Policy Prohibiting Sexual Harassment, Sexual Assault, and Interpersonal Violence

Responsible Administrative Unit: Institutional Equity and Title IX
Policy Contact: Title IX Coordinator, kschmalz@mines.edu

1.0 BACKGROUND AND PURPOSE

The Colorado School of Mines (“Mines”) is committed to inclusivity and access for all persons and strives to create learning and workplace environments that exclude all forms of unlawful discrimination, harassment and retaliation. Mines’ commitment to non-discrimination on the basis of sex is reflected in the administration of its policies, procedures, and activities.

As part of this commitment, the Board of Trustees of the Colorado School of 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; and relevant sections of the Violence Against Women Reauthorization Act of 2013 (42 U.S.C. §§ 14043e et seq.), and in accordance with applicable federal and Colorado civil rights laws.

2.0 POLICY STATEMENT(S)

Mines does not discriminate against any person on the basis of sex within any of its education programs or activities (including admissions and employment), Mines will not tolerate Sexual Harassment, Sexual Assault, or Interpersonal Violence (including Domestic Violence, Dating Violence, and Stalking) within the Mines community.

This Policy applies to any form of Sexual Harassment, Sexual Assault, or Interpersonal Violence as defined in the Procedure to Resolve Complaints of Sexual Harassment, Sexual Assault, or Interpersonal Violence, that occurs within Mines’ education programs and activities, against a person in the United States. Mines’ education programs and activities includes locations, events or circumstances over which Mines exercises substantial control over both the respondent and the context in which the alleged misconduct occurred, including any building owned or controlled by a Mines recognized student organization.

Mines prohibits retaliation against any individual: for reporting an allegation of sexual harassment, sexual assault, or interpersonal violence; for cooperating or participating in an investigation or another proceeding related to such allegations; for refusing to participate in any investigation or proceeding related to such allegations; or for engaging in activities to oppose sexual harassment, sexual assault, or interpersonal violence. Complaints or incidents of retaliation will be addressed as separate violations of this policy.
3.0 RESPONSIBILITIES

Mines’ Board of Trustees directs the President or the President’s delegates to develop, administer, and maintain the appropriate administrative policies, procedures, and guidelines to implement this policy. The Board further directs the President or the President’s delegates to develop, administer, and maintain robust sexual harassment, sexual assault, and interpersonal violence prevention programs, including appropriate training for students, faculty, and administrative staff.

Mines has designated all of its employees and certain categories of student employees as mandatory reporters of sexual harassment, sexual assault, and interpersonal violence within the Mines campus community. Mandatory reporters are required to contact the Title IX Coordinator and report instances of sexual harassment, sexual assault, and interpersonal violence immediately. However, not all mandatory reporters are authorized to take corrective measures with respect to reports of sexual harassment, sexual assault, and interpersonal violence.

To enforce and support this policy, the Title IX Coordinator will:
• Respond to reports of sexual harassment, sexual assault, and interpersonal violence that fall within the jurisdiction of this Policy;
• Develop, administer, maintain, and update procedures for investigating and resolving complaints that fall within the jurisdiction of this policy, including a formal grievance process and informal resolution process for the prompt and equitable resolution of complaints;
• Educate Mines’ students, faculty, and staff regarding policies and procedures related to prevention, reporting, and investigation of sexual harassment, sexual assault, and interpersonal violence;
• Encourage Mines’ community members to appropriately report actual or suspected incidents of sexual harassment, sexual assault, and interpersonal violence that fall within the jurisdiction of this policy;
• Take reasonable action to prevent incidents (or the recurrence of incidents) of sexual harassment, sexual assault, and interpersonal violence that deny or limit the ability of Mines’ students, faculty or staff to participate in or benefit from Mines’ employment and education programs or activities;
• Provide resources and supportive measures to Mines’ students, faculty and staff who have been impacted by sexual harassment, sexual assault, and interpersonal violence, whether or not it falls within the jurisdiction of this policy and whether or not a formal complaint has been filed.

4.0 COMPLIANCE/ENFORCEMENT

A violation of this Policy may result in the imposition of sanctions. Sanctions imposed by Mines may include, but are not limited to the following: mandatory attendance at relevant awareness and prevention training or other educational programs; oral reprimand and warning; written reprimand and warning; student probation, suspension or expulsion; employment disciplinary action up to and including termination; educational sanctions; restitution; and prohibition of entering
the Mines campus or attending Mines’ events. Sanctions will be based on the severity of the infraction.

5.0 EXCLUSIONS/DISCLAIMER

Mines’ Unlawful Discrimination Policy and Student Code of Conduct shall apply to all other forms of sexual harassment, sexual assault, or sex discrimination alleged to have occurred within the Mines campus community that do not fall within the jurisdiction of this Policy.

6.0 RESOURCES or ATTACHMENTS

- All inquiries regarding application of 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, may be directed to the Mines Title IX Coordinator (Telephone: 303.273.3260; Email: titleix@mines.edu) AND/OR The Assistant Secretary of the Department of Education, Office of Civil Rights (https://www2.ed.gov/about/offices/list/ocr/complaintintro.html).
- Statement of Equal Opportunity, Access and Nondiscrimination (https://www.mines.edu/equal-opportunity/)
- Procedure for Resolving Complaints of Sexual Harassment, Sexual Assault, and Interpersonal Violence
- Unlawful Discrimination Policy
- Student Code of Conduct
- Workplace Violence Policy
- Amorous Relationships Policy
- Amnesty Policy for Students
- Violence Against Women Reauthorization Act of 2013 (42 U.S.C. §§ 14043e et seq.)
- Title IX Office website: https://www.mines.edu/title-ix/

KEY WORDS
Sex, gender, sexual harassment, sexual assault, domestic violence, dating violence, interpersonal violence

7.0 HISTORY AND REVIEW CYCLE
The policy will be reviewed at least every 2 years, or as needed by the Responsible Administrative Unit.

Amended March 26, 1998
Amended June 10, 1999
Amended June 22, 2000
Amended June 7, 2003
Prohibiting Sexual Harassment, Sexual Assault, and Interpersonal Violence Policy

Amended December 15, 2011
Amended August 29, 2014
Amended February 8, 2019 (clarify which policy applied to sexual harassment)
Amended effective August 14, 2020 (update to format and compliance with new regulations)