



Rights and Options for the Respondent regarding complaints under the Colorado School of Mines' Policy Prohibiting Sexual Harassment, Sexual Violence, and Interpersonal Violence

Colorado School of Mines does not discriminate on the basis of sex in its educational programs. Sex discrimination includes sexual harassment, sexual violence, 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 that address sexual harassment, sexual assault, domestic violence, dating violence, and stalking, whether the incident occurred on or off campus, 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 [Procedure to Resolve Complaints of Sexual Harassment, Sexual Violence, and Interpersonal Violence Involving Students](#). The Procedure addresses interim protective measures that Mines may impose following a report and long-term protective measures and sanctions following the final determination of our discipline process. 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 University's Title IX Coordinator, Camille Torres, at ctorres@mines.edu or titleix@mines.edu.

The following information provides a summary of your rights and options after a complaint of sex discrimination, sexual harassment, sexual violence (including 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 a Process Advisor
- ***Mines' obligation to investigate:*** Mines is required by law to investigate and resolve complaints of this nature. 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 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 Violence, and Interpersonal Violence and the accompanying Procedure governs complaints of sex discrimination, sexual harassment, sexual violence (including sexual assault), domestic violence, dating violence, and stalking.
- The Procedure:
 - 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 school 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 and resolution process. An advisor may not advocate for a party like an attorney would in court.
 - 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 that you are comfortable with, please contact the Title IX Coordinator, or designee, for assistance in doing so.

Possible Interim Measures and Sanctions

- *Interim 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 interim measures; violating them is a violation of school policy separate from the allegations of the complaint.
 - If you have concerns about the Complainant adhering to the established interim measures, contact the Title IX Coordinator immediately.

- **Sanctions:** If there is a finding that a violation of Mines' Policy Prohibiting Sexual Harassment, Sexual Violence, and Interpersonal Violence 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.

Protection of Information

Mines treats all complaints as confidential matters and will make reasonable efforts to protect the confidentiality of any investigation or resolution process and all individuals involved with the complaint process. Mines is committed to providing assistance in understanding issues of privacy and confidentiality, as well as helping individuals make an informed decision. 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 requests confidentiality or asks that a complaint not be investigated, Mines will take reasonable steps to investigate and respond to the complaint consistent with the request. However, Mines' ability to respond may be limited in such cases, and it may not be able to grant such a request when the Respondent poses a continuing threat to the campus community.
- Throughout the investigation of the complaint, Mines will confidentially maintain any accommodations or protective measures provided to you, to the extent maintaining such confidentiality does not impair Mines' ability to provide such accommodations or protective 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

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| Colorado School of Mines' Counseling Center (Confidential Resource) | 1770 Elm Street Golden, CO 80401 | 303.273.3377 counseling@mines.edu https://www.mines.edu/counseling-center/ |
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| Colorado School of Mines Title IX Office | 1706 Illinois Street Golden, CO 80401 | 303.384.2124 titleix@mines.edu https://www.mines.edu/title-ix/ |
| Colorado School of Mines Financial Aid Office | 1200 16 th Street Golden, CO 80401. | 303.273.3301 finaid@mines.edu http://finaid.mines.edu/ |

Denver Metro Area/Colorado Resources

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| Colorado State Employees Assistance Program (CSEAP) for Faculty/Staff | | 303.866.4314 www.colorado.gov/c-seap |
| Jefferson Center for Mental Health | Emergency line available 24/7 | 303.425.0300 www.jeffersonmentalhealth.org |
| Colorado Crisis Services | <u>Emergency line available 24/7</u> | 1.844.493.TALK(8255) http://coloradocrisiservices.org/ |
| Colorado Legal Services | | http://www.coloradollegalservices.org/ |
| Victim Outreach Incorporated | Emergency line available 24/7 | 303.202.2196 |

National Resources

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