The information contained within this document is intended to provide general information and guidelines to members of the Mines community and is not intended to, nor does it, create an express or implied contract between the Colorado School of Mines and its students. Mines reserves the right to change or eliminate any of the language herein at its discretion and without notice.

1.0  PROCEDURE PURPOSE

The Colorado School of Mines (“Mines”) is committed to providing a safe and non-discriminatory learning, working and living environment for its Students, Employees, and visitors. As part of this commitment, the Board of Trustees has adopted multiple policies addressing unlawful Discrimination and other prohibited workplace conduct including the Policy Prohibiting Unlawful Discrimination, the Amorous Relationship Policy, the Workplace Violence Policy, etc.

Mines is committed to investigating Complaints of unlawful Discrimination and Harassment, including Sexual Harassment, based on a Protected Class, as well as Complaints involving violent and retaliatory conduct.

These Procedures create a framework for investigating Complaints and retaliation under each of these Policies.

Retaliation against an individual for reporting unlawful Discrimination under these Procedures, or for cooperating in an investigation or another proceeding related to such allegations, is prohibited.

2.0  PROCEDURES

These Procedures apply to any Complaint alleging a violation of conduct prohibited by the Policy Prohibiting Unlawful Discrimination, the Amorous Relationship Policy, the Workplace Violence Policy, and in some cases other policies, by Mines Employees, authorized volunteers, and Student Employees.

Actions taken under these Procedures for Investigation 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(s). The Office of Institutional Equity and Title IX’s jurisdiction is not dependent on whether criminal charges are filed. Investigations are not postponed
while criminal or civil proceedings are pending unless there are extenuating circumstances, as determined by the Office of Institutional Equity and Title IX. Dismissal of criminal charges or acquittal in a criminal case does not prevent the Office of Institutional Equity and Title IX from resolving an incident.

2.1 **Filling a Complaint.**

2.1.1 **Who May File a Complaint**
Any individual who witnesses or believes they have been subjected to unlawful Discrimination, Harassment, violence, as defined below, or retaliation may file a Complaint.

2.1.2 **Against Whom a Complaint May Be Filed**
Complaints may be filed against any Mines Employees (including Student Employees), contractors, invited guests, and authorized volunteers, including individuals on an academic recess or leave of absence, alleged to have engaged in behavior prohibited by the Policy Prohibiting Unlawful Discrimination, the Amorous Relationship Policy, the Workplace Violence Policy, and other Mines policies.

2.1.3 **Filing a Complaint**
To notify Mines of any of the prohibited conduct, to request interim measures related to such conduct, or to initiate an Office of Institutional Equity and Title IX investigation process, please contact the Office directly.
Phone: 303-273-3260
Email: titleix@mines.edu

The Impacted Party is not required, but does have the right, to report criminal activity to law enforcement and the Office of Institutional Equity and Title IX simultaneously. The Office of Institutional Equity and Title IX can assist in reporting to law enforcement for a Complaint alleging misconduct that is also a criminal offense.

Mines Department of Public Safety
Phone: 911 (emergencies) or 303-273-3333 (non-emergencies)
Email: publicsafety@mines.edu

Mines Office of Human Resources
Phone: 303-273-3250
Email: HR@mines.edu

2.1.4 **Anonymous Complaints and Requests for Anonymity**
Mines evaluates Complaints filed anonymously to determine whether additional steps are appropriate. If an Impacted Party requests anonymity, the Director of Institutional Equity and Title IX will evaluate how to proceed, specifically taking into consideration the Impacted Party’s wishes, Mines’
commitment to provide a non-discriminatory environment, and the Responding Party’s right to have specific notice of the allegations.

2.1.5 Protection of Information
Mines treats all Complaints as confidential matters and will make reasonable efforts to protect the confidentiality of the process, any investigation or resolution, and all individuals involved with the investigation 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 ensuring institutional compliance with Title IX, the Clery Act, and other Mines policies.

2.1.6 Promptness in Filing Complaint
Individuals who have observed or believe they have been subjected to unlawful Discrimination or retaliation may file a Complaint with Mines at any time, but are strongly encouraged to come forward as soon as possible after the occurrence of the incident or event. Complaints may be made orally or in written form and should generally include the following elements whenever possible:

- Name and Mines affiliation (e.g., Student, Employee) of the person filing the Complaint;
- Name and Mines affiliation of the parties involved in the Complaint, i.e., the alleged victim and the alleged perpetrator of the prohibited behavior;
- A brief statement of the event or events that are the cause of the Complaint, including relevant date(s), locations, etc.;
- Names and Mines affiliation of any witnesses to the event or events;
- A description of the behaviors or actions upon which the Complaint is based;
- A statement of any desired outcome and resolution; and
- The signature(s) of the Impacted Party(s).

2.1.7 Mines’ Responsibility to Act
In cases where the Impacted Party does not wish to pursue resolution or remedy through Mines, Mines may nevertheless determine that it is necessary to investigate and take reasonable and appropriate action in response to the Complaint in order to ensure Mines commitment to creating a safe and non-discriminatory learning, working and living environment for its Students, Employees, and visitors.

2.1.8 False Reports/Providing False Information
Intentionally submitting a materially false statement in bad faith in connection with a Complaint, or in the course of an investigation, is prohibited and may be investigated as a violation of the Student Code of Conduct, Faculty Handbook, or other Mines policy.
2.1.9 Response to Reports/Preliminary Inquiry
Upon receiving a Complaint, the Director of Institutional Equity and Title IX, or designee, will promptly contact the Impacted Party to explain the Policy, these Procedures, and the availability of interim measures (discussed in Section 2.2). The Director of Institutional Equity and Title IX, or designee, will review the options available to the Impacted Party, including:
- Reporting to law enforcement;
- The right to seek support resources from Mines;
- Requesting informal, alternate resolution through these Procedures (“Alternate Resolution”).

In its discretion, the Office of Institutional Equity and Title IX may conduct a preliminary inquiry into allegations raised in a Complaint in order to evaluate whether the allegations implicate a Mines’ Policy enforced by the Office of Institutional Equity and Title IX or other offices on campus, or whether application of an informal resolution process would be appropriate. If the reported misconduct would not constitute a violation of the Policy Prohibiting Unlawful Discrimination, the Amorous Relationship Policy, the Workplace Violence Policy, or other relevant policies, the Office of Institutional Equity and Title IX may refer the matter to the appropriate office or division on campus best situated to address the reported misconduct or provide support and/or close the Complaint without formal investigation and resolution.

2.2 Interim Measures/Immediate Action. Upon receipt of a Complaint, the Director of Institutional Equity and Title IX, or designee, will work with all parties involved in an alleged incident to undertake any appropriate interim measures to protect the safety of the campus community. Mines may take any interim steps it deems necessary to protect the Parties and witnesses including:
- Issuing “no contact” directives;
- Issuing temporary “no trespassing” directives;
- Placing an Employee on administrative leave with or without pay; and
- Obtaining restraining or similar protective orders through appropriate law enforcement and judicial mechanisms.

2.3 Emergency and Administrative Removal. If Mines concludes a Responding Party poses a threat to the physical health or safety of a Student, Employee, or other individual or, based on the allegations in the Complaint, it is appropriate to temporarily remove the Responding Party from access to campus pending further investigation, Mines may place the Responding Party on administrative leave or issue a “no trespassing” directive.

A Student who has been suspended on an interim basis may submit a written appeal to the Vice President of Student Life within ten (10) business days following the interim suspension decision. The appeal must explain why the
Student believes that the suspension should be lifted or modified. The Vice President of Student Life, or their designee, will render a written decision within ten (10) business days following receipt of the appeal.

3.0 INFORMAL RESOLUTION PROCESS

Under certain circumstances, an informal resolution process may be appropriate, effective, and desirable for a variety of reasons. The informal resolution efforts focus on bringing the Impacted Party’s concerns to the attention of the Responding Party and obtaining the voluntary cooperation of the parties to address and resolve the matter in a mutually agreeable manner.

Examples of the method and means used to try to achieve resolution may include, but are not limited to the following:

- Providing guidance and suggestions to the Impacted Party regarding strategies to address the situation;
- Working with faculty, department heads, or other, appropriate individual with whom the Impacted Party is comfortable to address the concerns;
- Providing assistance to supervisory personnel to address the matter with the Impacted Party and Responding Party; and
- Intervening directly with the Responding Party.

4.0 INVESTIGATION PROCESS

4.1 Purpose and Timing. The purpose of the investigation process is to provide a framework for the prompt and fair internal investigation of Complaints alleging unlawful Discrimination, Harassment, violence, and Retaliation, and violations of the Policy Prohibiting Unlawful Discrimination, Amorous Relationship Policy, and Workplace Violence Policy.

4.2 Acknowledgment of Complaint. The Director of Institutional Equity and Title IX (or the Director’s designee) will meet with the Impacted Party and discuss fully the options afforded to the Impacted Party, the rights and responsibilities of both parties, the investigation process, the prohibition against retaliation, the need to preserve any relevant evidence or documentation, and the availability of victim support resources, interim measures, and other remedies. At that time, Mines will provide the Impacted Party with a written acknowledgement of the Complaint.

4.3 Notification of Responding Party. At the appropriate point in the investigation, Mines will provide the Responding Party with written notice of the allegations in the Complaint, and an opportunity to respond. The Responding Party will also receive information regarding the options available under these Procedures, the rights and responsibilities of both parties, the investigation and adjudication processes, the prohibition against retaliation, the need to preserve any relevant evidence or documentation, and the availability of interim measures and remedies.
4.4 **Timing.** Mines will address allegations in Complaints promptly and effectively. The entire process for investigating and resolving Complaints is typically concluded within sixty (60) calendar days following receipt of a formal Complaint. If the Complaint investigation and decision process cannot be completed within sixty (60) calendar days, the Impacted Party and the Responding Party will be informed in writing of the reasons for the delay and provided an estimated date of completion. The length of time of the investigation will vary depending on the complexity of the investigation, the severity and extent of the behavior, the quantity and availability of witnesses, and other factors of significance.

4.5 **Criminal Complaints and Proceedings.** Certain acts of violence and Harassment may constitute both a violation of Mines Policies and a criminal offense. Mines encourages, but does not require, the Impacted Party to report alleged criminal acts promptly to appropriate law enforcement authorities. It is important to note that standards for finding a violation of criminal law are different from the standards for finding a violation of Mines’ Policies. Accordingly, criminal investigations or reports may not be determinative as to whether a violation of Mines’ Policies has occurred. Mines will cooperate with any criminal investigation to the extent permitted by law.

4.6 **Standard of Proof.** The standard of proof is the amount of evidence needed to establish that a violation of relevant policy has occurred. Mines uses a “preponderance of evidence” standard in assessing alleged violations for investigations under these Procedures. This means that the evidence demonstrates that it is more likely than not the alleged conduct or policy violation has occurred.

4.7 **Investigators.** When upon receipt of a Complaint, the Director of the Office of Institutional Equity and Title IX determines a formal investigation is appropriate, Mines will designate one or more investigators of its choosing who have specific training and experience investigating allegations of Discrimination, Harassment, and retaliation, depending on what has been alleged. All investigators will be impartial fact-finders throughout the investigation process.

4.8 **Process.** The Complaint will be investigated as discreetly and expeditiously as possible with due regard to thoroughness and fairness to all parties. Typically, the investigation process will involve the investigator(s) examining relevant documents, reviewing appropriate evidence, and interviewing fact witnesses. The parties may bring an advisor of their choice to the investigation interviews and any other meetings that may be a part of the

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1 Any time frames expressed in this procedure are meant to be guidelines rather than rigid requirements. The length of time will vary depending on the complexity of the investigation, the severity and extent of the alleged behavior, the quantity and availability of witnesses, and other factors of significance that may impact the length of the investigation.
investigation. However, the advisor may not act as a spokesperson and may not interfere with the interview or any other part of the investigation.

4.8.1 Investigation Interviews
Investigations will normally include interviews with the Impacted Party, the Responding Party, fact witnesses, and any other individuals who may have knowledge of the events or relevant circumstances. The investigator(s) may interview other individuals with factual information who are identified by the parties or other witnesses. The investigator(s) reserve the right to evaluate the relevance of witnesses offered by the parties, and the right to assess the credibility of witnesses interviewed.

4.8.2 Confidentiality of Investigation Materials
The investigator(s) will review any available and pertinent documentation or other evidence. The investigator(s) reserve the right to evaluate the relevance and credibility of any documentation or other evidence offered by the parties or collected in conjunction with the investigation. All materials and documents prepared or compiled by the investigators during the course of investigating a Complaint will be kept confidential unless disclosure is required by law (e.g., in response to a lawfully issued subpoena). Parties and 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.

4.8.3 Failure to Assist with Investigation
Failure to cooperate with or purposefully interfering with an investigation may result in discipline up to and including termination for Employees and suspension for students.

4.8.4 Investigative Report
After the conclusion of the investigation, the investigator(s) will prepare an investigative report that summarizes all of the relevant information. Under certain circumstances, the identity of the Impacted Party and/or witnesses may be kept confidential. The investigative report will summarize and analyze the relevant facts and any supporting documentation, which may include statements by the parties, third-party witnesses, or others with information and any physical, written, or electronic or other evidence. The investigative report will be submitted to the Director of the Office of Institutional Equity and Title IX who will distribute the report to the appropriate decision-maker. The decision-maker will be determined as follows:

- If the Responding Party is a Student, the decision-maker will be either the Dean of Students, the Associate Vice President of Student Life, or the Dean of Graduate Studies;
• If the Responding Party is an exempt Employee (Academic or Administrative Faculty), the decision-maker will be the appropriate Vice President or the Vice President’s designee;

• If the Responding Party is a classified Employee, the decision-maker will be the appointing authority for the position the classified Employee holds;

• If the Responding Party is a Vice President or Provost, or otherwise holds a position that reports directly to the President, the decision-maker will be the President or the President’s designee; and

• If the Responding Party is the President, the decision-maker will be the Chair of the Board of Trustees.

4.8.5 Employees with Student Status
In situations where the Responding Party is a Student as well as an Employee, and the misconduct occurred in the course and scope of employment, the investigation report will be provided to the appropriate Vice President or designee, as well as the Dean of Students, who will determine, based on the investigation findings, whether the Student Code of Conduct has been violated. If a violation of the Student Code of Conduct is found to have occurred, the Dean of Students will impose appropriate sanctions.

4.8.6 Decision and Resolution of the Complaint
Following receipt and review of the investigative report, the Director of Institutional Equity and Title IX will provide an executive summary of the investigation report to the Impacted Party and the Responding Party. Both the Impacted Party and the Responding Party will have an opportunity to submit a response to the decision-maker. The decision-maker, in consultation with the Office of Human Resources, will issue a final, written decision regarding the Complaint simultaneously to the Impacted Party and the Responding Party. The written decision will contain a statement of whether or not Discrimination, Harassment, violence, or retaliation in violation of Mines policies was found to have occurred. The Responding Party will also be informed of any sanctions to be imposed. The Office of Human Resources will be involved if the sanction(s) include termination, coaching, or training for Employees. The Impacted Party will be informed of any individual remedies provided, and of any sanctions to be imposed that directly relate to Impacted Party. The decision-maker will not conduct a separate or additional investigation. The completion of the written report of findings and the issuance of Mines’ decision will normally be completed within 20 calendar days from the decision-maker’s receipt of the investigative report.

4.8.7 Sanctions
Sanctions may include, but are not limited to, the following:
A. Educational sanctions;
B. Training and/or coaching;
C. Participation in relevant awareness and prevention training programs or seminars;
D. Oral reprimand and warning;
E. Written reprimand and warning;
F. Removal from or reassignment within campus housing;
G. Limitations on campus employment;
H. Limitations on participation in Mines-related activities;
I. Restitution;
J. Student Probation;
K. Suspension;
L. Expulsion;
M. Termination of employment or appointment;
N. Initiation of the Tenure Revocation or Termination for Cause Process set forth in the Faculty Handbook;
O. Corrective or Disciplinary Action under the State Personnel Board Rules; and
P. Prohibition of entering the Mines campus or attending Mines’ sponsored events.

5.0 DEFINITIONS

Complaint means any disclosure of Discrimination, Harassment, violence, or retaliation received by the Director of Institutional Equity and Title IX. The party making the Complaint does not need to be the party impacted by the conduct.

Employee means any person employed by Mines, appointed by Mines, or assigned to Mines, including non-remunerated appointees and Student Employees.

 Discrimination means unequal treatment based on a Protected Class

Harassment means unwelcome conduct that is based on a Protected Class.

Impacted Party means a person who witnesses or is subjected to discriminatory, harassing, or violent conduct.

Protected Class means race, color, religion or creed, sex (including pregnancy, childbirth, related medical conditions, sexual orientation, gender identity, and gender expression), marital status, ethnicity, national origin, age, disability, genetic information, ancestry, and veteran status or military service.

Responding Party means an individual reported to be have violated the Policy Prohibiting Unlawful Discrimination, the Amorous Relationship Policy or
the Workplace Violence Policy, as well as an individual alleged to have retaliated against another in violation of these polices and the Policy Prohibiting Sexual Harassment, Sexual Assault, and Interpersonal Violence.

**Sexual Harassment** means unwelcome conduct (i.e., conduct without consent) of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a Sexual nature. Mines recognizes two types of Sexual Harassment: quid pro quo Harassment and hostile environment Harassment.

- **Quid pro quo Sexual Harassment:** Submission to or rejection of unwelcome conduct of a sexual nature made explicitly or implicitly a condition of an individual’s employment or academic progress, or is used as the basis for employment decisions or for academic evaluation. Quid pro quo Harassment occurs regardless of whether the victim submits or resists the threatened harm or the promised benefit.

- **Hostile environment Sexual Harassment** is unwelcome conduct of a sexual nature sufficiently severe, persistent, or pervasive that it interferes with or limits a person’s ability to participate in or benefit from educational or work-related programs. A hostile environment can be created by persistent or pervasive conduct or by a single severe episode. Whether the conduct creates a hostile work or learning environment is determined based on the totality of the circumstances. Examples of behavior that may create a hostile environment that violates the policy include, but are not limited to:
  - Repeated verbal or physical sexual advances;
  - Repeated lewd, suggestive or otherwise inappropriate comments about another person’s appearance;
  - Intentional inappropriate physical contact with another person’s body;
  - Repeated requests for sexual favors;
  - Repeated lewd or sexually suggestive comments, jokes, innuendoes, or gestures;
  - Stalking;
  - Observing, photographing, videotaping or making other visual or auditory records of sexual activity, nudity or suggestive activity where there is a reasonable expectation of privacy and without the consent of all parties;
  - Sharing or publishing visual or auditory records of sexual activity, nudity or suggestive activity without the consent of all recorded parties and recipients; and
  - Other verbal, nonverbal, graphic, or physical conduct may also create a hostile environment if the conduct is sufficiently persistent, pervasive, or severe.

**Student** means all persons taking courses at Mines, either full-time or part-time, online, or in person, pursuing undergraduate, graduate, or professional studies. This includes persons who withdraw, who are not officially enrolled for
a particular term but who have a continuing relationship with Mines, or who have been notified of their acceptance for admission.

6.0 HISTORY AND REVIEW CYCLE

The procedures within this document will be reviewed at least every 2 years, or as needed by the Responsible Administrative Unit.

Issued: April 13, 2021