, but is not required to, make a new decision on the case. The responding student may then submit another request for appeal if the responding student again has grounds to appeal after the new decision.
  - iii. Reduce or increase the resolution outcomes, if the Board determines that the resolution outcomes imposed were too severe or too lenient, given the nature of the violation and/or the circumstances. A resolution outcome should not be increased or decreased unless there is compelling justification to do so. Merely disagreeing with the decision of the resolution specialist is not a compelling justification.
  - iv. Find that (a) the responding student has presented information that would have been material to the outcome of the case, had the information been presented at the responding resolution meeting, and (b) the information was not known to the person appealing at the time of the original resolution

meeting. In this event, the Board will refer the case back to the resolution specialist for reconsideration in light of the new information.

## **K. How Are Student Conduct Records Maintained and Protected? (Records & Refunds)**

### **1. Record Retention**

SCCR maintains student conduct records in accordance with federal and state law and CU Boulder policy. Disciplinary records are retained for five years after the date on the conduct decision letter, unless otherwise stated within the Student Code of Conduct.

In cases that involve serious threats of violence, suspension, or expulsion, records are kept indefinitely. For incidents involving sexual misconduct, protected class discrimination or harassment, or related retaliation, records are retained by the Office of Institutional Equity and Compliance. See <http://www.colorado.edu/institutionalequity/policies> for additional information.

### **2. Sealing of Disciplinary Record**

SCCR typically expunges formal student conduct records 5 years after a final decision letter is provided to a responding student, except as outlined above. Disciplinary records may be sealed earlier by SCCR upon written petition from the responding student by completing and submitting the “Request to Seal Student Conduct Record” form found on the SCCR website.

For the purposes of this document, “sealed” means that files will be labeled as “sealed” and the record and underlying information in the record shall not be disclosed to external third parties by SCCR, except as required by law. For example, in case of a subpoena. However, these records will be maintained internally and may be utilized for CU Boulder disciplinary purposes until expunged, if applicable.

Factors to be considered in review of the request include:

- The responding student’s disciplinary record as a whole.
- The responding student’s conduct after the violation.
- The nature of the violation(s) including, but not limited to, the severity of the damage, injury, harm, or other impact resulting from the violation(s).
- Whether all resolution outcomes have been completed as directed or not, including probation, loss of good standing, or suspension.
- The person’s responses to the request questions and other provided information.

The Director of SCCR, or their designee, will make the final determination if a request is approved.

Disciplinary records created less than 6 months from the date of the final decision letter shall not be sealed without compelling justification. The decision is final and is not appealable. Informal resolution, restorative justice, and policy reminders are not eligible for sealing because these cases are not disciplinary records.

Further violations of the Student Code of Conduct may result in an approved, sealed decision being reversed.

### **3. Request to Inspect Records**

Responding students have the right to inspect and review education records to the extent that it includes information directly related to them. To do so, responding students must submit a request to inspect records form, available on the SCCR website. SCCR will comply with a request for access within a reasonable time, not to exceed 45 days. Arrangement shall be made for the responding student to review their records in the presence of a staff member in SCCR. Please be advised that SCCR does not permit the copying of these records through any medium including, but not limited to screenshots, videos, or photos, does not allow the education records to be removed from our offices, does not allow unauthorized individuals to inspect education records, and the records may have certain information redacted pursuant to law.

Notwithstanding the above, pursuant to G.3.b, prior to the resolution specialist’s decision in a formal resolution process, and if not already provided, responding students may request to know the names of any witness or reporting party, and have access to review and respond to the relevant information any such individuals have provided to resolution specialists.

### **4. Process Recordings**

CU Boulder may audio record and/or video record any SCCR processes. The responding student must obtain permission from the resolution specialist to audio record and/or video record any resolution processes. Any audio or

video record that is made by CU Boulder may be listened to by the responding student, but not copied, and will be kept for as long as described in Section K.

## 5. Disciplinary Holds

While a resolution process is pending, CU Boulder may place a disciplinary hold on the responding student's records. The disciplinary hold is honored by all University of Colorado campuses, including Continuing Education, and prohibits the responding student from registering for classes until a resolution process, including the review procedure if requested, has been completed.

A disciplinary hold may also be placed if a responding student fails to complete assigned resolution outcomes, which has the same impact on a responding student's records and registration as described above. **The disciplinary hold will not be removed until all resolution outcomes are completed.**

If a resolution process results in suspension, a disciplinary suspension hold will be placed on a responding student's record. A disciplinary suspension hold is honored by all University of Colorado campuses, including Continuing Education programs, and prohibits a responding student from being admitted to any of the campuses until the suspension period is over and the responding student has reapplied and has been readmitted.

If a resolution process results in expulsion, a disciplinary expulsion hold will be placed on a responding student's record. A disciplinary expulsion hold is honored by all University of Colorado campuses, including Continuing Education programs, prohibits a responding student from being admitted to any of the campuses, and from registering for classes. **This hold is permanent and will not be removed from a student's record.**

## 6. Refund Policy After Disciplinary Action

If a responding student is suspended or expelled from CU Boulder, assessment or refund of tuition and fees and/or Housing and Dining Services room and board costs are made in the same way as when a responding student voluntarily withdraws. See the Office of the Registrar (<http://www.colorado.edu/registrar/>, 303-492-6970, or Regent Administrative Center room 101, 20 UCB).

If a responding student has their Housing and Dining Services contract terminated, assessment or refund of room and board costs are made pursuant to the terms of the Housing and Dining Services contract.

The date used for determining the amount due will be the effective date of the suspension, expulsion, and/or Housing and Dining Services contract termination, as determined by the resolution specialist.

## 7. Access and Disclosure of Conduct Information

Provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA) govern access to a responding student's educational records, including those related to student conduct maintained by SCCR, and information from within those records. Under FERPA, SCCR student information and records are available to CU Boulder officials or offices with a "legitimate educational interest" meaning they have a need to know to do their work for CU Boulder.

Notations of disciplinary action on the responding student's transcript will be made only by SCCR. Expulsion will be permanently noted on the academic transcript. Suspension is noted on the transcript during the period of suspension and/or until the conditions for readmission have been met.

Under FERPA, SCCR has discretion regarding whether to allow parent(s) who provide proof that a student is a dependent, as defined in Section 152 of the Internal Revenue Code of 1954, to have access to their child's student information. A copy of the last federal income tax return listing the student as a dependent may serve as proof of dependency and may allow the parent(s) access to the student's conduct file without written consent of the responding student. In this case, parents may also have access to a conduct file. In addition, parent(s) may be notified if a responding student under 21 years of age is found responsible for a violation involving use or possession of alcohol or other drugs. SCCR also may notify parent/guardian(s) when a responding student is found responsible for violating a public health order and there is an articulable and significant health or safety concern for the student or others, such as a surge or impending outbreak of infectious disease. Regardless, nothing here or under FERPA, requires SCCR to inform parents and SCCR reserves the ability to use its discretion to determine whether it is appropriate under the circumstances to inform parents.

The Director of SCCR, or designee, may determine that a report to the police may be warranted based if there is an emergency or safety issue. Staff will consider this on a case-by-case basis, taking into account the totality of the circumstances pertaining to a threat to the health or safety of the student or others when making this determination.

In absence of health or safety emergency, disclosure of student information to third parties outside CU Boulder, other

than parents, including, but not limited to, inquiries from employers, government agencies, news media, family, friends, or police agencies, except CU Boulder contractors with legitimate educational interest, generally requires appropriate written permission from the student. A student can grant permission to any third party by completing the Authorization for Release of Information form, available on the SCCR website.

An exception to the foregoing is information that must be released pursuant to a lawfully issued subpoena or court order, and as otherwise required by law.

#### **8. Redisclosure of Information**

Individuals who are authorized to receive student information are prohibited from further disclosing/releasing such information, unless expressly permitted by law. Violation of this prohibition could result in alleged policy violations under this document or other appropriate action.

#### **9. Disclosure of Outcomes to Victims of Crimes of Violence**

If a person believes that they are a victim of a student's prohibited conduct under the Student Code of Conduct that may be considered a "crime of violence," as defined by the Family Educational Rights and Privacy Act and its regulations (FERPA), they can submit a written request to SCCR at [studentconduct@colorado.edu](mailto:studentconduct@colorado.edu) asking to be informed of the outcome of the student's case.

Depending on the circumstances, a "crime of violence," as defined by FERPA, could potentially apply to violations of the following provisions of the Student Code of Conduct: F.1. Abusive Conduct; F.5. Endangerment of Person(s); F.21. Threats to Person(s); F.14. Physical Misconduct; F.9.a. Intentionally or Recklessly Causing a Fire; F.3. Damage to Property; or F.20. Theft.

SCCR will review each request and the circumstances of the case to determine if information is permissible under FERPA to be disclosed to the victim.

If SCCR determines that outcome information is permissible to be disclosed to the victim, FERPA authorizes SCCR to provide the name of the student who potentially violated the Student Code of Conduct, whether a violation was found, and any resolution outcomes imposed. If information cannot be disclosed, SCCR will notify the victim and provide a reason why that information is unable to be disclosed.

### **L. What Action Can SCCR Take in Addition to a Resolution Process? (Interim Measures & Directives)**

The Vice Chancellor for Student Affairs, the Dean of Students, the Director of SCCR, or any of their designee(s), have the authority to assign directives and interim measures to a responding student when, in the sole discretion of such official, the responding student's alleged prohibited conduct imposes the potential for continuing threat to persons or property or ongoing threat of disrupting academic progress.

#### **1. Interim Suspension**

Prior to final resolution of a resolution process, the Vice Chancellor for Student Affairs, the Dean of Students, the Director of SCCR, or any of their designee(s), have the authority to interim suspend a responding student when, in the sole discretion of such official, the responding student's alleged prohibited conduct imposes the potential for continuing threat to persons or property or ongoing threat of disrupting academic progress.

Interim suspension may include an immediate, temporary prohibition for the responding student to attend any classes and any other CU Boulder activity or program.

In the case of an interim suspension, the responding student will be provided oral (with written notice to follow) or written notice of the alleged prohibited conduct and the opportunity to meet as soon as possible (but not to exceed 10 business days) with the Director of SCCR, or designee, to provide an opportunity for the responding student to be heard and respond to the interim suspension decision so that the Director of SCCR, or designee, may determine if the interim suspension will continue based on the responding student's response and other known, relevant information at the time. It is the responsibility of the responding student to schedule the meeting in the applicable time frame, if requested.

After notice and opportunity to be heard, the Director of SCCR, or designee, may decide to lift the interim suspension, modify the interim suspension, or continue the interim suspension, potentially until the resolution specialist has made final findings and assigned resolution outcomes, if applicable.

## 2. Additional Interim Measures

- a. Interim Residence Hall Relocation
- b. Interim No Contact Directive
- c. Interim Exclusion
- d. Interim Transcript Notation
- e. Interim Registration Hold
- f. Interim Degree Hold

## M. My Concern Is Not Included in the Student Code of Conduct. What Resolution Resources are Available to Me? (Sexual Misconduct, Protected Class Discrimination and Harassment, Honor Code, Classroom Behavior)

### 1. Office of Institutional Equity & Compliance (OIEC)

Cases involving sexual misconduct (including sex assault, sexual harassment, sexual exploitation, intimate partner violence, and gender/sex-based stalking), protected class discrimination and harassment, and any related retaliation are subject to the OIEC Process and Procedures: <https://www.colorado.edu/oiec/policies>.

For more information about these policies and procedures, contact the OIEC at (303) 492- 2127 or <https://www.colorado.edu/oiec>.

In the event that there are potential, multiple alleged policy violations involving OIEC Processes and Procedures and the Student Code of Conduct, the OIEC and SCCR shall have the discretion to determine the most appropriate way to proceed. Options include:

- a. concurrent investigations;
- b. joint investigations;
- c. deferring to the findings of one office; or
- d. using the investigation and findings of one office as the basis of further investigation by the other.

### 2. Honor Code

Cases involving academic misconduct are heard under the Honor Code and Procedures. For more information, contact the Honor Code at [studentconduct@colorado.edu](mailto:studentconduct@colorado.edu) or visit the following website: <https://colorado.edu/sccr/honor-code>

SCCR staff may defer consideration of a pending Honor Code case if another campus disciplinary or investigative process is more appropriately suited to the alleged policy violations. At the conclusion of such other processes, the resolution specialist shall determine whether to re-open its investigation or close the Honor Code referral.

### 3. Classroom Behavior

For information about classroom behavior, see the following website: <https://www.colorado.edu/policies/student-classroom-course-related-behavior>

## N. Student Support Resources

The following are **confidential** resources available to students:

### Student Legal Services

CU Boulder Memorial Center (UMC) 311

P: 303-492-6813

<http://www.cubouldersls.com/>

Student Legal Services (SLS) is a small law office at CU Boulder dedicated exclusively to serving the legal needs of CU Boulder students. Sponsored by the Student Government and funded in large part by student activity fees, SLS provides accessible professional legal assistance to eligible students for a fraction of the cost of a private attorney.

### Counseling and Psychiatric Services (CAPS)

Center for Community (C4C) 352

P: 303-492-2277 (24/7 support)

<https://www.colorado.edu/resources/counseling-psychiatric-services-caps>

If in Crisis: <https://www.colorado.edu/counseling/emergency-crisis-care>

Offers psychiatric care, including counseling, individual and group psychotherapy, and medication, peer education, substance abuse counseling and education, and stress management programs to fee paying students. All contacts are confidential.

### **Office of Victim Assistance**

Center for Community (C4C) N450

P: 303-492-8855

[assist@colorado.edu](mailto:assist@colorado.edu)

<https://www.colorado.edu/ova/>

OVA provides free and confidential information, consultation, support, advocacy and short-term counseling services to CU Boulder of Colorado Boulder students, graduate students, faculty and staff who have experienced a traumatic, disturbing or life disruptive event. OVA is not a part of the police department or the Office of Institutional Equity and Compliance, and is confidential resource for students, staff, and faculty.

### **Ombuds Office**

Center for Community (C4C) S484

Ombuds P: 303-492-5077

Faculty Ombuds P: 303-492-1574

<https://www.colorado.edu/ombuds/>

Assists students, faculty, and staff in resolving complaints or disputes with other individuals, offices, or departments within CU Boulder. Does not maintain records and is independent of any department or office. The Ombuds offices are confidential and not “responsible employees” for mandatory reporting purposes pursuant to CU Boulder of Colorado Boulder applicable policies but do not currently have a statutory privilege in Colorado.

The following resources, although not confidential, are available to students:

### **Student Support & Case Management (SSCM)**

Center for Community (C4C) N460

P: 303-492-7348

[sscm@colorado.edu](mailto:sscm@colorado.edu)

<https://www.colorado.edu/studentaffairs/sscm>

Student Support & Case Management provides support to students throughout their college career and helps them achieve their academic and personal goals. SSCM does not solve a student’s problems for them, but rather helps identify issues and appropriate resources and works collaboratively with the student to develop an action plan.

### **Office of Institutional Equity & Compliance**

3100 Marine Street, 2nd floor Main

P: 303-492-2127

ADA Compliance P: 303-492-9725

<https://www.colorado.edu/oiec>

The Office of Institutional Equity and Compliance (OIEC) employs a comprehensive and integrated approach for case resolution, education, assessment, support services, and ADA accommodations to create and foster a safe, inclusive, and accessible campus environment for all members of the CU community.

OIEC implements and enforces three CU Boulder policies for students, staff, faculty, volunteers, and affiliates: Discrimination and Harassment; Sex Misconduct, Intimate Partner Abuse and Stalking; and Conflict of Interest in Cases of Amorous Relationships.

### **CU Boulder of Colorado Police Department**

1050 Regent Drive

P: 303-492-6666 (non-emergencies)

911 (emergencies)

[www.colorado.edu/police](http://www.colorado.edu/police)

The members of the University of Colorado Boulder Police Department (CUPD) are dedicated to providing the highest quality police services in order to enhance community safety, protect life and property, and reduce crime and the fear of crime.

## Health Promotion

Wardenburg Health Center, Rm 346

P: 303-492-2937

<https://www.colorado.edu/health/promotion>

Health Promotion provides outreach and education on a variety of health topics. They support students in learning skills to make informed decisions about their health to help them succeed while in school and beyond.

## Center for Inclusion & Social Change (CISC)

Center for Community (C4C) N320

P: 303-492-0272

[cisc@colorado.edu](mailto:cisc@colorado.edu)

<https://www.colorado.edu/cisc>

Provides support for all students in the exploration of all of their identities and creates a welcoming and inclusive space on campus that supports academic and personal growth by providing community-building programs, numerous educational opportunities for students to learn and teach, and a space for students to become active, informed global citizens by engaging and interacting with individuals from different cultures.

# O. APPENDICES

## APPENDIX 1: 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 or injury to property or persons, or substantially obstructs the performance of any governmental function.

*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. a. 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.
5. b. 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.
6. 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.
7. For purposes of this section, unless the context otherwise requires:
  - a. "Convicted" means having received a verdict of guilty, pleaded guilty or nolo contendere, or having received a deferred judgment and sentence.
  - b. "Riot offense" means:
    - i. Inciting riot, as described in section 18-9-102, C.R.S.;
    - ii. Arming rioters, as described in section 18-9-103, C.R.S.;
    - iii. Engaging in a riot, as described in section 18-9-104, C.R.S.

## **APPENDIX 2: Colorado Law Regarding Hazing**

As used in this section, unless the context otherwise requires:

1. "**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.
2. "**Hazing**" includes but is not limited to:
  - a. Forced and prolonged physical activity;
  - b. 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;
  - c. Prolonged deprivation of sleep, food, or drink.

## **APPENDIX 3: Amnesty Provision**

The health and safety of students are the primary concerns of CU Boulder. To this end, we have instituted an "Amnesty" policy. The purpose of this policy is to facilitate an educational and safety-focused response to qualifying incidents rather than a disciplinary consequence. This provision only governs the application of CU Boulder's Student Code of Conduct and has no status in other jurisdictions such as local or state courts. The resolution specialist may choose to invoke the Amnesty Provision at any point in the process, including before a student is alleged to have violated policy. Based on the totality of the incident, the resolution specialist will make the final determination as to the applicability of this provision and reserves the right to reduce resolution outcomes or remove the alleged policy violation. When deciding to invoke the Amnesty Policy, resolution specialists will consider factors including, but not limited to, proactivity in calling for help, cooperation with CU Boulder staff, emergency staff, responsibility taking, and actions made in good faith. The Amnesty policy does not limit the authority of law enforcement personnel or CU Boulder staff to act as required at the time of an alleged violation of CU Boulder policies or state or local laws.

1. **Scenarios in which Amnesty May Apply**
  - a. **Alcohol and Drug Related Emergencies**

Whenever a student assists an intoxicated individual in procuring the appropriate assistance as determined by

SCCR, neither the intoxicated individual nor the individual(s) who assists will be subject to the formal resolution process with respect to the alcohol, drug, or infectious disease policy. This provision does not preclude disciplinary action regarding other violations of CU Boulder standards, such as theft, sex harassment/assault, vandalism, harassment, or other prohibited conduct. CU Boulder of Colorado Boulder Police Department and City of Boulder Police Department will assist those individuals whose judgment or health is severely affected due to alcohol or drug use or infectious disease by facilitating transport to the Mental Health Partners Withdrawal and TRT programs, Boulder Community Hospital, Wardenburg Health Center, or by taking other protective measures. Appropriate assistance can be local or state police, community safety officer, residence life staff, or medical professionals. If calling to help in an alcohol or drug related emergency, the reporting party must remain with the intoxicated student and cooperate with staff in obtaining assistance.

**b. Victims**

CU Boulder provides amnesty to victims of violations of policy who may be hesitant to report the incident to CU Boulder because they fear that they themselves may be accused of Student Code of Conduct violations at the time of the incident. Victims who engage in minor Student Code of Conduct violations, such as underage drinking or minor violation of E.27, will not be subject to the formal resolution process.

**c. Witnesses to Conduct Code Violations**

Students who are engaged in minor violations, such as underage drinking or violations of E.27, but who cooperate with CU Boulder in providing information related to serious violations by others, while they engaged in those minor violations, will be provided amnesty for their minor violations. Educational options may be explored, but the reporting student will not be subject to the formal resolution process.

**d. Social Gatherings in Violation of Law**

Whenever a student calls for appropriate assistance in ending large social gatherings in their homes, neither the individual who called for assistance nor other tenants who are present or on the lease will be subject to the formal resolution process with respect to the E.7 or E.27 violation pertaining to the gathering. Resolution of the incident under the Amnesty provision is contingent upon all tenants at the address completing a restorative justice process with SCCR. This provision does not prevent disciplinary action regarding other violations of CU Boulder standards, such as theft, sexual harassment/assault, vandalism, harassment, or other prohibited conduct, as determined by SCCR. The City of Boulder Police Department and CU Boulder of Colorado Police Department will assist those individuals in ending the social gathering. Appropriate assistance includes law enforcement. If calling to help to end a social gathering, the reporting party must remain at the social gathering and cooperate with law enforcement in obtaining assistance.

**2. Additional Conditions of the Amnesty Policy**

In order for this policy to apply:

- a. The student must agree to a timely conversation with a SCCR or Housing and Dining Services Residence Life staff member, as applicable.
- b. If it is determined by the resolution specialist that education activities, assessment, and/or treatment are necessary to address the concern for student health and safety, students will be required to pursue and complete such intervention(s).

Serious or repeated incidents will prompt higher level educational requirements. Furthermore, students that deliberately or repeatedly violate the Code of Conduct, as determined by SCCR, may be ineligible for the Amnesty policy.

Failure to complete recommended follow-up may also result in loss of eligibility for Amnesty and in disciplinary action.

**3. If the Amnesty policy is invoked by SCCR:**

- a. CU Boulder will:
  - i. review the facts of the incident;
  - ii. initiate a meeting with students involved; and
  - iii. discuss/assign educational resolution outcomes.
- b. CU Boulder will not:
  - i. assign probation, loss of good standing, suspension, or expulsion; or
  - ii. charge an adjudication fee for this incident.

**APPENDIX 4: Infectious Disease Mitigation**

**1. Purpose and scope of Student Conduct Code F.25:**

- a. The health and safety of students are the primary concerns of CU Boulder. To this end, CU Boulder has instituted expectations for students pertaining to the mitigation of the spread of infectious disease. CU Boulder added section F.25., which outlines prohibited conduct for students, to provide the structures necessary to help maintain an in-person academic experience, while mitigating the contraction and spread of infectious disease.
- b. The F.25. provision applies to all CU Boulder students as defined in C.22. of the Student Code of Conduct.
- c. The F.25. provision is based off of recommendations and requirements found in public health orders previously issued from the Colorado Department of Public Health and Environment and Boulder County Public Health. They are also based off of University of Colorado directives and requirements.

**2. Reasonable Accommodations to section F.25 of this code:**

- a. If a student is requesting accommodations due to a disability in order to comply with all or parts of this policy, they must contact Disability Services at [dsinfo@colorado.edu](mailto:dsinfo@colorado.edu). Disability Services will go through the applicable accommodation process and provide the student with an accommodations letter, if appropriate.
- b. If a student is requesting an accommodation due to religion or creed in order to comply with all or parts of this policy, they must contact the Office of Institutional Equity and Compliance at [cureport@colorado.edu](mailto:cureport@colorado.edu).

**APPENDIX 5: Student Conduct Policy: Marijuana**

Use or possession of marijuana, including medical marijuana, or recreational marijuana used or possessed by individuals who are at least 21 years of age in accordance with Colorado law, is strictly prohibited on campus.

Federal law, including the Drug Free Schools Act, continues to prohibit marijuana. Thus, marijuana use or possession, even if in compliance with state law, is prohibited by CU Boulder.