

**RESOURCE GUIDE FOR STUDENTS  
RESPONDING TO ALLEGATIONS OF  
SEXUAL MISCONDUCT RELATED TO  
TITLE IX**



**METROPOLITAN  
STATE UNIVERSITY<sup>SM</sup>  
OF DENVER**

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*Please note: This resource and reporting guide is intended to provide information related to Title IX and MSU Denver’s process of resolving complaints related to Title IX. If there are discrepancies between this resource and reporting guide, the Student Code of Conduct takes precedence. The Student Code of Conduct can be found in the [MSU Denver Catalog](#).*

**I. MSU Denver Mission:**

Metropolitan State University of Denver’s (“MSU Denver’s” or “the University’s”) mission is to provide a high-quality, accessible, enriching education that prepares students for successful careers, post-graduate education and lifelong learning in a multicultural, global and technological society. To fulfill its mission, MSU Denver’s diverse university community engages the community at large in scholarly inquiry, creative activity and the application of knowledge.

**II. MSU Denver’s Notice of Non-Discrimination:**

MSU Denver complies with all federal laws, executive orders and regulations regarding affirmative action and equal opportunity, as well as all civil rights laws of the state of Colorado. MSU Denver, therefore, employs every means to eliminate discrimination on the basis of race, color, disability, religion, national origin, sex, sexual orientation, gender identity and expression, age or status, such as Vietnam-era or disabled veteran, in all matters of education and employment opportunity provided by the University.

The responsibility for ensuring that discrimination does not occur rests with all members of the University community. Allegations of discrimination should be reported to the Office of Equal Opportunity (EEO) at 303-615-0036, Student Services Building, 440. Depending on the outcome of an investigation, corrective actions or sanctions may be applied.

Students with a physical or mental disability who are requesting academic accommodations should contact the Access Center for Disability Accommodations & Adaptive Technology (Access Center) at 303-556-8387.

**III. Role of MSU Denver Office of Equal Opportunity:**

The Office of Equal Opportunity ensures University compliance with the law and spirit of equal opportunity and affirmative action. Areas of responsibility include discrimination, harassment and retaliation-related issues based on race, color, creed, religion, national origin, sex, sexual orientation or preference, gender identity and expressions, age, marital status, disability, and status as a disabled veteran, Vietnam-era veteran or other protected veteran, as persons in these groups are part of the University community as employees, students and members of the public.

Serving the greater MSU Denver community and the people of Colorado, the EEO plays an important role in helping MSU Denver ensure that the civil rights of all are respected and that a diverse, multicultural workforce, student population, learning and work environments are achieved and maintained. The EEO carries out educational, investigative and monitoring activities to ensure equal employment opportunity and respect for civil rights at MSU Denver and promotes improvements in relevant policies, practices and procedures.

**IV. Role of MSU Denver’s Dean of Students Office:**

Part of the mission of the MSU Denver Dean of Students Office is to assist in maintaining the general welfare of the campus community. The Dean of Students Office supports MSU Denver's efforts to maintain a campus in which all members have the opportunity to do their best work and to participate fully in campus life. One responsibility of the staff within the Dean of Students Office is to administer the Student Code of Conduct for MSU Denver.

MSU Denver faculty and staff work to prevent barriers to accessing educational opportunities based on a student’s sex or gender in a prompt manner. Under the guidance of EEO, the MSU Denver Dean

of Students Office endeavors to end discrimination, attempts to prevent its recurrence, and tries to remedy the effects upon the Complainant and the community. Under Title IX, MSU Denver may take jurisdiction over prohibited behavior that takes place either on- or off-campus.

**V. What is Title IX?**

Title IX of the Educational Amendments of 1972, 20 United States Code, sections 1681, et seq., 34 Code of Federal Regulations Part 106, is a federal law that prohibits discrimination on the basis of sex in any federally-funded educational program or activity. Under Title IX, discrimination based upon sex includes sexual misconduct issues like sexual harassment, sexual misconduct, stalking, and other forms of interpersonal violence. Discrimination based upon gender is also covered under Title IX. Intimate partner violence including domestic violence and dating violence also falls under the prohibition against sexual misconduct. MSU Denver complies with Title IX by strictly prohibiting sexual misconduct. Such behavior also requires the University to fulfill obligations under the Violence Against Women Reauthorization Act of 2013 (“VAWA”) and the Jeanne Clery Disclosure of Campus Safety Policy and Campus Crime Statistics Act of 1998 (“Clery Act”).

The Violence Against Women Amendments to the Clery Act require colleges and universities to inform individuals of their rights and options regarding incidents of sexual misconduct, domestic violence, dating violence, and stalking. MSU Denver’s reporting procedures outlined in this document are not meant to substitute criminal proceedings. Information regarding how to pursue criminal charges can be found in this document, however the University’s procedures are not of a criminal nature and there is a fundamental difference between the University’s procedure and criminal and/or civil proceedings.

**VI. Roles and Common Names:**

**Complaint:** The submission of information to MSU Denver regarding alleged conduct of the Student Code of Conduct or other University policy (including Title IX). Complaints can be filed by: students, faculty, staff, or other outside agencies not affiliated with the University.

**Confidential Resource:** Refers to individuals who may not share information without your expressed consent unless there is imminent danger to yourself or others, or as required by law.

**Non-Confidential Resource:** Refers to individuals who share information on a need-to-know basis or as required by law. The information shared may be shared only with individuals involved in a case.

**Complainant:** The student, employee or third party who presents as the impacted party of any Prohibited Conduct under this policy, regardless of whether that person makes a report or seeks action under this policy (including Title IX).

**Respondent:** The Respondent is an individual accused of a violation under the Student Code of Conduct and other University policy (including Title IX).

**Witnesses:** Witnesses are individuals who have been identified as someone who may have witnessed the alleged conduct or have information related to the Title IX Investigation. The Complainant and Respondent have the right to provide the Investigator with names of individuals who could provide additional information to the investigation.

**Intimate Partner:** Is a person with whom one has a close personal relationship that can be characterized by the following: Emotional connectedness, regular contact, or ongoing physical contact and/or sexual behavior.

**Title IX Investigator (or “the Investigator”):** The Investigator is the individual responsible for investigating allegations of prohibited conduct. The role of the Investigator is to act as a neutral party to oversee a fair, impartial, and reliable investigation. The Investigator will gather information pertaining to the allegation, write a findings report, and submit the report to the Student Conduct Coordinator to process under the Student Code of Conduct. Title IX Investigator is not responsible for assigning sanctions or making a determination on Student Code of Conduct violations.

**Student Conduct Coordinator (or designee):** The Student Conduct Coordinator (or designee) is a staff member in the Dean of Students Office whose primary responsibilities include overseeing the administration of the Student Code of Conduct. The Student Conduct Coordinator has the discretion to make determinations of responsibility and assign sanctions if applicable.

**Title IX Coordinator:** The Title IX Coordinator has primary responsibility for coordinating the University’s efforts to comply with and carry out its responsibilities under Title IX, which prohibits sex discrimination in all the operations of this University, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX. The Interim Equal Opportunities Director/ Title IX Coordinator at MSU Denver is Cynthia Hier. To contact her in the Office of Equal Opportunity, she can be reached at 303-615-0036 or Student Services Building, 440.

Sexual misconduct against students, staff, and faculty including sexual harassment, rape, dating violence, domestic violence, stalking and sexual exploitation, can be a form of sex discrimination under Title IX. The Title IX Coordinator oversees the University’s response to reports and complaints that involve possible sex discrimination to monitor outcomes, identify and address any patterns, and assess effects on the campus climate, so the University can address issues that affect the wider school community.

## **VII. Definitions:**

### **Consent:**

Consent between two or more people is defined as an affirmative agreement—through clear actions and words—to engage in sexual activity. Consent is informed, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity.

Consent to one form of sexual activity cannot imply consent to other forms of sexual activity. Previous relationships or consent cannot imply consent to future sexual acts. Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction by their actions words or attitude, continued pressure beyond that point can be coercive.

In order to give effective consent, one must be of legal age. Consent may be withdrawn at any time.

In Colorado, consent is defined in state statute 18-3-401 and means cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A current or previous relationship shall not be sufficient to constitute consent under the provisions of this part 4. Submission under the influence of fear shall not constitute consent. Nothing in this definition shall be construed to affect the admissibility of evidence or the burden of proof in regard to the issue of consent under this part 4.

**Incapacitation:**

Sexual activity with someone known to be, or should be known to be mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), is in violation of Article V of the MSU Denver Student Code of Conduct (Sexual Misconduct Policy and Procedures). Incapacitation is a state where one cannot make a rational, reasonable decision because they lack the ability to understand the: who, what, when, where, why or how of their sexual interaction.

This policy also covers someone whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of any drug, including but not limited to ethyl alcohol that would facilitate unwanted sexual activity or incapacitate the person's ability to make a rational consensual choice.

*Use of alcohol or other drugs will never function to excuse behavior that violates this policy.*

**Intimate Relationship:**

A relationship between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time.

**Preponderance of Evidence:**

A standard of proof used by MSU Denver in the conduct process that says what is alleged to have happened is, more likely than not, what actually happened (i.e. it is 51% likely that the alleged incident occurred).

**Retaliation:**

Any action directed towards anyone involved in a student conduct case, including witnesses, intended to cause harm or distress, or to dissuade someone's participation in or interfere with an investigation. Retaliation in any form for reporting a conduct issue or for cooperating in a conduct investigation is strictly prohibited and may be addressed as a separate violation of the Student Code of Conduct.

**Sexual Harassment:**

Gender-based verbal or physical conduct that unreasonably interferes with or deprives someone of educational access, benefits or opportunities. There are two forms of Sexual Harassment

**A. Quid Pro Quo:**

Quid pro quo sexual harassment occurs when submission to, or rejection of, unwelcome sexual conduct is used as a basis for academic, educational, or employment decisions affecting an

individual. Quid pro quo sexual harassment is perpetrated by someone who is in a position of authority over the victim. Such harassment can occur between members of the opposite or same sexes. The law does not require the victim of sexual harassment to expressly notify the perpetrator that the conduct is unwelcome. Nor does the law require that the perpetrator explicitly or deliberately base a decision on submission to or rejection of the conduct. Circumstantial evidence linking sexual conduct with an adverse or favorable employment or educational decision may justify a finding of quid pro quo sexual harassment by a jury, court, or administrative tribunal.

Examples of quid pro quo sexual harassment include, but are not limited to:

1. Direct propositions of a sexual nature that expressly or by implication link employment, work status, promotion, wage increases, course or program status, grades, letters of recommendation, or other tangible employment or educational actions to submission to sexual advances;
2. Direct or implied promises or threats linking employment, work status, promotion, wage increases, course or program status, grades, letters of recommendation, or other tangible employment or educational actions to submission to sexual advances.

#### **B. Hostile Environment:**

Hostile environment sexual harassment is unwelcome conduct, generally, although not necessarily, of a sexual nature, that insults, demeans, ridicules or evinces hostility toward a person because of his or her gender, and that is sufficiently severe or pervasive that it alters the conditions of education and creates an environment that a reasonable person would find hostile, intimidating, or offensive.

In determining whether conduct has created an impermissibly hostile environment, all of the relevant circumstances must be considered. These circumstances include, but are not limited to, the severity and frequency of the conduct, its context, and whether it is physically threatening or humiliating. Hostile environment sexual harassment can be perpetrated by students, faculty, staff, or administrators, and by some third parties authorized to use the college facilities, such as contract employees, and service, and repair personnel.

Hostile environment sexual harassment can occur between peers (co-workers and fellow students) and between members of the opposite or same sexes. The conduct must offend the victim, but it does not have to be offensive to everyone. Conduct that offends the victim but would not offend a reasonable person in his or her position does not constitute hostile environment sexual harassment. The test is whether, considering all of the circumstances, the conduct would offend a reasonable person in the victim's position. As with quid pro quo sexual harassment, a finding of hostile environment sexual harassment may be justified even if the perpetrator did not intend to offend the victim.

The following subparagraphs describe some, but not all, kinds of conduct that can constitute sexual harassment if they are sufficiently severe or pervasive to alter the conditions of employment or education and create an environment that a reasonable person would find hostile, intimidating, or offensive:

1. Direct propositions of a sexual nature;
2. Conduct that is offensive or humiliating in nature that includes, but is not limited to:
  - a. Sexually explicit comments, statements, questions, jokes or anecdotes; comments, statements, questions, jokes anecdotes, or innuendoes with sexual connotations;
  - b. Display of sexually explicit materials in the workplace or classroom or their use in the classroom without a defensible academic purpose;
  - c. Unnecessary touching, patting, hugging, or brushing against a person's body;
  - d. Remarks about sexual activity or speculation about sexual experiences;
  - e. "Wolf whistling," obscene sounds, or obscene gestures; and,
  - f. Nonsexual physical or verbal conduct that insults, demeans, ridicules or otherwise evinces hostility toward a person because of gender. Examples include, but are not limited to: hazing, pranks, horseplay, and ridicule.

**Sexual Misconduct:** An umbrella term that includes acts of a sexual nature that are unwelcome. Sexual misconduct includes, but is not limited to, the following examples of prohibited conduct:

**A. Sexual Assault:**

Any sexual act done against the will of another. Examples of sexual assault include, but are not limited to, the following behaviors when consent is not present:

1. Sexual intercourse (vaginal, anal, oral); or,
2. Penetration of an orifice (anal, vaginal, oral) with the penis, finger, or other object; or,
3. Unwanted touching of the genitals, buttocks, breast, or other body part inside or outside of the clothing; or,
4. Coercion or force to make someone else touch one's genitals, buttocks, breast, or other body part; or,
5. Inducing sexual activity through drugs or alcohol; or,
6. Engaging in sexual activity with a person who is unable to provide consent due to the influence of drugs, alcohol, or other condition.

In Colorado state statute 18-3-402, sexual assault is defined as:

Any actor who knowingly inflicts sexual intrusion or sexual penetration on a victim commits sexual assault if: (a) The actor causes submission of the victim by means of sufficient consequence reasonably calculated to cause submission against the victim's will; or (b) The actor knows that the victim is incapable of appraising the nature of the victim's conduct; or (c) The actor knows that the victim submits erroneously, believing the actor to be the victim's spouse; or (d) At the time of the commission of the act, the victim is less than fifteen years of age and the actor is at least four years older than the victim and is not the spouse of the victim; or (e) At the time of the commission of the act, the victim is at least fifteen years of age but less than seventeen years of age and the actor is at least ten years older than the victim and is not the spouse of the victim; or (f) The victim is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the victim and uses this position of authority to coerce the victim to submit, unless the act is incident to a lawful search; or (g) The actor, while purporting to offer a medical service, engages in treatment or

examination of a victim for other than a bona fide medical purpose or in a manner substantially inconsistent with reasonable medical practices; or (h) The victim is physically helpless and the actor knows the victim is physically helpless and the victim has not consented.

**B. Sexual Exploitation:**

Taking non-consensual, unjust or abusive sexual advantage of another. Examples include, but are not limited to:

1. Prostituting another person; or,
2. Non-consensual video or audio-taping of sexual activity; or,
3. Going beyond the boundaries of consent (such as knowingly allowing another to surreptitiously watch otherwise consensual sexual activity); or,
4. Engaging in non-consensual voyeurism; or,
5. Knowingly transmitting or exposing an Sexually Transmitted Disease (STD) or Human Immunodeficiency Virus (HIV) to another student without the knowledge of the student.

**C. Indecent Exposure:**

Indecent exposure is defined as the exposure of the private or intimate parts of the body, in a lewd manner, in public or in private premises, when the accused may be readily observed. This could include masturbation in public.

**D. Gender/Sex-Based Stalking:**

Stalking is a pattern of behavior directed at a specific person based on sex or gender that would cause a reasonable person to feel fear or emotional distress. Stalking behaviors include but are not limited to: Nonconsensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, written letters, gifts, or any other communications that are undesired and place another person in fear.

The State of Colorado definition of stalking, found in state statute 18-3-602, is: A person commits stalking if directly, or indirectly through another person, if the person knowingly:

1. Makes a credible threat to another person and, in connection with the threat, repeatedly follows, approaches, contacts, or places under surveillance that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship; or,
2. Makes a credible threat to another person and, in connection with the threat, repeatedly makes any form of communication with that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship, regardless of whether a conversation ensues; or,
3. Repeatedly follows, approaches, contacts, places under surveillance, or makes any form of communication with another person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship in a manner that would cause a reasonable person to suffer serious emotional distress and does cause that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship to suffer serious emotional distress. For purposes of this section (c), a victim need not show that he or

she received professional treatment or counseling to show that he or she suffered serious emotional distress.

**E. Physical Assault:**

Physical Assault is threatening or causing physical harm or engaging in other conduct that threatens or endangers the health or safety of any person. Physical Assault will be addressed under this policy if it involves Sexual or Gender-Based Harassment, Intimate Partner Violence, or is part of a course of conduct under the Stalking definition.

**F. Intimate Partner Violence:**

Intimate Partner Violence includes any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship. Intimate Partner Violence includes “dating violence” and “domestic violence,” as defined by VAWA. Consistent with VAWA, the University will evaluate the existence of an intimate relationship based upon the Complainant’s statement and taking into consideration the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Intimate Partner Violence may include any form of Prohibited Conduct under this policy, including Sexual Assault, Stalking, and Physical Assault (as defined above).

State of Colorado Domestic Violence definition:

In the State of Colorado, domestic violence, defined in state statute 18-6-800.3, is: An act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. “Domestic violence” also includes any other crime against a person, or against property, including an animal, or any municipal ordinance violation against a person, or against property, including an animal, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship. An “intimate relationship” means a relationship between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time.

**VIII. If You are Accused of Sexual Misconduct:**

**A. General Information:**

MSU Denver complies with Title IX by striving to provide a fair, impartial, and prompt investigation and conduct process. As the Respondent, you have the right to provide information and evidence that may support you in responding to the complaint. You have the right to confidentiality so that only those with a need to know may have access to the information. Both you and the Complainant have the right to receive written notification of the outcome of an investigation. You also have the right to appeal the finding from the conduct process. If either you or the Complainant do not participate in the investigation or student conduct process, the process may move forward even if a party does not participate.

Both you and the Complainant of a sexual misconduct case are eligible to have an advisor of their choice support them during the Title IX investigation and conduct process. However, the

advisor may not speak on your behalf. If an advisor is also a witness in the case, you must identify an alternate advisor as an advisor cannot also be a witness [See the MSU Denver Student Code of Conduct for more information about the use of an advisor].

Resources, such as the MSU Denver Counseling Center, are available to both you and the Complainant involved in a sexual misconduct case. MSU Denver strongly encourages those involved to access support resources in order to manage the stress related to their involvement. Support services and other resources can be found at the back of this resource guide.

The University conduct process is intended to be educational, not punitive. Our goal is to help students found responsible of a policy violation to better understand the impact of their actions and to help them take steps towards repairing the harm done to the University community. **Sanctions are not predetermined, but rather are developed with consideration given to the individual circumstances of the case and any previous disciplinary history.** Overall, the University conduct process is much less formal than criminal proceedings.

**B. Common Feelings after Being Accused of Sexual Misconduct:**

Whenever a student is accused of a policy violation, emotional responses will differ from person to person, especially if the policy violation in question is associated with sexual misconduct. Being accused of sexual misconduct can be a traumatic and challenging experience. It is important to remember that your responses to these accusations are normal reactions to a difficult situation. If you are accused of sexual misconduct, you may encounter several different feelings. Below are a few feelings that one may experience:

**1. Anger:**

Anger is a common emotion whenever someone has been accused of sexual misconduct. This is an appropriate response; however the important factor to consider when dealing with anger is how you process through the anger. There are several ways you can vent any anger you are experiencing (see the MSU Denver Resource Brochure on page 16). Internalizing your anger could lead you to become irritable, anxious, or even depressed. When dealing with anger, it is important not to result to unhealthy manners of coping including the consumption of alcohol, the use of drugs, causing harm to yourself or others, or destructive behavior.

**2. Fear:**

Fear can take many forms. You may be experiencing fear of the unknown as the outcome of the investigation can impact your status as an MSU Denver student. You may also fear how those closest to you perceive you along with other members of the MSU Denver community. Also, it is common to have fear of someone retaliating against you. If you feel as though you are being retaliated against, please see the “Retaliation Policy “below.

**3. Impact on Your Daily Life:**

With the feeling of all the emotions listed, your daily life may also feel the impact of the sexual misconduct allegation. While participating in an investigation, it may become challenging to pay attention in class and follow through with your coursework. Other areas of your life that may be impacted include: sleep routine, change in appetite, increase in anxiety, and depression. If you have questions

regarding accommodations, please contact the MSU Dean of Students Office at 303-615-0220. To speak to a confidential resource in the MSU Denver Counseling Center, please contact 303-615-9988.

**4. Feeling Alone:**

Being accused of sexual misconduct may cause you to feel alone since the allegation is against you. Taking on the burden of the allegation may cause you to withdraw from your support networks because you may feel like it is “your problem”. It is common for students who are accused to prefer not to discuss the situation with anyone for fear of embarrassment or how you may be perceived by the individual. However, talking with a confidential resource may offer assistance with processing your experiences and feelings.

**5. Disorientation:**

After learning of the sexual misconduct accusation, you may experience feelings of disorientation. Disorientation can come in multiple forms. You may feel shocked and caught off-guard. Other emotions associated with shock include (but are not limited to): frustration, anxiety, crying, anger, feeling nervous, or not acknowledging the allegation.

All these emotions can be overwhelming and it is important to remember there are services here at MSU Denver and off-campus that can assist you.

**C. Retaliation Policy:**

MSU Denver prohibits retaliation against an individual for making a complaint of sexual misconduct, for resisting such behavior, or for otherwise using or participating in the grievance process. Prohibited behavior includes any form of intimidation, threats, or harassment by the individual accused of misconduct or persons acting in support of or on behalf of that individual. Acts of retaliation will be documented as a separate allegation of misconduct under the Student Code of Conduct in addition to allegations of sexual misconduct. An individual experiencing retaliation should contact the Title IX Investigator by calling 303-615-0220.

**IX. My Rights as a Respondent:**

As a Respondent, you are guaranteed several rights through the Title IX Investigation process. Below are the rights you are guaranteed:

- A.** The right to a prompt, fair, and impartial investigation.
- B.** The right to share information from your perspective.
- C.** The right to present information relevant to the allegation(s), including providing evidence and the names of witnesses.
- D.** The right to have an advisor/support person to accompany you to all meetings, as described in Article IV, Section B (under Advisor) of the MSU Denver Student Code of Conduct.
- E.** The right to have the outcome of the investigation decided by a preponderance of the evidence.
- F.** The right to be notified in writing of the outcome of the investigation.
- G.** The right to appeal the finding, as described in Article IV, Section F of the MSU Denver Student Code of Conduct.

## **X. Investigation Process:**

### **A. Once MSU Denver Receives a Report:**

The MSU Denver Dean of Students Office generally has jurisdiction over allegations of sexual misconduct regarding student Respondents who are affiliated with MSU Denver. When MSU Denver receives a report regarding a potential Title IX violation involving MSU Denver students, the Investigator will reach out to those listed in the Incident Report to offer on/off-campus resources along with providing a list of confidential resources. The Investigator will gather information from the Complainant and give them the option to participate with the MSU Denver Title IX Investigation as well as provide them with any accommodations and/or interim measures. If the Complainant requests to move forward with an investigation, the Investigator will meet with Witnesses and Respondent(s) to gather information. If the Complainant does not want to move forward with an investigation and if MSU Denver can honor that request, the case will be closed and may be re-opened at a later date by the Complainant. If the Respondent is a faculty/staff member, the Investigator will refer the Complainant to the Office of Equal Opportunity. If Respondent is associated with CU Denver or CCD, the Investigator may assist with connecting the Complainant to the appropriate office. If Respondent is not affiliated with the Auraria Campus, the Investigator may assist with connecting the Complainant to local law enforcement and/or Auraria Police.

### **B. What does an Investigation Entail?**

There are two instances where staff in the MSU Denver Dean of Students Office may investigate a complaint. The first instance is when the Respondent is an MSU Denver Student. If the Respondent is an MSU Denver student, the Complainant can request institutional action in response to the alleged policy violation. The second instance is if the Respondent possesses a greater threat to the MSU Denver/Auraria community or if there is a pattern of behavior with the Respondent, MSU Denver may move forward with an investigation even if the Complainant declines to participate. If the Complainant declines to participate, MSU Denver will notify the Complainant that the University intends to proceed with an investigation, but that the Complainant is not required to participate in the investigation or in any other actions undertaken by the University.

Typically, investigations shall be conducted and completed in 60 calendar days. Should the investigation take longer than 60 calendar days, all parties to the dispute will be notified. The Investigator will conduct a thorough investigation which may include gathering relevant information, interviewing the Complainant and Respondent, and identifying and interviewing witnesses. Information identified during the course of an investigation may be shared with both parties to a complaint as a part of the student conduct process. Conflict resolution, including mediation, will not be used to resolve sexual misconduct complaints.

The Complainant and Respondent in a sexual misconduct case are eligible to have an advisor of their choice to support them during the conduct process. For more information regarding the roles of an advisor, please refer to the [Student Code of Conduct](#). If the Complainant or Respondent do not participate in the investigation or student conduct process, the process may move forward even if a party does not participate.

**C. Findings of the Investigation:**

The evidence standard used in Title IX investigations is a Preponderance of the Evidence (see definition under Section VII: Definitions). The Investigator does not make sanctioning decisions or recommendations. The Investigator will provide both Complainant and Respondent with notice of the investigation's outcome and an opportunity to review the investigation report. The investigation report will include details regarding the investigation, the evidence gathered, and the rationale for substantiating the complaint or the inability to being unable to substantiate the complaint. Both Complainant and Respondent will have the opportunity to review the investigation report with the Investigator in a separate meeting. During that meeting, the Complainant and Respondent will have the opportunity to provide additional information to include in the report and offer any corrections to the report. Once both parties have had the opportunity to review the investigation report, the Investigator will submit the report to the Student Conduct Coordinator to process under the Student Code of Conduct.

**D. Conduct Process:**

The Student Conduct Coordinator will determine if Student Code of Conduct charges will be pursued. If a student is charged with a violation of the Student Code of Conduct and found responsible, potential sanctions may result in a range from a warning through suspension or expulsion. For more information regarding the Student Conduct Process, please refer to Article IV: Conduct Process in the Student Code of Conduct.

**E. Appeals Process:**

Both parties will be notified of both the investigation outcome and student conduct outcome, which will include information regarding the appeals process. Both parties will be notified if an appeal is submitted. Additionally, either party may appeal the outcome based on the grounds in the Student Code of Conduct under Article IV, Section F.

**X. MSU Denver Dean of Student Title IX Investigation Flow Chart:**

