

	<b>Procedure for Resolving Complaints of Gender-Based Discrimination, Sexual Harassment, and Sexual Violence Against Students</b>	
	<b>Responsible Administrative Unit:</b> Title IX and Equity Compliance	<b>Policy Contact:</b> Title IX Coordinator <a href="mailto:krcurran@mines.edu">krcurran@mines.edu</a>

## CONTENTS

- 1.0 [BACKGROUND, PURPOSE, AND JURISDICTION](#)
- 2.0 [COMPLAINTS](#)
- 3.0 [ADJUDICATION AND RESOLUTION](#)
- 4.0 [COMPLAINT INVESTIGATION](#)
- 5.0 [APPEAL PROCESS](#)
- 6.0 [PROHIBITION AGAINST RETALIATION](#)
- 7.0 [AVAILABLE RESOURCES](#)
- 8.0 [HISTORY & REVIEW CYCLE](#)

### 1.0 BACKGROUND, PURPOSE, AND JURISDICTION

On August 29, 2014, the Board of Trustees of the Colorado School of Mines (“Mines”) adopted the **Policy Prohibiting Gender-Based Discrimination, Sexual Harassment, and Sexual Violence (“the Policy”)**. The Policy prohibits any form of gender-based discrimination, sexual harassment, or sexual violence within the Mines campus community. This procedure implements the Policy and provides for prompt, fair, and impartial investigation and resolution of issues arising under the Policy. Definitions of relevant terms related to or used in this procedure are found here: <http://inside.mines.edu/POGO-Student>.

This Procedure applies to complaints of gender-based discrimination, sexual harassment, and sexual violence that are brought against students regardless of whether the alleged misconduct occurred on or off Mines property. If the alleged misconduct occurs off Mines property, Mines shall have jurisdiction to investigate complaints if the conduct occurred in conjunction with a Mines-sponsored program or activity, or if the off-property conduct may have the impact of creating a hostile environment for a Mines Community Member.

### 2.0 COMPLAINTS

**2.1 Who May File a Complaint.** Any Mines Community Member who believes he or she has been subjected to gender-based discrimination, sexual harassment, and/or sexual violence may file a complaint. Further, any Mines Community Member may file a complaint on behalf of another Mines Community Member who may have been subjected to gender-based discrimination, sexual harassment, and/or sexual violence. Regardless of the origin of the complaint, for purposes of this procedure the term “Complainant” will refer to the person who was the target of the alleged behavior.

**2.2 Against Whom a Complaint May Be Filed.** Under this procedure, complaints may be filed against any person who has been admitted and confirmed enrollment or is registered at Mines as a student at the time of the alleged violation (including during an academic

recess or leave of absence). For purposes of this procedure, the term “Respondent” will refer to the person who is accused of the alleged behavior.

**2.3 Mandatory Reporting.** Mines has designated all of its employees as mandatory reporters for issues involving gender-based discrimination, sexual harassment, and sexual violence. This means that all Mines employees are required to contact the Title IX Coordinator and report instances of gender-based discrimination, sexual harassment, and sexual violence. Reporting is necessary to ensure that persons who may have been impacted by such conduct receive appropriate services and information, as well as allowing Mines to track incidents, identify patterns, and take appropriate steps to protect the Mines community. Reporting by a Mines employee will not necessarily result in an official complaint; rather, the Title IX Coordinator will assess the information and determine what action, if any, will be taken. Further, the Title IX Coordinator will determine who within Mines has a need to know about the issue and will inform them of the report. The Mines Title IX Coordinator is:

Karin Ranta-Curran, Executive Director - Institutional Compliance and Equity,  
Guggenheim Building Room 211A, Telephone: 303.384.2558;  
Email: [krcurran@mines.edu](mailto:krcurran@mines.edu).

Additionally, the Vice President of Student Life and Dean of Students will be notified if it is believed that official adjudication and resolution may be requested by the Complainant or the circumstances of the report requires formal action by Mines.

**2.4 How to File an Official Complaint.** Official complaints should be made to a Mines Deputy Title IX Coordinator listed below. During the complaint intake meeting, the Deputy Title IX Coordinator will obtain some basic information about the incident, provide information about available campus and law enforcement policies and processes, and provide the Complainant with information about appropriate resources and support options that are available on campus and in the community. The Deputy Title IX Coordinator will also connect the Complainant with the appropriate individuals when the Complainant wants to pursue adjudication and resolution. In all cases, the Mines Title IX Coordinator will be notified immediately. The Mines Deputy Title IX Coordinators for student matters are:

Rebecca Flintoft, Asst. Vice President, Student Services & Administration;  
Student Center 218; Telephone: 303.273.3050; Email: [rflintof@mines.edu](mailto:rflintof@mines.edu).

Katie Schmalzel, Prevention Programs Manager, Guggenheim Building Room 212B;  
Telephone: 303.273.3260; Email: [kschmalz@mines.edu](mailto:kschmalz@mines.edu).

**2.5 Promptness in Filing Complaint.** Individuals who feel they have been subjected to gender-based discrimination, sexual harassment, and/or sexual violence may file a complaint at any time, but are strongly encouraged to come forward as soon as possible after the occurrence of the subject incident, event, or action.

**2.6 Anonymous Reports and Requests for Anonymity.** Mines accepts any complaint submitted anonymously and any complaint from individuals who identify themselves initially but request anonymity during the investigation and adjudication process. Although it is inherently difficult to investigate anonymous complaints, investigations of such complaints will be as thorough as is practicable and will be appropriate to the allegations. If a Complainant requests anonymity, Mines will take reasonable steps to investigate and respond to the complaint consistent with the request for anonymity to the extent possible. Specifically, the

Title IX Coordinator will consider how to proceed, taking into account the Complainant's wishes, Mines' commitment to provide a non-discriminatory environment, and the Respondent's right to be notified. In such circumstances, the Title IX Coordinator may arrange for limited fact-finding by an investigator to better understand the context of the complaint before advising the Complainant regarding whether anonymity can be maintained.

**2.7 Mines' Responsibility to Act.** When the Complainant does not wish to pursue adjudication and resolution through Mines, Title IX requirements may compel Mines to investigate and take reasonable and appropriate action in response to the complaint. In some cases, Mines will be required to address the complaint, even if the Complainant does not wish to pursue adjudication and resolution. In these cases, Mines' ability to respond to and resolve the matter may be more limited.

**2.8 Choice of Policies.** No Complainant will be permitted to file an unlawful discrimination claim under Mines' Policy Prohibiting Unlawful Discrimination concurrently with a claim under the Policy Prohibiting Gender-Based Discrimination, Sexual Harassment, and Sexual Violence if the complaints are against the same individual and arise out of the same event(s). This provision does not prevent the Complainant from simultaneously or subsequently filing a criminal complaint with an appropriate law enforcement agency.

## **2.9 Concurrent Criminal Proceedings.**

2.9.1. Certain acts of sexual violence and sexual harassment may constitute both a violation of Mines' policy and a criminal offense. Mines encourages but does not require persons to report alleged criminal acts promptly to appropriate law enforcement authorities, even if they choose to pursue a complaint under this procedure

2.9.2. The standards for finding a violation of criminal law are different from the standards for finding a violation of Mines' policies; therefore, outcomes of criminal investigations may not determine whether a violation of Mines' policy has occurred.

2.9.3. When a student has been charged with a criminal offense, Mines may impose an interim suspension in order to comply with a criminal protection order and/or to ensure the safety of the Mines campus community. 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 of 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 his or her designee, will render a written decision within ten (10) business days following receipt of the appeal.

**2.10 Confidentiality.** 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. Individuals considering making a disclosure to a Mines official should understand Mines' requirements concerning privacy and confidentiality. Mines is committed to providing assistance in understanding these issues and helping individuals make an informed decision. Further, Title IX requires Mines to consider the Complainant's request for confidentiality in the context of Mines' commitment to provide a reasonably safe and non-discriminatory environment for all community members. Although full confidentiality cannot be guaranteed, Mines will advise

the Complainant regarding the degree of confidentiality that may be possible, and the measures that will be taken to try to ensure this confidentiality. 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 stopping or preventing the misconduct.

**2.11 False Reports/Providing False Information.** It is a violation of the Policy to intentionally submit a false complaint or file a complaint that is not made in good faith. Such violations may be subject to disciplinary action under relevant student and employee policies, handbooks, or codes of conduct. Providing false or misleading information in an investigation is also prohibited and shall be subject to disciplinary action under the relevant student and employee policies, handbooks, or codes of conduct.

**2.12 Standard of Proof.** The standard of proof is the amount of evidence needed to establish that a violation of policy has occurred. In the adjudication of student conduct issues, Mines uses a *preponderance of evidence* standard, which means that the evidence demonstrates that it is more likely than not the alleged conduct or policy violation has occurred.

**2.13 Immediate Action and Interim Measures.** Depending on the nature of the complaint, Mines reserves the right to take any and all interim measures it deems necessary to protect the Complainant, witnesses, and/or the Respondent. Any interim measures will be implemented in a manner that minimizes the burden on the Complainant to the extent reasonably possible. Examples of these interim measures may include, but are not limited to the following:

- Issuing “no contact” directives;
- Issuing temporary “no trespassing” directives;
- Temporary suspension of a student’s enrollment or participation in campus programs;
- Making changes to class schedules and/or campus housing assignments; and
- Obtaining restraining or similar protective orders through appropriate law enforcement and judicial mechanisms.

In the event there are reasonable grounds to conclude that an individual poses a threat to Mines Community Members, that individual may be barred from access to campus through written notice by appropriate Mines authorities. 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 his or her designee, will render a written decision within ten (10) business days following receipt of the appeal.

**2.14. Support Person.** The Complainant and the Respondent may have a support person present at all stages of this Procedure. Persons in a support role provide moral support to the party who has requested their presence. Persons in a support role may not serve as an advocate, may not be actively involved in any proceedings, and must agree to abide by the prohibition against retaliation, as set forth in these procedures. The Complainant and the Respondent may choose whomever they wish to serve as a support person, subject to the

following limitations:

- The support person cannot be a witness to the situation or circumstances giving rise to the complaint.
- In cases involving multiple complainants or respondents, the support person cannot be another complainant or respondent.
- The support person can be an attorney, however, the attorney's role will be limited as outlined above.
- The support person may not be an employee of Mines (a faculty member, administrative faculty member or a classified employee of Mines).
- The support person may be a student at Mines provided that the support person does not have a current position of supervision, authority, or trust over the party who they are supporting.
- Residence Life student staff members may serve as a support person with approval from the Director of Residence Life.

### **3.0 ADJUDICATION AND RESOLUTION**

**3.1 Intake Meeting.** When the Complainant desires to pursue adjudication and resolution through Mines, an intake meeting with the Complainant will be scheduled within seven (7) calendar days of receipt of the complaint. The Title IX Coordinator or Deputy Title IX Coordinator will confirm the Complainant has an understanding of the relevant policy and procedures, confirm the Complainant is aware of appropriate resources, and try to answer any questions. The Title IX Coordinator or Deputy Title IX Coordinator will then review the informal and formal types of adjudication and resolution. The Deputy Title IX Coordinator will allow the Complainant to determine the adjudication and resolution path the Complainant wishes to pursue. The Complainant can choose at any time to switch from the informal resolution process to the formal process, but it is not possible to switch from the formal back to the informal process. There is no requirement that once the informal resolution process is started it must be completed prior to filing a formal complaint. Based on the nature and severity of the incident and/or past violations by the Respondent, the Title IX Coordinator may require that the formal resolution process be utilized. In situations involving allegations of sexual violence, the formal process will be utilized.

Complaints utilizing the informal adjudication and resolution process may be made orally or in writing. Complaints utilizing the formal adjudication and resolution process must be in writing. There is no required complaint format. However, because the following elements are important to facilitate the investigation process, the Complainant is encouraged to provide these when possible:

- Name and Mines affiliation (e.g., student, faculty, staff, community member) of the person filing the complaint;
- Name and Mines affiliation (if any) of the alleged victim;
- Name and Mines affiliation of the alleged perpetrator of prohibited behavior;
- A statement of the event(s) that are the cause of the complaint, including relevant date(s), location(s), etc.;
- A description of the behaviors or actions upon which the complaint is based; and
- A statement of the Complainant's desired outcome and resolution.

**3.2 Informal Adjudication and Resolution Process.** A Complainant who wishes to pursue a less formal resolution process may request an “Informal Adjudication and Resolution” as described below. This type of proceeding will not lead to administrative investigations and will not result in a suspension, or other significant sanction. Although informal, this is an official adjudication and resolution process of Mines. Please keep in mind that allegations of sexual violence cannot be resolved through this informal process.

3.2.1 Purpose and Timing. Under certain circumstances, an informal resolution process may be appropriate, effective and desirable for a variety of reasons. Further, it may provide a more expedient path to resolution than the formal process entails. The informal resolution efforts will be focused on bringing the Complainant’s concerns to the attention of the Respondent and obtaining the voluntary cooperation of the parties to address and resolve the matter. If a complaint is made informally, the process is expected to be completed in a relatively brief period of time, usually within ten (10) calendar days of the date the complaint is received. If additional time is needed for the informal process, the Title IX Coordinator will communicate this to the Complainant and Respondent in writing, citing the reasons for the additional time and providing an estimated date of completion.

3.3.2 Process. If the Complainant desires to informally resolve the complaint, the Title IX Coordinator or one of the Deputy Title IX Coordinators will try to resolve the complaint expeditiously to the satisfaction of all concerned. A variety of possible means to resolve the complaint may be used at the discretion of the Title IX Coordinator or Deputy Title IX Coordinator. Examples of the method and means used to try to achieve resolution may include, but are not limited to:

- Having a meeting between the Respondent the Title IX Coordinator or a Deputy Title IX Coordinator to communicate receipt of the complaint and establish a set of behavioral expectations to end the behavior(s) at issue;
- Working with faculty members, department heads or other employees with whom the Complainant is comfortable to address the concerns;
- Providing assistance to supervisory and advisory personnel to address the matter with the Respondent;
- Providing advice to the Complainant regarding ways to handle the situation directly; and/or
- Any other mutual agreements between the parties.

**3.3 Formal Adjudication and Resolution Process.**When a Complainant wishes to pursue a more formal resolution process or in cases involving allegations of sexual violence, the following “Formal Adjudication and Resolution” process will be utilized. This type of proceeding may lead to administrative sanctions and penalties.

3.3.1 Purpose and Timing. The purpose of this process is to provide a formal, structured mechanism for the prompt and fair internal resolution of complaints alleging gender-based discrimination, sexual harassment, or sexual violence. The steps outlined below are the exclusive forum for the internal resolution of complaints regarding the actions of a student at Mines. In most cases, the investigation and should be completed within 60 calendar days of Mines’ receipt of the complaint.

**3.3.2 Formal Adjudication and Resolution Requests.** A request for formal adjudication and resolution must include a written description of the complaint that may be prepared by the Complainant. The Title IX Coordinator or a Deputy Title IX Coordinator may assist the Complainant in preparing the written description. A Title IX intake form created by the Title IX Office may suffice as a written complaint. There is no required complaint format; however, the following elements are important to facilitate the investigation process:

- Name and Mines affiliation (e.g., student, faculty, staff) 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

**3.3.3 Acknowledgment of Request and Notification of Respondent.**

Within five (5) calendar days following the receipt of the Formal Adjudication and Resolution Request, the Title IX Coordinator will send the Complainant written acknowledgement of the complaint, as well as written notification to the Respondent that will include information concerning the allegations in that complaint that will be the subject of investigation, and the anticipated timeline for such investigation.

## **4.0 COMPLAINT INVESTIGATION**

**4.1 Timing.** Mines will address and resolve sexual violence, sexual harassment, and gender-based discrimination matters promptly and effectively. The entire process for investigating and resolving complaints should be concluded within 60 calendar days following the receipt of a formal complaint. 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. If the investigation and resolution cannot be completed within 60 calendar days, the Complainant and the Respondent will be informed in writing of the reasons for the delay and provided an updated estimated date of completion.

**4.2 Investigators.** Upon receipt of a formal complaint, Mines will designate two (2) investigators of its choosing who have specific training and experience investigating allegations of gender discrimination, sexual harassment, and/or sexual violence, depending on what has been alleged. Mines will maintain a group of trained internal investigators who are available to investigate complaints. Mines', in its sole discretion, reserves the right to assign the investigation to confidential external investigator(s). All investigators will be impartial fact-finders throughout the investigation process.

**4.3 Process.** The complaint will be investigated as discreetly and expeditiously as possible with due regard to thoroughness and fairness to all parties. The investigators will examine relevant documents, interview witnesses, and may interview other individuals with relevant information who are identified by the parties. The investigators reserve the right to

assess the relevance and evaluate the credibility of witnesses offered by the Complainant and the Respondent.

4.3.1. Investigation Interviews. Investigations will be appropriate to the circumstances of the complaint and will normally consist of interviews with the Complainant, Respondent, fact witnesses who may have knowledge of the alleged behavior, and a review of pertinent communications, electronic records, documents or other available evidence. 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.

4.3.2. Interviews with Complainant and Respondent. Under most circumstances, the Complainant and Respondent will each be interviewed twice, separately. During the first interview, the investigators will begin preparing a written statement for the interviewee. The investigators will also request that each party provide the following information: 1) a list of questions they would like the investigators to address with the other party; 2) the identity of other witnesses who should be interviewed as a part of the investigation; and 3) any other relevant information. The investigators will consider the information provided and incorporate it into the appropriate party's written statement. During the second interview, each party will be asked to review, revise if necessary, and sign their written statement. These written statements will be used by the investigator to complete the investigation report.

4.3.3. Confidentiality of Investigative 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 to the fullest extent of the law.

4.3.4. Failure to Participate in Investigation. Failure of the parties to cooperate with an investigation may result in negative ramifications for that individual, as the investigators will issue a report based on the information they were able to gather. If an accused student, with appropriate notice, does not participate in the investigation, a disciplinary decision may be reached taking into consideration the totality of the information related to the allegations available at the time of the investigation.

4.3.5. Report of Investigation Findings. After the conclusion of the investigation, the investigators will prepare an investigative report that summarizes all of the relevant information. Under certain circumstances the identity of the Complainant and/or witnesses may be kept confidential. The investigation 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 investigation report will be submitted to the Dean of Students, Title IX Coordinator and the Mines Legal Services office. After the investigation report has been received, the Title IX Coordinator will provide the Complainant and the Respondent with a copy of the investigation report. Each party may submit a written response to the investigation report to the Dean of Students within seven (7) days of receiving the investigation report.



**4.3.6. Decision and Resolution of the Complaint.** Following receipt and review of the investigative report and any written responses submitted by the parties, the Dean of Students (or his or her designee) will issue a written decision regarding the complaint simultaneously to both the Complainant and the Respondent. The written decision will contain a statement of whether the Respondent has been found responsible for any form of gender-based discrimination, sexual harassment, and/or sexual violence. The Respondent will also be informed of any sanctions to be imposed. The Complainant will be informed of any individual remedies provided, and of any sanctions to be imposed that directly relate to Complainant. The Dean of Students will not conduct a separate or additional investigation; however, the Dean of Students, in his or her discretion, may ask for additional information from the investigators, the parties or other witnesses in order to make a fully informed decision. The completion of the written report of findings and the issuance of Mines' decision will normally be completed within 20 calendar days from the end of the investigation.

**4.3.7. 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 training programs or seminars; mandatory attendance at other training programs; oral reprimand and warning; written reprimand and warning; student probation, suspension, expulsion; educational sanctions; restitution; and prohibition of entering the Mines campus or attending Mines' sponsored events.

**4.3.8. Records Retention.** The Title IX Coordinator is the custodian of all records of all complaints of gender-based discrimination, sexual violence and sexual harassment complaints filed under the Policy, and any documentation regarding complaint investigation and internal adjudication.

## **5.0 APPEAL PROCESS**

**5.1 Overview.** Both the Complainant and the Respondent have the right to file an appeal of the decision made by the Dean of Students or the Dean's designee. An appeal must be filed in writing and submitted to the Office of the Vice President for Student Life. An appeal request will only be considered if it includes: 1) the specific aspect of the decision being appealed; 2) the grounds for an appeal; and 3) the rationale that supports the selected grounds. The Vice President for Student Life may, in his or her discretion, delegate any of the duties and decision-making authority set forth in this Section 5 to another Vice President or the Provost.

**5.2 Grounds for Appeal.** Not all decisions can be appealed. An appeal is not appropriate for the simple reason that one disagrees with the decision. The four items listed below are the only acceptable grounds for an appeal. Except as required to explain and support an appeal based on new information, an appeal shall be limited to a review of the investigation record and supporting documents for one or more of the following purposes:

- **New Information:** To consider information or other relevant facts sufficient to alter a decision because such information and/or facts were not known to the person appealing at the time of the investigation.
- **Appropriateness of Sanctions:** To determine whether the sanction(s) imposed were appropriate for the Policy violation that the Respondent was found to have committed. If the Respondent is making the appeal solely on this ground, s/he accepts responsibility for the violation and is only appealing the severity of the sanctions.
- **Due Process:** To determine whether the investigation and decision-making process were conducted fairly, and in conformity with prescribed procedures giving the Complainant a reasonable opportunity to prepare and present information about the alleged Policy violation, and giving the Respondent a reasonable opportunity to prepare and present a response to the allegation(s). Minor process deviations that do not materially affect the outcome are not a basis for sustaining an appeal. Alleged due process violations may be appealed. However, in the case of due process appeals, the outcome is limited to correcting the process error(s).
- **Unsupported Decision:** To determine whether the decision reached was supported by the evidence.

**5.3 Submitting an Appeal Request.** Decisions reached by the Dean of Students or designee may be appealed by the Respondent and/or the Complainant. The individual may file an appeal by completing a Student Conduct Appeal Request Form and submitting it to the Office of the Vice President for Student Life by the date stated in the original decision letter (typically within seven (7) business days of the date of the decision notification). This form is available online and at the Office of the Vice President of Student Life. It is the obligation of the person making the appeal to complete the form in its entirety and provide any and all materials that s/he wishes to have considered at the time of the appeal request submission. Requests for an extension of time to file an appeal must be submitted in writing to the Vice President of Student Life prior to the expiration of the appeal deadline and may be granted in the sole discretion of the Vice President of Student Life. If the appeal request form is not received within the required time frame, the original decision is final and no further appeal is permitted.

**5.4 Sanctions and Conditions during a Pending Appeal.** Throughout the entire appeal process, all parties must continue to comply with all conditions and/or sanctions of the original decision. However, the Respondent may request and receive approval from the Vice President for Student Life to continue to attend classes, required academic activities, and/or reside in student housing while the appeal is pending. Such approvals are within the sole discretion of the Vice President for Student Life or their designee and may include alternative protective measures.

**5.5 Appeal Review.** Within seven (7) business days of the appeal request being received, the Vice President for Student Life or designee will review the written request form and materials to determine if the appealing party has identified acceptable grounds for an appeal and whether the appeal has been filed by the appeal deadline. Following the review, the Vice President for Student Life or designee will make a decision consisting of one of the following actions:

- **Deny the appeal** - The appeal and supporting information do not establish an acceptable basis for appeal or the appeal request form was not submitted by the appeal deadline. If the appeal is denied, the decision is final and is considered binding upon all parties.
- **Allow the appeal to proceed.** - The appeal information submitted meets one of the grounds for appeal and the appeal request form was submitted by the appeal deadline.

The Vice President for Student Life will notify the Complainant, Respondent, the decision maker and the Title IX Coordinator in writing of the decision to deny or allow the appeal.

**5.6 Appeal Decision.** If and when it is determined that the appeal will be allowed to proceed, the decision maker will provide the Vice President of Student Life all information regarding the incident that was relied upon by the decision maker. Within ten (10) business days of receiving the information from the decision maker, the Vice President of Student Life will review the materials and make one of the following decisions:

- **Affirm the decision:** the Vice President of Student Life agrees that the information supports the original decision.
- **Reverse the decision:** the Vice President of Student Life does not agree that the information supports the original decision. This option is not available when the Respondent is appealing the severity of the sanction or the imposition of conditions.
- **Refer the matter for further consideration:** the Vice President of Student Life believes that additional review and considerations should be made, including an increase or decrease of the sanctions imposed or addressing additional issues that were identified through the appeal process.

The Vice President for Student Life will communicate the decision in writing to the parties. If a matter is returned to the Dean of Students for further consideration, the reconsideration will take place and the decision communicated in writing to the parties within seven (7) business days of the matter being returned. The decision is final and shall be considered binding upon all involved, from which no additional appeals are permitted.

## **6.0 PROHIBITION AGAINST RETALIATION**

The Policy and this Procedure prohibit retaliation against any individual for:

- reporting an allegation of gender-based discrimination, sexual harassment, or sexual violence;
- cooperating in an investigation or another proceeding related to such allegations; or
- opposing gender-based discrimination, sexual harassment, or sexual violence. Complaints or instances of retaliation shall be addressed as separate alleged Policy violations.

## **7.0 AVAILABLE RESOURCES**

Resources are available at Mines and in the surrounding community to assist those who have been impacted by gender-based discrimination, sexual harassment and/or sexual violence, including domestic violence, dating violence, and stalking. Mines will provide support to the Complainant, Respondent, any other impacted parties it identifies during the course of its investigation, and the Mines campus community as reasonable and appropriate to the circumstances. Such support may take many forms, including, but not limited to the following:

- Providing referrals for counseling and victim's support services;
- Providing referrals for medical services;
- Arranging for the Complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the Complainant's academic record;
- Ensuring that the Complainant and the Respondent do not attend the same classes or that neither is enrolled in a class taught by the other;
- Providing an escort to the Complainant so that he or she can transition between classes and activities without risk of running into the Respondent alone;
- Moving the Complainant or Respondent to a different campus housing unit;
- Providing academic support services, such as tutoring;
- Additional campus-wide, office or department specific training or access to assistance; and
- Any other steps Mines determines are reasonable and appropriate given the nature and circumstances of the harassment.

## **8.0 HISTORY AND REVIEW CYCLE.**

The Responsible Administrative Unit reviews the procedures at least every 2 years, or as needed.

Issued May 1, 2012

Revision August 19, 2015

Revision November 3, 2015

Revision July 1, 2016

Revision February 24, 2017