



## **Rights and Options for the Respondent under the Colorado School of Mines' Policy Prohibiting Sexual Harassment, Sexual Assault, and Interpersonal Violence and the Student Code of Conduct**

Colorado School of Mines does not discriminate on the basis of sex in its educational programs. Sex discrimination includes sexual harassment, sexual assault, dating violence, domestic violence, and stalking. Both Mines and Federal law prohibit these behaviors. Because there has been a report of a possible form of sex-based discrimination involving you, Mines wants to inform you of our policy and procedures addressing sexual harassment, sexual assault, domestic violence, dating violence, and stalking, as well as your rights and Mines' responsibilities.

As a Respondent to a report of sexual harassment, sexual assault, dating violence, domestic violence or stalking, you will receive a full copy of Mines' [Policy Prohibiting Sexual Harassment, Sexual Violence, and Interpersonal Violence](#) and the [Title IX Procedure to Resolve Complaints of Sexual Harassment, Sexual Assault, and Interpersonal Violence](#) or the [Student Code of Conduct](#) and [Appendix A](#) of the Code. The Procedure and Appendix A addresses safety measures that Mines may impose following a report and long-term protective measures and sanctions following the final determination of our discipline process. Supportive measures are also available to you should you need additional support while involved with one of our processes. If you would like more information than is contained in this handout regarding any process or procedure, or if you'd like to ask questions about the policy, contact the Mines Title IX Coordinator, Katie Schmalz, at [kschmalz@mines.edu](mailto:kschmalz@mines.edu) or [titleix@mines.edu](mailto:titleix@mines.edu).

***The following information provides a summary of your rights and options after a complaint of sexual harassment, sexual assault, and interpersonal violence (domestic violence, dating violence, or stalking) has been filed against you.***

### **General Information**

- **Options:** When a complaint has been filed against you, you have several options, including, but not limited to:
  - Contacting parents or a relative
  - Seeking legal advice
  - Seeking personal counseling
  - Requesting further information about the investigation and resolution process
  - Obtaining an Advisor, a Support Person, and/or a Process Resource
- **Presumption of Not Responsible:** The fact that a complaint has been filed against you does not mean that Mines has reached any conclusions about whether the alleged conduct has occurred. The Investigator, Title IX Coordinator, Hearing Officer, and Decision-Maker will not make any presumptions regarding whether you violated Mines' policies and will ensure the investigation is prompt, fair, and impartial. The investigator will not stereotype on the basis of sex/gender.
- **Preservation of Evidence:** It is extremely important that you preserve evidence showing the circumstances surrounding the allegations and complaint. This can include physical



evidence, as well as evidence in electronic formats (e.g., text messages, emails, photos, social media posts, screenshots, etc.).

- **Requesting Changes to Your Current Situation or Other Supportive Measures:** Please inform the Title IX Coordinator, or designee, if you wish to change your academic, living, transportation, or working situation, if you want information about taking a leave of absence and related financial aid information, or if you want any other specific supportive measure to be implemented. Mines will make such accommodations or provide such supportive measures if so requested and are reasonably available.
- **Counseling:** Mines recognizes that having a complaint filed against you and the circumstances underlying that complaint may cause elevated levels of stress and confusion. Please note that the Counseling Center is a confidential resource that is available to assist you.

### **Institutional Procedures**

- Mines' Policy Prohibiting Sexual Harassment, Sexual Assault, and Interpersonal Violence (Title IX Policy) and the accompanying Procedure, as well as the Student Code of Conduct and the accompanying Procedures in Appendix A, governs complaints of sex discrimination, sexual harassment, sexual violence (including sexual assault), domestic violence, dating violence, and stalking.
- The Title IX Procedure and Appendix A:
  - Will provide a prompt, fair, and impartial resolution of the complaint, under the evidentiary standard of preponderance of the evidence, i.e., whether it is more likely than not that the alleged conduct occurred.
  - Is carried out by Mines officials who have received annual training on how to investigate and conduct these procedures in a way that promotes safety and accountability.
  - Provides you the right to have an Advisor accompany you to all aspects of the investigation process and hearing process. An Advisor may be, but is not required to be, an attorney. The Advisor may not directly participate in the proceedings, except the hearing. The Advisor is able to participate and advocate on behalf of a party during the hearing. Under the Title IX Policy and Procedures, the Advisor must conduct cross-examination. Under the Student Code of Conduct, cross-examination will be conducted through the Hearing Officer.
  - Allows you to have a support person through the investigation, hearing, and adjudication processes. A support person may be, but is not required to be, an attorney. A support person may also serve as an Advisor during the hearing. If they do not serve in the capacity of Advisor, they may not attend the Hearing
  - Ensures that both you and the Complainant will be notified simultaneously in writing of the outcome of all stages of the process, including any appeals.
- You are prohibited from retaliating against the Complainant for filing a complaint or against anyone else who participates in the investigation.
- If you desire to have an Advisor, but cannot find someone you are comfortable with, please contact the Title IX Coordinator, or designee, for assistance in being assigned an Advisor.

### **Possible Safety and Supportive Measures and Sanctions**

- **Safety and Supportive Measures:** At any time during the investigation, Mines may impose interim measures pending the outcome. These may include separating you and the



Complainant, placing limitations on contact between the parties, suspension, or making alternative academic, living, or workplace arrangements. Mines will also take reasonable and legal action to implement any court Protection Orders and/or Mines No Contact Directive. You must honor any safety measures; violating them is a violation of school policy separate from the allegations of the complaint.

- **Sanctions:** If there is a finding that you violated the Mines' Policy Prohibiting Sexual Harassment, Sexual Assault, and Interpersonal Violence or the Student Code of Conduct has occurred, sanctions may include, but are not limited to: counseling, additional education or training, separation of the parties, and/or discipline of the Respondent, including written reprimand, probation, suspension, demotion, termination, or expulsion.

If you have concerns about the Complainant adhering to the established interim measures, contact the Title IX Coordinator immediately.

**Protection of Information**

Mines treats all complaints as confidential matters and will make reasonable efforts to protect the confidentiality of the complaint process, any investigation or resolution, and all individuals involved with the complaint process. It is important to understand that while Mines will treat information it has received with appropriate sensitivity, Mines officials may nonetheless need to share certain information with those at Mines responsible for complying with Title IX. It is also important to understand that during a formal investigation, witnesses may be able to determine the identity of the parties (or other witnesses) based on their involvement in the incident leading to the investigation.

- If a Complainant decides to submit a formal complaint and move through a formal grievance process, Mines must disclose the name of the Complaint to you.
- Throughout the investigation of your complaint, Mines will confidentially maintain any safety and supportive measures provided to you, to the extent maintaining such confidentiality does not impair Mines' ability to provide such safety and supportive measures.
- Mines is required by law to make certain statistical disclosures of crimes reported to the institution. If an incident is reported that is a crime, Mines will make the statistical disclosure without disclosing personally identifying information about you.

**Resources**

**On-Campus Resources**

Colorado School of Mines' Counseling Center (Confidential Resource)	1770 Elm Street Golden, CO 80401	303.273.3377 <a href="mailto:counseling@mines.edu">counseling@mines.edu</a> <a href="https://www.mines.edu/counseling-center/">https://www.mines.edu/counseling-center/</a>
Colorado School of Mines Student Health Center (Confidential Resource)	1770 Elm Street Golden, CO 80401	303.273.3381 <a href="mailto:shc@mines.edu">shc@mines.edu</a> <a href="https://www.mines.edu/student-health/">https://www.mines.edu/student-health/</a>
Colorado School of Mines Police	1400 Maple St. Suite 116 Golden, CO 80401	303.273.3333 (for emergency dial 911) <a href="https://www.mines.edu/campus-safety/">https://www.mines.edu/campus-safety/</a>
Colorado School of Mines Title IX Office	1706 Illinois Street Golden, CO 80401	303.273.3260 <a href="mailto:titleix@mines.edu">titleix@mines.edu</a> <a href="https://www.mines.edu/title-ix/">https://www.mines.edu/title-ix/</a>
Colorado School of Mines Deputy Title IX Coordinator Network	1706 Illinois Street Golden, CO 80401	<a href="https://www.mines.edu/title-ix/staff/">https://www.mines.edu/title-ix/staff/</a>

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Colorado School of Mines Title IX Confidential Resources (Confidential Resource)	1770 Elm Street Golden, CO 80401	<a href="https://www.mines.edu/title-ix/staff/">https://www.mines.edu/title-ix/staff/</a>
Colorado School of Mines Financial Aid Office	1200 16 <sup>th</sup> Street Golden, CO 80401.	303.273.3301 <a href="mailto:finaid@mines.edu">finaid@mines.edu</a> <a href="http://finaid.mines.edu/">http://finaid.mines.edu/</a>

#### Denver Metro Area/Colorado Resources

Golden Police Department	911 10 <sup>th</sup> Street Golden, CO 80401	303.980.7300 (for emergency dial 911) <a href="http://www.cityofgolden.net/government/departments-divisions/police/">http://www.cityofgolden.net/government/departments-divisions/police/</a>
St. Anthony Hospital	11600 W. 2 <sup>nd</sup> Place Lakewood, CO 80228	720.321.0000 <a href="http://www.stanthonyhosp.org/sah/home/">http://www.stanthonyhosp.org/sah/home/</a>
Exempla Lutheran Medical Center	8300 W. 38 <sup>th</sup> Avenue Wheat Ridge, CO 80033	303.425.4500 <a href="http://www.lutheranmedicalcenter.org/">http://www.lutheranmedicalcenter.org/</a>
Colorado State Employees Assistance Program (CSEAP) for Faculty/Staff		303.866.4314 <a href="http://www.colorado.gov/c-seap">www.colorado.gov/c-seap</a>
Jefferson Center for Mental Health	Emergency line available 24/7	303.425.0300 <a href="http://www.jeffersonmentalhealth.org">www.jeffersonmentalhealth.org</a>
Colorado Crisis Services	Emergency line available 24/7	1.844.493.TALK(8255) <a href="http://coloradocrisisservices.org/">http://coloradocrisisservices.org/</a>
Colorado Legal Services		<a href="http://www.coloradolegalservices.org/">http://www.coloradolegalservices.org/</a>

#### National Resources

Immigration Advocates Network		<a href="http://www.immigrationadvocates.org/nonprofit/legaldirectory/search?state=CO">http://www.immigrationadvocates.org/nonprofit/legaldirectory/search?state=CO</a>
U.S. Citizenship and Immigration Services		<a href="http://www.uscis.gov/about-us/find-uscis-office/field-offices/colorado-denver-field-office">http://www.uscis.gov/about-us/find-uscis-office/field-offices/colorado-denver-field-office</a>

