



Policy Prohibiting Gender-Based Discrimination, Sexual Harassment, and Sexual Violence

History:

Amended by the Colorado School of Mines Board of Trustees on August 29, 2014. See full history on page 4

1.0 BACKGROUND AND PURPOSE

The Board of Trustees of the Colorado School of Mines (“the School” or “Mines”) promulgates this policy pursuant to the authority conferred by §23-41-104(1), C.R.S., Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulations, 34 C.F.R. Part 106; Titles IV and VII of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000c and 42 U.S.C. §§ 2000e) and relevant sections of the Violence Against Women Reauthorization Act of 2013 (42 U.S.C. §§ 14043e *et seq.*). This policy supersedes the Board of Trustee’s Policy Prohibiting Sexual Harassment and shall govern if any other Mines policy conflicts with this policy’s provisions. This policy does not preclude application or enforcement of other Mines policies. Nothing in this policy shall be construed to abridge academic freedom and inquiry, principles of free speech or Mines’ educational purpose.

2.0 POLICY

Mines prohibits gender-based discrimination, sexual harassment or any form of sexual violence among the Mines campus community. Mines does not discriminate against any person because of gender, gender identity or gender expression. Mines will not tolerate any form of sexual harassment or sexual violence within the Mines campus community. Mines will also not tolerate any form of retaliation against a community member for reporting complaints, cooperating with investigations and proceedings related to such complaints, or opposing gender-based discrimination, sexual harassment or sexual violence. Accordingly, the Board of Trustees adopts this policy prohibiting gender-based discrimination, sexual harassment and sexual violence.

In order to prevent incidents of gender-based discrimination, sexual harassment and sexual violence, Mines will: (1) develop, administer, maintain and update procedures to implement and resources to support this policy; (2) educate community members regarding policies and procedures related to prevention, reporting and investigation of gender-based discrimination, sexual harassment and sexual violence; (3) encourage community members to report actual and potential incidents of gender-based discrimination, sexual harassment and sexual violence; (4) take actions to prevent incidents of gender-based discrimination, sexual harassment and sexual violence from denying or limiting a community member’s ability to participate in or benefit from Mines’ educational and work programs; (5) make available timely services and resources for those who have been affected by gender-based discrimination, sexual harassment and sexual violence; (6) take actions to remedy any harm from incidents of gender-based discrimination, sexual harassment and sexual violence; and (7) take actions to prevent the recurrence of gender-based discrimination, sexual harassment and sexual violence.

Mines’ Unlawful Discrimination policy shall govern all other forms of harassment or discrimination. No complainant shall be permitted to file a complaint under the Policy Prohibiting Gender-Based Discrimination, Sexual Harassment and Sexual Violence and



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any other Mines' complaint or grievance policy or procedure when the complaint or grievance arises out of an identical set of facts.

3.0 DEFINITIONS:

Gender-based discrimination involves treating a Mines community member unfavorably because of that person's gender, gender identity or gender expression. All allegations involving gender-based discrimination will be governed by this policy and its implementing procedures.

Sexual harassment is a form of gender discrimination. Sexual harassment, without regard to the gender of the individuals involved, consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) either explicitly or implicitly, submission to such conduct is made a term or condition of an individual's employment or educational endeavors; (2) submission to or rejection of such conduct is used as the basis for employment or educational decisions; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, or creating an intimidating, hostile, or offensive working or educational environment. All allegations involving sexual harassment will be governed by this policy and its implementing procedures.

Sexual violence includes rape, sexual assault, sexual battery, sexual abuse and sexual coercion. In some cases, domestic violence, dating violence and stalking may also be forms of sexual violence. All allegations involving sexual violence will be governed by this policy and its implementing procedures.

For a more detailed discussion of the terms defined above, please see the Gender-Based Harassment, Sexual Harassment and Sexual Violence Complaint, Investigation, Resolution and Adjudication Procedure for Complaints Involving Student Behavior and the Gender-Based Harassment, Sexual Harassment and Sexual Violence Complaint, Investigation, Resolution and Adjudication Procedure for Complaints Involving Employee or Third-Party Behavior.

4.0 PROHIBITION AGAINST RETALIATION

This policy prohibits retaliation against any individual for raising an allegation of gender-based discrimination, sexual harassment or sexual violence, for cooperating in an investigation or another proceeding related to such allegations, or for opposing gender-based discrimination, sexual harassment or sexual violence. Complaints or instances of retaliation shall be addressed as separate potential violations of this policy.

5.0 SANCTIONS FOR VIOLATIONS

A violation of this policy may result in the imposition of sanctions. Sanctions may include, but are not limited to, the following: mandatory attendance at gender-based discrimination, sexual harassment and/or sexual violence awareness and prevention



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seminars; mandatory attendance at other training programs; oral reprimand and warning; written reprimand and warning; student probation, suspension, or expulsion; educational sanctions; restitution; suspension without pay; or termination of employment or appointment.

6.0 ENCOURAGEMENT OF REPORTING

Mines considers the health and safety of its community members to be of paramount importance. Therefore, Mines encourages community members to report all concerns regarding gender-based discrimination, sexual harassment and/or sexual violence in accordance with this policy and its procedures. There may be circumstances where community members are hesitant to report prohibited conduct because they fear it may result in other policy violations being discovered (such as drug use or underage alcohol consumption). Community members should always consider the health and safety of themselves and other Mines community members to be of primary concern and Mines shall review, if necessary, any other policy violations separately from allegations raised under this policy.

7.0 IMPLEMENTATION

Mines' Board of Trustees directs the President or President's delegates to develop, administer and maintain the appropriate administrative policies, procedures and guidelines to implement this policy.

8.0 RESOURCES

Mines students and employees who have concerns about gender-based discrimination are encouraged to seek assistance by contacting our Title IX Office at TitleIX@mines.edu or one of the Mines Deputy Title IX coordinators located [here](#).

Policies and Procedures for Complaints regarding Employee or Third-Party Behavior:

- Notice of Nondiscrimination
- Sexual and Gender-Based Harassment and Discrimination Complaint, Investigation and Resolution Procedure for Complaints Involving Employee or Third-Party Behavior
- Procedures and Resources for Survivors of Sexual Assault or Other Sexual Violence

Other Relevant Policies:

- [Unlawful Discrimination policy](#)
- [Workplace Violence policy](#)
- [Personal Relationships policy](#)

9.0 HISTORY

Promulgated by the Colorado School of Mines Board of Trustees on March 13, 1992.
Amended by the Colorado School of Mines Board of Trustees on March 26, 1998.
Amended by the Colorado School of Mines Board of Trustees on June 10, 1999.



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Amended by the Colorado School of Mines Board of Trustees on June 22, 2000.

Amended by the Colorado School of Mines Board of Trustees on June 7, 2003.

Amended by the Colorado School of Mines Board of Trustees on December 15, 2011.

Amended by the Colorado School of Mines Board of Trustees on August 29, 2014.