



A Student Resource Guide Related to Sexual Misconduct:
College Policies, Procedures, and Victim Services

Pueblo Community College acknowledges the contribution of ATIXA in the development
of this guide
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Why this Resource Guide?

Colleges are required by law and by a sense of fairness to protect students from gender-based discrimination and from acts of sexual misconduct. Both Title IX of the Education Amendments of 1972 and the Violence Against Women Act (VAWA) legally require colleges to provide these protections.

Some actions by college students and staff can be a combination of criminal acts and violations of Colorado Community College System (CCCS) Board Policies (BPs), CCCS System Procedures (SPs) and/or Policies, and Pueblo Community College's Code of Student Behavioral Expectations and Responsibilities. Alleged criminal acts are investigated by Pueblo Community College's Police Department or by local law enforcement, while the College's Dean of Students conducts alleged violations of the PCC's Code of Student Behavioral Expectations and Responsibilities.

Allegations of sexual misconduct and Title IX concerns outlined in [BP19-60 Prohibition of Discrimination, Harassment, or Retaliation](#) (opens in a new window) or the URL at: <https://cccs.edu/policies-and-procedures/bp-19-60-prohibition-of-discrimination-harassment-or-retaliation/> follow the [CCCS SP 19-60a – Civil Rights and Sexual Misconduct Resolution Process](#) (opens in a new window) or the URL at: <https://cccs.edu/policies-and-procedures/sp-19-60a-civil-rights-and-sexual-misconduct-resolution-process/> to resolve the reported concerns.

Pueblo Community College (PCC) will ensure all allegations of gender-based discrimination and acts of sexual misconduct are investigated. (Specifics on how PCC investigates cases are found in the [PCC Student Handbook](#) (opens in a new window) or the URL at: https://pueblocc.edu/Student_Handbook. PCC will act fairly to both the alleged victim and the alleged responsible person, with PCC's objective to discover the facts of a case and to determine using the standard of a preponderance of evidence (more likely than not) whether a violation took place. When PCC determines that a violation has taken place, PCC will impose reasonable sanctions that educate the responsible person of the severity of the person's actions as well as protect both the victim and the community from future similar actions.

To assist students in increasing their awareness and in helping them prevent gender-based discrimination and sexual misconduct, PCC has prepared this document.

What is Title IX?

Pueblo Community College (PCC) is committed to providing a learning environment that promotes personal integrity, civility and mutual respect free of sex discrimination and sexual misconduct. [Title IX of the Educational Amendment Act of 1972](#) (opens in a new window) or the URL at: [https://www.hhs.gov/civil-rights/for-individuals/sex-discrimination/title-ix-education-amendments/index.html#:~:text=Title%20IX%20of%20the%20Education%20Amendments%20of%201972%20\(Title%20IX,activity%20receiving%20federal%20financial%20as](https://www.hhs.gov/civil-rights/for-individuals/sex-discrimination/title-ix-education-amendments/index.html#:~:text=Title%20IX%20of%20the%20Education%20Amendments%20of%201972%20(Title%20IX,activity%20receiving%20federal%20financial%20assistance) [sistance](#) states that: No person in the United States, shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to

discrimination under any education program or activity receiving Federal assistance. Sex discrimination violates an individual's fundamental rights and personal dignity. PCC considers sex discrimination in all its forms to be a serious offense. This policy includes all forms of sex discrimination, including sexual harassment, sexual assault, and sexual violence by employees, students, or third parties. This policy has been developed to reaffirm individual rights and responsibilities and to provide recourse for those individuals whose rights have been violated.

It is intended to serve as a guide for the expectations the College has for sexual communication, sexual responsibility, and sexual respect. For a complete copy of the [policy and complaint procedures and forms](#) (opens in a new window) or the URL at: [https://pueblocc.edu/About/HR/Complaints and Grievances](https://pueblocc.edu/About/HR/Complaints%20and%20Grievances). [Complaint procedures website](#) or <https://pueblocc.edu/Title-IX/Complaint-Procedures>.

All College employees, including student employees in certain roles, are mandatory reporters of sexual misconduct and discrimination. Mandatory reporters must ensure that any sexual misconduct or discrimination that they become aware of is reported to the College's Title IX Coordinator or designee. Reports may also be made to the Pueblo Community College Police Dept. at 719.549.3355. This policy applies to all sexual misconduct, discrimination, or harassment regardless of the gender, gender identity or sexual orientation of the complainant or respondent.

Sexual Misconduct Response and Reporting Procedures

The College prohibits sexual misconduct which includes dating violence, domestic violence, sexual assault, and stalking in its programs and activities in accordance with the following Board Policy and System Procedure.

- [BP 19-60 Prohibition of Discrimination, Harassment or Retaliation](#) (opens in a new window) or the URL at: (<https://www.cccs.edu/policies-and-procedures/bp-19-60-prohibition-of-discrimination-harassment-or-retaliation/>)
- [SP 19-60a Civil Rights and Sexual Misconduct Resolution Process](#) (opens in a new window) or the URL at: (<https://cccs.edu/about/governance/policies-procedures/sp-19-60a-civil-rights-and-sexual-misconduct-resolution-process/>)

Specifically, sexual misconduct may be against the law and violates College policy and the Student Code of Behavioral Expectations and Responsibilities. The College prohibits sexual misconduct on property owned or controlled by the College, at institutionally sponsored or supervised activities, or at functions of recognized student organizations. Sanctions for policy violations by college employees or students are determined by applicable internal policies and procedures. Students may be sanctioned up to and including expulsion. Employees may be sanctioned up to and including termination.

The College is committed to responding appropriately to all reports of sexual misconduct and to working collaboratively with other law enforcement, government and community agencies. This policy provides general guidelines for responding to individuals who are

victims of sexual misconduct (also referred to herein as “complainants”) on the College’s campus or during other institutionally sponsored activities. For specific procedures and resources, contact the following representative(s):

Title IX/EO Coordinator (all campuses)

Dana Moss

Dana.Moss@pueblocc.edu

719-549-3474

Central Administration Building, Human Resources, Room 111
900 W. Orman Avenue, Pueblo, CO 81004

Deputy Coordinator (Pueblo, Fremont)

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719-549-3223

Central Administration Building, Human Resources, Room 111
900 W. Orman Avenue, Pueblo, CO 81004

Deputy Coordinator (Pueblo, Fremont)

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Central Administration Building, Human Resources, Room 111
900 W. Orman Avenue, Pueblo, CO 81004

Deputy Coordinator (Mancos/Durango)

Lisa Molina

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970-564-6228

33057 Highway 160, Mancos, CO 81328

What to do if Sexual Misconduct Has Occurred

Individuals who believe they have been the victim of sexual misconduct should first ensure that they are in a place that is safe and that they are receiving any necessary medical treatment. It is important to preserve evidence, so victims should not shower, bathe, eat, drink, brush their teeth, change clothes or disturb the scene of the incident. This evidence can be important to prove that a criminal offense has occurred and may be helpful in obtaining a protection order.

Reporting Sexual Misconduct

Individuals should report any incident of sexual misconduct immediately to the College’s Title IX Coordinator listed in the section above. The Title IX Coordinators can assist the complainant with getting help, explaining their rights as a student/employee, investigation processes, accessing resources, and protection options. Title IX Coordinators will provide complainants of sexual misconduct with a written explanation of their rights or options with respect to the complaint, regardless of whether the

conduct occurred on or off campus. This written information may include a copy of System Procedure (SP) 19-60a and resources.

The complaint should describe the alleged incident, which may include when and where it occurred, the parties involved, and the desired remedy sought. Any supporting documentation and evidence may be referenced within the body of the complaint. Complaints may be submitted to reduce verbal complaints to writing or confirm the content of their complaint in writing before proceeding through the resolution process.

Individuals may decide to report the incident to the College Police Department and/or other local law enforcement. Title IX Coordinators can assist with the reporting process. If an individual does not wish to pursue a formal criminal action through a police department, they can pursue institutional actions consistent with the System Procedure (SP) 19-60a. Alternatively, they can choose not to pursue any institutional action but pursue criminal action or make a police report by contacting Campus Police at the contact information below or local law enforcement. Individuals also have the option of not notifying authorities of the incident.

Pueblo Campus: Pueblo Community College Police Department (Student Center, Room 152) at 719.549.3355 or 911. The phones are directly connected to the Pueblo County Sheriff's Office's communication center, which dispatches the PCC police officers.

Fremont Campus: Pueblo Community College Police Department (FC-L113), at 719.296.6130 or 911.

Southwest Campus (Mancos)/City of Cortez: Montezuma County Sheriff's Department, 601 N. Mildred Road, Cortez, CO 81321, at 970.565.8452 or 911.

Southwest Site (Durango): Durango Police Department, 990 E. 2nd Avenue, Durango, CO 81301 at 970.385.2900 or 911.

Individuals may also report to a faculty member or an administrative official. In the interest of campus safety, the faculty or administrative official should immediately notify Campus Police of the incident and will also be required to report the incident in accordance with the College's internal policies. Reports may be made anonymously. The identity of the individual involved in or reporting the incident is not essential for reporting.

Care should be taken to file a report as soon as possible after the incident and to preserve all physical evidence of the crime to aid in the police investigation or to assist in obtaining a protective order. These procedures are particularly important in the case where the assailant is unknown to the complainant and may be a threat to the campus community.

Other Options for Sexual Misconduct Complainants

Complainants of sexual misconduct may also pursue the below options individually or in combination with reporting options:

- To obtain crisis counseling by contacting [Colorado Crisis Services](https://coloradocrisiservices.org/) (opens in a new window) call 1.844.493.8255, text “TALK” to 38255, or the URL at: <https://coloradocrisiservices.org/>.
- To file a civil lawsuit or restraining order request against the accused (also referred to herein as “respondent”). (In this case, the complainant may need a private attorney to assist with these options, and the complainant will likely be required to give testimony in court.)
- To seek a restraining order, protective order, no contact, or other similar order, and to have that order enforced by the College. A restraining order is an order from a court that requires one party to do, or refrain from doing, certain acts. For example, it can help protect someone from being physically abused, threatened, stalked, or harassed. The College can be notified of such court orders by informing PCC Police Department. The College can help to enforce the restraining or no-contact order on campus and at college events.
- For students, to request adjustments to their academic schedules after a reported sexual misconduct, if such changes are reasonably available, and for employees, to request adjustments to work schedules. Each such request will be handled on a case-by-case basis by the College. Even if there is no court order, the College may issue a no-contact order as part of its investigation and resolution procedures or take further protective action to minimize the interactions of the complainant and the respondent, such as rearranging College schedules or altering College employment arrangements.
- To have an advisor present when reporting or during any College proceedings to provide support, guidance or advice.

Confidentiality

College employees, depending on their roles, have varying reporting responsibilities and may not be able to maintain confidentiality of information reported to them. Confidential employees are limited to those individuals whose communications are considered privileged and confidential under federal or state law and who are employed by CCCS in that capacity. Information regarding potential civil rights violations may only be considered confidential if it is reported to a CCCS confidential employee who is functioning within the scope of that role. Any person who reports concerns of sexual misconduct should not assume that confidentiality or anonymity can be protected in connection with making a report.

At the College, the following confidential resources are available at [Colorado Crisis Services](https://coloradocrisiservices.org/) (opens in a new window) or call 1.844.493.8255, text “TALK” to 38255, or the URL at: <https://coloradocrisiservices.org/>. Except in rare circumstances, such as the existence of an immediate threat of harm, these individuals can offer options and advice without any obligation to report internally or externally unless the complainant has requested information be shared. Other outside confidential resources are available, and the Title IX Coordinator can assist in connecting an individual to these resources.

Confidential Resources

If you are a victim of a sexual assault, you may decide to request a medical forensic exam from a Sexual Assault Nurse Examiner (SANE) to preserve evidence that may be used for the purposes of legal action. While you do not need to decide immediately if you want to report to law enforcement or pursue legal action, the preservation of evidence is most effective when done immediately after an assault. It is ideal to obtain medical treatment as soon as possible before bathing, showering, douching, or changing clothes. There is no cost to the exam. You may go to the following emergency room providers to request a SANE exam: Parkview Medical Center (Pueblo), St. Mary Corwin (Pueblo), St. Thomas Moore Hospital (Cañon City), Mercy Regional Medical Center (Durango), or Southwest Health System (Cortez). If you do not have transportation to the emergency room, you may contact a friend or family member, Pueblo College Police Department (719.549.3355), sexual assault advocates that provide transportation services, taxi service, public transportation, or other providers. Any cost for transportation is the responsibility of the student. Victims who choose to have a medical forensic examination done are not obligated, at any time, to participate in a law enforcement investigation, any criminal justice response along with any administrative proceedings with the College.

Additional confidential support may be obtained from:

- Colorado Crisis Services – 844-493-8255
- Mariposa Center for Safety – 719-542-6904
- Pueblo Rape Crisis Services – 719-549-0549
- Family Crisis Services, Inc. – 3228 Independence Road, Cañon City, CO 81212 – 719-275-2429
- Sexual Assault Services Organization (SASO hotline) Durango, Ignacio – 970-247-5400

Victim’s Bill of Rights brochures located on the [PCC Police webpage](#) (opens in a new window) or the URL at: <https://pueblocc.edu/public-safety>

- [Pueblo](#) (opens in a new window) or the URL at: <https://pueblocc.edu/sites/default/files/Victim-Bill-of-Rights-Brochure-Pueblo.pdf>
- [Fremont](#) (opens in a new window) or the URL at: <https://pueblocc.edu/sites/default/files/2021-06/Victims-bill-of-rights-Fremont.pdf>
- [Mancos](#) (opens in a new window) or the URL at: <https://pueblocc.edu/sites/default/files/Victim-Bill-of-Rights-Brochure-Mancos.pdf>
- [Durango](#) (opens in a new window) or the URL at: <https://pueblocc.edu/sites/default/files/Victim-Bill-of-Rights-Brochure-Durango-Bayfield.pdf>

Any person who reports concerns of sexual misconduct should also be aware that the College must issue immediate emergency notifications and/or timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The College will make every effort to ensure that a complainant’s name and other identifying information is not disclosed, while still providing adequate information for community members to make safety

decisions considering the danger. The College will conduct publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the complainant in accordance with applicable laws.

Additionally, the College will maintain as confidential any accommodations or protective measures provided to the complainant, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the accommodations or protective measures.

Support and Resources for Sexual Misconduct Complainants

The College will provide written information to students and employees who report sexual misconduct about counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available at the College and in the community. Those resources include but are not limited to:

- [PCC Title IX and Sexual Misconduct Resources webpage](https://pueblocc.edu/TitleIX/Resources) (opens in a new window) or URL at: <https://pueblocc.edu/TitleIX/Resources>
- [PCC Domestic Violence and Sexual Assault Prevention webpage](https://pueblocc.edu/dvp) (opens in a new window) or the URL at: <https://pueblocc.edu/dvp>
- [PCC Police Victim's Bill of Rights brochures located at the bottom of the PCC webpage](https://pueblocc.edu/public-safety) (opens in a new window) or the URL at: <https://pueblocc.edu/public-safety>

Options for Protective Measures

The College will provide written notification to complainants of sexual misconduct about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. The College will make such accommodations or provide such protective measures if they are reasonably available, regardless of whether the complainant chooses to report the crime to Campus Police or local law enforcement.

The Title IX Coordinator, in consultation with appropriate administrative personnel, may implement interim actions, including supportive measures, intended to protect the safety and security of the campus community, address the effects of the reported behavior, and prevent further violations, while a complaint is under review or investigation. These remedies may include, but are not limited to, placing an employee on administrative leave, interim actions outlined in the SP 4-30a Student Behavioral Expectations and Responsibilities Resolution Procedure, campus bans or emergency removals, referral to counseling and health services or to the Colorado State Employee Assistance Program (CSEAP), education to the community, altering housing situations, altering work arrangements, providing campus escorts, implementing contact limitations between the parties (e.g., no contact orders), offering adjustments to academic deadlines or course schedules, and/or suspending privileges such as attendance at College activities or participation in College-sponsored organizations. Any campus bans or emergency

removal will be implemented only after a determination that the person poses an imminent and serious threat to the health or safety of another arising from the allegations of discrimination.

Sexual Misconduct Resolution Procedure

Allegations of sexual misconduct will be reviewed in accordance with System Procedure [SP 19-60a Civil Rights and Sexual Misconduct Resolution Process](#) (opens in a new window) or at the URL at: <https://cccs.edu/about/governance/policies-procedures/sp-19-60a-civil-rights-and-sexual-misconduct-resolution-process/>. All applicable definitions can be found in Appendix A to SP 19-60a.

The resolution process, which encompasses all proceedings (i.e., activities related to non-criminal resolution of a college complaint, including but not limited to, fact-finding investigations, formal or informal meetings, and hearings, but not including meetings with complainants concerning accommodations or protective measures), will:

- Include a prompt, fair, and impartial process from the initial investigation to the final result;
- Be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
- Provide the complainant and respondent with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice to provide the party with support, guidance or advice;
- Not limit the choice or presence of an advisor for either the complainant or the respondent in any meeting or institutional disciplinary proceeding; however, the College has established restrictions regarding the extent to which the advisor may participate in the proceedings, which apply equally to both parties;
- Provide simultaneous notification, in writing, to both the complainant and respondent of the result of any institutional disciplinary proceeding that arises from an allegation of sexual misconduct; the College's procedures for appealing the result of the institutional disciplinary proceeding; any change to the result; and when such results become final (Note: a result means any initial, interim and final decision by College officials, including sanctions, along with the rationale for the result.);
- Be completed within a reasonably prompt timeframe as outlined in the College's procedures which allow for extension of timeframes for good cause with written notice to the parties of the delay and reason for the delay;
- Be conducted in a manner that is consistent with the College's procedures and transparent to the complainant and respondent, provide timely notice of any meetings at which the parties may be present, and provide timely and equal access to information that will be used during the resolution procedures; and
- Be conducted by officials who do not have a conflict of interest or bias for or against the complainant or respondent.

Preliminary Steps and Timeline

Upon receipt of a complaint, the Title IX/EO Coordinator will review the complaint to determine:

- Whether the Complainant is participating or attempting to participate in a CCCS program or activity;
- Whether there is an identifiable Respondent;
- Whether the Respondent is participating in CCCS educational programs or activities, or is employed by CCCS;
- Whether there is jurisdiction over the alleged conduct; and
- Whether the complaint alleges sufficient information, if proven, to support that a civil rights violation has occurred (reasonable cause).

If the Title IX/EO Coordinator is unable to evaluate these factors in reviewing the complaint alone, the Coordinator may, at their discretion, reach out to the Complainant or others, as relevant, for clarification and/or additional information.

This preliminary review process will typically be completed within 7-14 days of receiving the information necessary to evaluate the complaint.

If, after reviewing the above factors, the Title IX/EO Coordinator determines not to proceed with the complaint, the Title IX/EO Coordinator will dismiss the complaint and inform the Complainant of this decision and discuss other options for addressing the reported concerns. Additionally, the Title IX/EO Coordinator may dismiss the formal complaint if the Complainant requests such dismissal in writing, or if one or more of the above factors is not met at any time before a final determination. If the Respondent has been notified of the complaint, the Title IX/EO Coordinator will also inform them of the dismissal. Dismissal of a complaint is subject to the appeal procedures outlined herein.

If, after reviewing the above factors, the Title IX/EO Coordinator determines to proceed with the complaint and the Complainant wishes to proceed, the Title IX/EO Coordinator will initiate an informal resolution or a formal investigation.

If the Complainant does not wish to proceed, the Title IX/EO Coordinator will consider the Complainant's preference, but reserves the right, when necessary to protect the CCCS community, to initiate an informal resolution or formal investigation of the complaint. The Title IX/EO Coordinator also reserves the right to initiate an investigation and resolve a complaint without a participating or identifiable Complainant.

The Title IX/EO Coordinator may consider a few factors when determining whether to initiate an informal resolution or formal investigation without the Complainant's participation and/or without an identifiable Complainant.

These factors may include, but are not limited to, the following:

- Complainant's request not to proceed;
- Complainant's reasonable safety concerns;

- Seriousness of the alleged conduct;
- Risk that the Respondent will similarly harm others;
- Age and relationship of the parties, including whether the Respondent is an employee;
- Previous complaints or allegations involving similar conduct (pattern of behavior);
- Whether multiple Complainants were involved;
- Availability of evidence;
- Whether the conduct was facilitated by incapacitation;
- Whether a weapon or violence was used;
- Whether the Complainant is a minor and/or at-risk;
- Whether the conduct was predatory in nature;
- Whether conduct can be addressed without a formal investigation; and/or
- Any other information deemed relevant by the Title IX/EO Coordinator.

If, after considering these factors, the Coordinator initiates a complaint, the Coordinator will notify the Complainant in advance and appropriately address reasonable concerns about safety, including offering supportive measures.

The informal resolution and formal investigation processes are designed to address the reported concerns, end the inappropriate behavior, and prevent its reoccurrence. This may include providing a fair and reliable determination about whether policies or procedures have been violated.

CCCS shall make every effort to complete the resolution process within approximately 90 days from the date the complaint is filed. If CCCS cannot resolve the complaint within this timeline, the Title IX/EO Coordinator may extend the timeline, for good cause, to properly resolve the complaint. Written notice will be provided to the parties regarding the extension and the reason for delay.

Rights of Involved Parties

Throughout the civil rights and sexual misconduct resolution process, Complainants and Respondents shall be entitled to the following:

- To be treated equitably and with respect by CCCS employees.
- To take advantage of supportive measures and other resources, such as counseling, psychological services, and health services.
- To experience a safe educational, living, and work environment.
- To have an advisor of their choice present at any meeting.
- To have access to the Title IX/EO Coordinator, investigator(s), decision-maker(s) for Title IX matters, and/or other individuals assisting with the resolution process who do not have a conflict of interest or bias for or against any party.
- To receive amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.
- To be free from retaliation.

- To be informed of the outcome/resolution of the complaint, and the sanctions and rationale for the outcome, where permissible.
- To have assistance in contacting law enforcement, if desired.
- To request housing, employment, and/or educational modifications, as deemed appropriate and reasonable.
- To request no further contact with the opposite party, as deemed appropriate, allowable, and reasonable.
- A presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility has been made at the conclusion of the resolution process.

Informal Resolution

The Title IX/EO Coordinator, upon agreement of the parties, may determine that an informal resolution is appropriate to resolve the reported concerns. The Title IX/EO Coordinator, or designee, will facilitate the informal resolution process. The primary focus during an informal resolution remains the welfare of the parties and the safety of the CCCS community, but it does not involve a written investigation report or an opportunity to appeal. An informal resolution may include, but is not limited to:

- The provision of interim or long-term remedial measures;
- Referral to other resolution processes;
- Training or educational programming for the parties;
- The Title IX/EO Coordinator or a designee serving as a facilitator to discuss the reported concerns with the Complainant and Respondent (either separately or together), and to identify possible resolutions and/or appropriate future conduct; and/or
- Referral to a disciplinary authority to further address the reported behavior, as deemed appropriate.

Notice of the allegations and specific informal resolution process will be provided to all parties.

At any time during the informal resolution process, the Title IX/EO Coordinator may elect to initiate a formal investigation as deemed appropriate to resolve the matter. The parties can elect to cease the informal resolution process at any time before it concludes and proceed with a formal investigation.

Formal Investigation

If a formal investigation is initiated, the Title IX/EO Coordinator shall provide written notice (Notice of Investigation) to the Complainant and Respondent notifying them of the investigation. The Title IX/EO Coordinator will assign one or more impartial investigators to investigate the complaint. The investigator may be the Title IX/EO Coordinator. The investigation will include an objective evaluation of all relevant evidence, both inculpatory (incriminating or tending to show responsibility for a violation) and exculpatory (exonerating or tending to negate responsibility for a violation). The investigator(s) may request an interview with the Complainant, the Respondent, and

any witnesses deemed relevant by the investigator. The parties will be provided with sufficient details of the allegations (such as identity of parties, nature of the conduct, and date/location of the incident, if known). All parties and other witnesses or participants in the investigation process will be provided written notice of the date, time, location, participants, and purpose of any interview or meeting with sufficient time to prepare to participate.

Throughout the investigation, all questions will go through the assigned investigator(s), including questions about credibility of parties and witnesses. The Complainant and Respondent may offer any documentation, witnesses, or other materials in support of their position as it relates to the complaint. There will be a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility has been made at the conclusion of the resolution process. Any credibility determinations made by investigators will not be based upon a person's status as a Complainant, Respondent, or witness. If a party or witness does not respond to questions related to their credibility, the investigator may choose to place less or no weight on their statements.

The Complainant and the Respondent can be advised and accompanied by an advisor of their choice, at their expense, at any stage of the process. An advisor may consult and advise their advisee but may not speak on behalf of their advisee. These procedures are entirely administrative in nature and are not considered legal proceedings. The investigator may end a meeting or remove or dismiss an advisor who becomes disruptive or who does not abide by the restrictions on their participation as explained above.

No unauthorized recording will be allowed, and all parties must request permission to record in advance. CCCS, at its discretion, may grant authorization for recording of an interview, and in that case, CCCS will also record to ensure there is an accurate record.

Throughout the formal investigation process, the Complainant and Respondent will receive regular written updates on the status of the investigation.

The formal investigation process typically takes 30-60 days.

Preliminary Investigation Report

Following the fact gathering stage of the formal investigation, the investigator(s) shall issue a Preliminary Investigation Report to the Complainant and Respondent (and their advisors, if applicable) for review. The Preliminary Investigation Report will include access to all relevant and not otherwise impermissible evidence as gathered by the investigators. The Complainant and the Respondent will have five (5) calendar days to review and respond to the Preliminary Investigation Report with any changes, clarifications, or questions.

If a matter involves sex-based harassment with a student as a party, special procedures shall apply. For all other civil rights cases, the investigator shall review the investigation file and decide as to whether or not, based on a preponderance of the evidence, the alleged behavior took place and whether that behavior constitutes a civil rights violation. In reaching this determination, the investigator must consider all relevant evidence, except for any privileged information (unless waived) or treatment records (unless specific, written consent is obtained). Evidence of the Complainant's prior sexual predisposition or behavior is not relevant, except to prove that someone other than the Respondent committed the alleged conduct or to prove consent concerning prior specific acts between the parties. The investigator shall issue a Final Investigation Report.

Special Procedures for Sex-Based Harassment Involving a Student Party

Upon issuance of the preliminary investigation report, the parties will be given an opportunity to submit questions to the investigator to be asked to the parties and witnesses. The investigator will determine whether proposed questions are relevant and not otherwise impermissible. The investigator must explain any decision to exclude a question and provide the party with an opportunity to clarify or revise a question that is initially deemed impermissible because it is unclear or harassing.

Questions deemed relevant and not otherwise impermissible by the investigator must be asked during follow up meetings, along with any additional questions from the investigator. The follow up meetings will be recorded or transcribed, and the recording or transcription will be provided to the parties. The parties will have five (5) calendar days to review and submit additional follow up questions to the investigator. If additional relevant and not otherwise impermissible questions are submitted, the investigator will conduct additional follow up meetings to ask the questions, and record or transcribe the meetings and make them available to the parties. The investigator has the discretion to conduct additional meetings, as necessary, or proceed to the determination process.

The follow up questioning stage of the process is usually completed within 20-30 days.

The Title IX/EO Coordinator will assemble a panel, including the investigator, to review the investigation file and decide as to whether or not, based on a preponderance of the evidence, the alleged behavior took place and whether that behavior constitutes sex-based harassment. In reaching this determination, the panel must consider all relevant evidence, except for any privileged information (unless waived) or treatment records (unless specific, written consent is obtained). Evidence of the Complainant's prior sexual predisposition or behavior is not relevant, except to prove that someone other than the Respondent committed the alleged conduct or to prove consent concerning prior specific acts between the parties. The panel has the discretion to ask any additional questions of parties and witnesses, including questions regarding credibility. The panel shall issue a Final Investigation Report, typically within 14 days of the determination.

Final Investigation Report

The Final Investigation Report in all civil rights cases shall include a description of the allegations, information about the policies and procedures used to evaluate the allegations, evaluation of the relevant and permissible evidence, findings of fact supporting the determination, conclusions regarding violation of applicable policies with supporting rationale, any disciplinary steps or remedial measures imposed, and the parties' appeal rights.

Notice of Findings

Once a Final Investigation Report is received, the Title IX/EO Coordinator shall provide written notice (Notice of Findings) simultaneously to the Complainant and Respondent (and their advisors, if applicable) notifying them of the findings. A copy of the Final Investigation Report shall be attached to the Notice of Findings. The Complainant and Respondent shall be advised of their right to appeal, subject to the grounds below, by filing a written appeal with the Title IX/EO Coordinator within five (5) calendar days of service of the decision.

Appeals

In the event of an appeal, the Title IX/EO Coordinator shall perform an initial review to determine if the appeal meets the limited grounds listed below and is timely (filed within five (5) calendar days, as noted above). If the appeal is found to meet these criteria, the Title IX/EO Coordinator shall forward the appeal to a designated appellate officer, who shall give written notice to the opposing party and provide a suitable time frame for the opposing party to submit a written response to the appeal. The appeal and any responses shall be reviewed by the appellate officer. The party requesting an appeal must show error, as the original finding is presumed to have been decided reasonably and appropriately.

The only grounds for appeal are as follows:

1. A procedural irregularity occurred that would change the outcome. The written appeal shall specify the procedural error and how it impacted the outcome of the decision.
2. The Title IX/EO Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against a party that would change the outcome. The written appeal shall specify the conflict or bias and how it impacted the outcome of the decision.
3. New evidence became available that would change the outcome and that was not reasonably available at the time the decision was made. Any new evidence and its impact must be included in the written appeal.

If the appellate officer determines a procedural error occurred that significantly impacted the outcome of the decision or there was a conflict of interest or bias that would change the outcome of the decision, the appellate officer shall return the complaint to the Title IX/EO Coordinator with instructions to convene a new investigation, or the appellate officer shall otherwise cure the procedural error, conflict of interest, or bias.

If the appellate officer determines there is new evidence that substantially impacts the original findings, the appellate officer shall conduct or request appropriate additional steps (such as requesting additional investigation by the investigators) and/or modify the findings accordingly.

Written notice of the outcome of the appeal and rationale shall be provided simultaneously to the parties.

The appeal process typically takes 14-21 days.

Disciplinary Action for Sexual Misconduct

A finding of sexual misconduct will be based upon a preponderance of the evidence standard – whether it is more likely than not that the respondent engaged in sexual misconduct. If a report of sexual misconduct is processed and the respondent is found in violation of the College’s sexual misconduct policies and procedures, the findings shall be provided to the College’s Disciplinary Authority to proceed in accordance with applicable policies:

- For faculty, disciplinary action will be in compliance with [BP 3-20 - Due Process for Faculty](#) (opens in a new window) or the URL at: <https://www.cccs.edu/policies-and-procedures/board-policies/bp-3-20-due-process-for-faculty/>. Under this policy, notice of disciplinary action may be given by the College president at any time and shall state the grounds and effective date.
- For classified employees, disciplinary action will be taken pursuant to the applicable [State Personnel Rules and Regulations](#) (opens in a new window) or the URL at: <https://www.colorado.gov/spb>. As outlined in these rules, the College’s appointing authority is responsible for deciding whether to take disciplinary action. The appointing authority must meet with the classified employee before deciding and must give the classified employee at least seven days’ notice of the meeting. The employee also has at least seven days after the meeting to provide additional relevant information. Within five days of the effective date of the decision, the appointing authority will provide a written letter notifying the employee what discipline will be imposed, if any, including the factual basis and any appeal rights.
- For students, disciplinary action will be taken pursuant to [BP 4-30 – Student Behavioral Expectations and Responsibilities](#) (opens in a new window) or the URL at: <https://cccs.edu/about/governance/policies-procedures/bp-4-30-student-behavioral-expectations-and-responsibilities/>, and [SP 4-30a – Student Behavioral Expectations and Responsibilities Resolution Procedure](#) (opens in a new window) or the URL at: <https://cccs.edu/about/governance/policies-procedures/sp-4-30a-student-behavioral-expectations-and-responsibilities-resolution-procedure/>. Under this process, the College will give the student notice that the matter has been referred for potential sanctioning and will issue a decision which shall address whether alleged conduct occurred; whether and how the conduct violated the code; and impose an outcome, if appropriate.

Notification of the decision in writing will be provided to the respondent and any other involved parties, as appropriate, which includes a complainant in sexual misconduct cases. The decision will include information regarding the applicable appeals process. The decision is part of the student's educational record.

- Instructors and Administrative, Professional-Technical (APT) employees are at-will under [BP 3-10 – Administration of Personnel](#) (opens in a new window) or the URL at: <https://cccs.edu/about/governance/policies-procedures/bp-3-10-administration-of-personnel/>, may not be subject to additional procedures when issuing sanctions. Authorities may consider a number of factors when determining a sanction. These factors may include, but are not limited to, the following:
 - The nature, severity of, and circumstances surrounding the violation;
 - An individual's disciplinary history;
 - Previous complaints or allegations involving similar conduct; and/or
 - Any other information deemed relevant by the Disciplinary Authority.

The following sanctions may be imposed:

- For students: warning, probation, fines, restitution, denial of privileges, assignment to perform services for the benefit of the CCCS community, re-assignment to another class section (including the option for an on-line section), suspension, expulsion, a "Cease Communications" directive, a "No Trespass" directive, or any other outcome stated in SP 4-30a.
- For CCCS employees: warning, corrective action, probation, restitution, denial of privileges, suspension, demotion, reduction of pay, termination of employment, a "Cease Communications" directive, or a "No Trespass" directive.
- For authorized volunteers, guests, or visitors: warning, probation, denial of privileges, removal from CCCS property, a "Cease Communications" directive, or a "No Trespass" directive.

In addition to sanctions, other action may be taken as deemed appropriate to bring an end to the violation, to prevent future reoccurrence, and to remedy the effects of the violation. Such protective measures include but are not limited to: cease communications, no contact, and/or no trespass directive, also referred to as a persona non grata, campus bans/emergency removals, referral to counseling and health services or to the Colorado State Employee Assistance Program (CSEAP), education to the community, altering housing situations, altering work arrangements, providing campus escorts, offering adjustments to academic deadlines or course schedules, and/or suspending privileges such as attendance at College activities or participation in College-sponsored organizations.

Prohibition on Retaliation

Individuals shall not retaliate against any person who opposes sexual misconduct or participates in any sexual misconduct complaint or investigation process. Retaliation is any adverse employment or educational action taken against a person because of the person's participation, or perceived participation, in a complaint or investigation.

The College and its employees and agents shall not retaliate, intimidate, threaten, coerce or otherwise discriminate against any individual for exercising their rights or responsibilities under the Clery Act.

Retaliation includes acts to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege provided by applicable sexual misconduct laws, policies and procedures.

Information on Registered Sex Offenders

In accordance with the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, the College is providing a link to the Colorado State Sex Offender Registry. Registered sex offenders are required to provide notice of each institution of higher education in Colorado at which the person is employed, carries a vocation, volunteers services, or is a student.

In Colorado, convicted sex offenders must register with the Colorado Bureau of Investigation (CBI). The [Colorado sex offender website](#) (opens in a new window) or the URL at: <https://apps.colorado.gov/apps/dps/sor/>.

The [sex offender registry information is available on the website](#) (opens in a new window) or at the URL at: <https://apps.colorado.gov/apps/dps/sor/>, or contact our PCC Police Department during normal business hours. The individual making the request will be provided with the list of registered sex offenders.

What is VAWA?

VAWA is the Violence Against Women Act, which now requires Colleges to provide ongoing training and activities to all students and staff to increase awareness and prevention of any type of sexual misconduct, including:

Domestic Violence
Sexual Assault
Dating Violence
Stalking

What is the Clery Act?

The Clery Act is a federal law that requires Colleges to publish an annual Safety and Security Report. This report lists specific campus crimes as well as providing comprehensive information on crime prevention. The Clery Act requirements were expanded by the reauthorization of VAWA.

Policy

[Board Policy 19-60 – Prohibition of Discrimination, Harassment, or Retaliation](#) (opens in a new window) or the URL at: <https://cccs.edu/policies-and-procedures/bp-19-60-prohibition-of-discrimination-harassment-or-retaliation/> provides that individuals affiliated with College Community College System (CCCS – PCC is a member of CCCS) shall not discriminate or harass on the basis of sex, gender, race, color, age, creed, national or ethnic origin, ancestry, physical or mental disability, familial status, veteran or military status, pregnancy status, religion, genetic information, gender identity, sexual orientation, gender expression, or gender identity, or any other protected class or category under applicable local, state or federal law (also known as “civil rights laws”), in connection with employment practices or educational programs and activities (including in admissions). BP 19-60 further provides that individuals affiliated with CCCS shall not retaliate against any person who opposes discrimination, harassment or retaliation, or participates in any complaint or investigation process. Allegations of violations of BP 19-60 follow the CCCS [SP 19-60a – Civil Rights and Sexual Misconduct Resolution Process](#) (opens in a new window) or the URL at: <https://cccs.edu/policies-and-procedures/sp-19-60a-civil-rights-and-sexual-misconduct-resolution-process/> to resolve the reported concerns.

Sexual misconduct, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking are also violations of PCC’s Code of Student Behavioral Expectations and Responsibilities located in the [Student Handbook](#) (opens in a new window) or the URL at: https://pueblocc.edu/Student_Handbook, and PCC’s sexual misconduct policy. Several federal laws and regulations, including Title IX, the Violence Against Women Act (VAWA), AND the Clery Act mandate how institutions respond to such allegations. Many types of sexual misconduct also constitute violations of Colorado law.

Members of the campus community, guests, and visitors have a right to be free from sexual misconduct. All members of the community must conduct themselves in a way that does not infringe upon the rights of others. PCC’s sexual misconduct policy is intended to define expectations for appropriate conduct and outline resolution processes to address conduct that does not meet these expectations. When individuals accused of sexual misconduct are found to be in violation of the policy, PCC will impose serious sanctions, as noted on the following pages.

All members of the campus community, guests, and visitors are protected by this policy regardless of their gender, sexual orientation, or gender identity. PCC has jurisdiction over all acts of sexual misconduct involving members of the PCC campus community, no matter where they occur, whether on- or off-campus.

Sexual Misconduct Violations

The following are the definitions of conduct prohibited by the sexual misconduct policy.

Sexual Harassment

Sexual harassment is unwelcome, sexual, sex-based, and/or gender-based verbal, online, and/or physical conduct.

Sanctions range from WARNING through EXPULSION.

Hostile Environment

A sexual harassment – hostile environment is created when sexual harassment is sufficiently severe, or persistent or pervasive, and objectively offensive that it unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the institution's educational (and/or employment) and social programs.

Sanctions range from WARNING through EXPULSION.

Non-Consensual Sexual Contact

Non-consensual sexual contact is any intentional sexual touching; however slight, with any object, by a person upon another person that is without consent and/or by force.

Sanctions range from WARNING through EXPULSION.

Non-Consensual Sexual Intercourse

Non-consensual sexual intercourse is any sexual intercourse; however slight, with any object, by a person upon another person that is without consent and/or by force.

Sanctions typically result in SUSPENSION or EXPULSION.

Sexual Exploitation

Sexual exploitation occurs when one person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage of anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses.

Sanctions range from WARNING through EXPULSION.

Domestic Violence

Domestic violence is physical violence, sexual violence, and/or emotional or psychological abuse between those in an intimate relationship.

Sanctions range from WARNING through EXPULSION.

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety of the safety of others or
- Suffer substantial emotional distress

Sanctions typically result in SUSPENSION or EXPULSION.

Retaliation

Retaliation is any adverse action taken against a person participating in a protected activity, because of that person's participation in that activity, subject to limitations imposed by the First Amendment and/or academic freedom
Sanctions range from WARNING through EXPULSION.

Consent

Knowing, voluntary, and clear permission, through words or actions, to engage in mutually agreed upon sexual activity or contact.

Since different people may experience the same interactions differently, each party is responsible for making sure that partners have provided ongoing, clear consent to engaging in any sexual activity or contact.

A person may withdraw consent at any time during sexual activity or contact through words or actions. If that happens, the other party must immediately cease the activity or contact. Pressuring another person into sexual activity can constitute coercion, which is also considered to be sexual misconduct.

Silence or absence or resistance alone does not constitute consent. A victim is not required to resist or say "no" for an offense to be proven.

Consent to some forms of sexual activity (e.g., kissing, fondling, etc.) should not be construed as consent for other kinds of sexual activity (e.g., intercourse).

Being or having been in a dating relationship with the other party does not mean that consent for sexual activity exists.

Previous consent to sexual activity does not imply consent to sexual activity in the future.

To legally give consent in Colorado in most cases, individuals must be at least 17 years old.

Force

Force is defined as direct or indirect use of physical violence and/or imposing physically on someone to gain sexual access. Force, unless part of a mutually permissible kink, is a clear demonstration of a lack of consent.

Incapacitation

Incapacitation is defined as a state in which individuals are unable to make rational, reasonable decisions because they lack the capacity to understand the “who, what, when, where, why, or how” of a situation or interaction. Individuals cannot give sexual consent if they cannot understand what is happening, or if they are disoriented, helpless, asleep, or unconscious for any reason. That applies even if it is because they voluntarily consumed alcohol or drugs. Unless consent is “knowing,” it is not valid.

Those engaging in sexual activity who know or should have known that the other party is incapacitated are engaging in sexual misconduct. The possession, use, distribution, and/or administration of any incapacitating substance is prohibited.

The fact that the responding party was intoxicated, and thus did not realize the reporting party was incapacitated, does not excuse sexual misconduct.

Your Rights

PCC strives to provide all of our members with fair and equitable resolution processes that include both formal and informal options.

Reporting

- Reporting parties have the right to notify law enforcement of incidents and to receive assistance from campus personnel in doing so. Local law enforcement contact information and the [Victim's Bill of Rights](#) (opens in a new window) can be found at the [PCC Police website](#) (opens in a new window) or the URL at: <https://pueblocc.edu/public-safety>.
- Reporting parties may decline to report to law enforcement if they so wish.
- Reporting parties have the right to have their allegations investigated and resolved internally by PCC. Allegations of sexual misconduct can be reported to PCC Title IX Coordinator or Deputy Coordinators located on the [PCC's Nondiscrimination/Title IX webpage](#) (opens in a new window) or the URL at: <https://pueblocc.edu/Title-IX>.

Confidential Crime Reporting – Pastoral and Professional Counselors

Licensed professional mental health counselors and pastoral counselors (employed by religious organizations to provide confidential counseling) who are working within the scope of their license or religious assignment at the time they receive the crime report are exempt from reporting under the Clery Act. Individuals seeking confidential discussions of concerns may explore and utilize local professionals referenced above who are working within the scope of their license or religious assignment. Please refer to the Student Resource Guide Related to Sexual Misconduct, policies, procedures, and

victim services located on the [PCC's Nondiscrimination/Title IX webpage](#) (opens in a new window) or the URL at: <https://pueblocc.edu/Title-IX>.

PCC does not employ pastoral counselors at any campus or sites. Confidential reporting is available to individuals on the Pueblo Campus only. Counseling services are available through the Pueblo Campus Health Clinic through a Memorandum of Understanding with the Pueblo Community Health Center. Individuals also can use outside counseling services.

Pueblo Community College does not offer counseling services at our Fremont and Southwest Campuses/sites. Individuals are encouraged to utilize local counseling services.

Voluntary Confidential Reporting

Pueblo Community College (PCC) works in conjunction with Crime Stoppers and Safe2Tell. Victims and witnesses of a crime who wish to remain anonymous and keep their information confidential may call the following to report a crime anonymously and keep their information confidential. Please remember these are voice message systems and immediate action will not be taken. Crimes reported to PCC from Crime Stoppers and Safe2Tell will be investigated and included in the Daily Crime Log and the Annual Security Report if it's a Clery reportable crime. See section for Clery reportable crimes.

- **Pueblo Campus:** Please call 719.542.7867 or go to [Pueblo Crime Stoppers website](#) (opens in a new window) or the URL at: <http://www.pueblocrimestoppers.com/sitemenu.aspx?P=index&ID=454>
- **Fremont Campus:** Please call 719.784.3411 or go to the [Fremont County Crime Stoppers website](#) (opens in a new window) or the URL at: <https://www.canoncity.org/247/Crimestoppers>
- **PCC Southwest Site and PCC Southwest Campus:** Please call 970.375.4712 or go to [City of Durango Crimes Stoppers website](#) (opens in a new window) or the URL at: <https://www.durangogov.org/431/CrimeStoppers>

You also have the option to use Safe2Tell for all campuses and sites by calling: 1.877.542.SAFE (7233) or [Safe2Tell's website](#) (opens in a new window) or the URL at: <https://safe2tell.org/>.

Fairness

- All members of the PCC Community have the right to have reported incidents addressed according to the published PCC procedures.
- All parties have equal opportunities to have a support person of their choosing or offering by PCC present throughout all resolution proceedings (including intake, interviews, hearings, etc.). This person can be an advisor, advocate, attorney, family member, friend, faculty member, etc.

- All parties have the right to written notice of the outcome of sexual misconduct resolution proceedings.
- Reporting parties and witnesses will receive amnesty for minor infractions (e.g., alcohol or drug violations) that are secondary to incidents of sexual misconduct.
- Reporting parties, their supporters, and witnesses have a right to be free from retaliation.

Support

- Students have a right to be notified of their ability to access campus counseling and health services.
- Students and employees have a right to be notified of on-and off-campus supportive resources.
- All parties involved in sexual misconduct allegations will receive the information and assistance needed to effectively participate in all proceedings.
- Reporting parties have the right to seek orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by criminal or civil courts, and may seek the help of PCC Public Safety in requesting and/or enforcing these orders.
- Support resources can be found below in the “Key Contacts” section of this document.

Remedies

PCC may take whatever steps are deemed necessary to appropriately respond to allegations of sexual misconduct protect student’s rights and keep members of the campus community safe from further harm. Measures include, but are not limited to:

- Issuing interim actions (usually suspension) pending an investigation or hearing
- Reporting incidents to local police and/or prosecutors
- Referring to (CSEAP) Colorado State Employee Assistance Program
- Providing education to the community
- Altering work arrangements for employees
- Providing campus escorts
- Providing transportation assistance
- Implementing contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc.

These measures are available regardless of whether a reporting party seeks formal resolution or makes a crime report.

Procedures

The PCC procedures are detailed fully in the [Student Handbook](#) (opens in a new window) or [the URL at: https://pueblocc.edu/Student_Handbook](https://pueblocc.edu/Student_Handbook)

Intake

A PCC official will assist the reporting party with making choices and accessing resources. Interim actions may be implemented while the complaint is under review or investigation.

All resolutions will be conducted by campus officials who receive annual training on issues related to domestic violence, dating violence, sexual assault, and stalking, and on how to investigate a hearing process that protects the safety of victims and promotes accountability.

The resolution process is confidential. PCC will protect the confidentiality of victims, consistent with federal law. Title IX-related resolutions are not subject to publicly available record-keeping provisions. Any release of information about a resolution will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law.

Preliminary Inquiry

Upon receipt of a complaint, the Title IX/EO Coordinator will determine if there is sufficient information to support a claim of a violation. This decision is made by the Title IX Coordinator considering the nature of the allegations and the reporting party's wishes. If no reasonable cause is found to initiate a formal investigation, the Title IX/EO Coordinator will notify the complainant and provide options for addressing concerns.

Investigations

If there is reasonable cause and the complainant wishes to proceed, the Title IX/EO Coordinator will initiate an informal resolution or a formal investigation. An investigative model is used to resolve allegations. Trained investigators will provide an investigation that is prompt, thorough, reliable, equitable, fair, and impartial. They will interview reporting and responding parties and witnesses and prepare a preliminary investigative report with relevant facts for the complainant and responded to review.

At the conclusion of the formal investigation, there shall be a Final Investigation Report submitted to the Title IX/EO Coordinator with findings. Information about all the steps in the investigative process is available in the [Student Handbook](#) (opens in a new window) or the URL at: https://pueblocc.edu/Student_Handbook.

Hearings

For cases involving Sexual Harassment within the United States, the Title IX/EO Coordinator shall initiate a live hearing. Hearings related to sexual harassment cases will be held in accordance with [SP 19 60 – Prohibition of Discrimination, Harassment, or Retaliation](#) (opens in a new window) or the URL at: <https://cccs.edu/about/governance/policies-procedures/bp-19-60-prohibition-of-discrimination-harassment-or-retaliation>.

Other civil rights cases will not result in a live hearing.

Standard of Evidence

PCC uses a preponderance of evidence standard. Decision-makers consider whether, given available credible evidence, it is more likely than not that a violation did or did not occur.

Past History

The past sexual history or character of an individual is not considered unless it is determined to be highly relevant. All such information sought to be entered for consideration by a party or PCC will be presumed irrelevant until evidence of its relevance is offered. The existence of a pattern of behavior by the responding party may be relevant to the finding and sanction imposed. Both parties will be notified in advance if such information has been deemed relevant and will be considered during the process.

Final Determination

A Final Determination Report will be issued either by the investigators or the Hearing Officer to the Title IX/EO Coordinator. The Title IX/EO Coordinator shall provide the complainant and respondent with a formal Notice of Findings, with a copy of the Final Investigation Report and Determination Report, if applicable, attached. The parties will be advised of their right to appeal.

Appeals

Once a Determination Report is received, either from the investigators or Hearing Officer, The Title IX/EO shall provide written Notice of Finding to the complainant and respondent. Both parties shall be notified of their right to appeal based on the grounds in accordance with the timeline listed in [SP 19 60 – Prohibition of Discrimination, Harassment, or Retaliation](#) (opens in a new window) or the URL at: <https://cccs.edu/about/governance/policies-procedures/bp-19-60-prohibition-of-discrimination-harassment-or-retaliation>. There is only one level of appeal. That decision is final. See the [Student Handbook](#) (opens in a new window) or the URL at: https://pueblocc.edu/Student_Handbook for further details.

Direct any questions or concerns on the Sexual Misconduct & Title IX process to PCC's Title IX/EO Coordinator—contact information can be found on [PCC's Nondiscrimination/Title IX webpage](#) (opens in a new window) or the URL at: <https://pueblocc.edu/Title-IX>.

Risk Reduction

Risk reduction for Sexual Harassment, Dating Violence, Domestic Violence, Sexual Assault, and Stalking.

While victim blaming is never appropriate and PCC fully recognizes that only those who commit sexual misconduct are responsible for their actions, PCC provides these suggestions to help individuals reduce their risk of being victimized and their risk of committing acts of sexual misconduct.

Reducing the Risk of Victimization

- ✓ Make known as early as possible, any limits and boundaries you have.
- ✓ Clearly and firmly articulate consent or lack of consent.
- ✓ Remove yourself, if possible, from an aggressor's physical presence.
- ✓ Reach out for help, either from someone who is physically nearby or by calling someone. People around you may be waiting for a signal that you need help.
- ✓ Take affirmative responsibility for your alcohol and/or drug consumption. Alcohol and drugs can increase your vulnerability to sexual victimization.
- ✓ Look out for your friends and ask them to look out for you. Respect them, and ask them to respect you, but be willing to challenge each other about high-risk choices.

Reducing the Risk of Being Accused of Sexual Misconduct

- + Show your potential partner respect if you are in a position of initiating sexual behavior.
- + If a potential partner says, "no," accept it and do not push. If you want a "yes," ask for it; do not proceed without clear permission.
- + Clearly communicate your intentions to your potential sexual partner and give them a chance to share their intentions and/or boundaries with you.
- + Respect personal boundaries. If you are unsure what is OK in any interaction, ASK!
- + Avoid ambiguity. Do not make assumptions about consent, about whether someone is attracted to you, how far you can go with that person, or if the individual is physically and mentally able to consent. If you have questions or are unclear, you DO NOT have consent.

Do not take advantage of someone who may be under the influence of alcohol or drugs, even if that person chose to become that way. Others loss of control DOES NOT put you in control.

- + Be on the lookout for mixed messages. It should be a clear indication to stop and talk about what your potential partner wants or does not want to happen. That person may be undecided about how far to go with you, or you may have misread a previous signal.
- + Respect the timeline for sexual behaviors with which others are comfortable and understand that they are entitled to change their minds.
- + Recognize that even if you do not think you are intimidating in any way, your potential partner may be intimidated by or fearful of you, perhaps because of your gender, physical size, or a position of power or authority you may hold.
- + Do not assume that someone's silence or passivity is an indication of consent. Pay attention to verbal and non-verbal signals to avoid misreading intentions.
- + Understand that consent to one type of sexual behavior DOES NOT automatically grant consent to other types of sexual behaviors. If you are unsure, stop and ask!
- + Understand that exerting power and control over another through sex is unacceptable conduct.

About confidentiality

To make informed choices, all parties should be aware of confidentiality and privacy issues, as well as institutional mandatory reporting requirements.

Confidential Reporting

If reporting students wish that details of an incident be kept confidential, they should speak with campus health services providers. Members of the clergy, chaplains, and off-campus rape crisis center staff can maintain confidentiality. Local resources such as crisis centers are confidential and have no duty to report your information to representatives of PCC.

Mandatory Reporting

All PCC employees who are not designated above as confidential are mandatory reporters for all the details of which they are aware about an incident. They share this information with the Title IX Coordinator. Giving a mandated reporter notice of an incident constitutes official notice to PCC. Incidents of sexual misconduct will be taken seriously when official notice is given to the institution. Such incidents of sexual misconduct will be investigated and resolved in a prompt and equitable manner under the College's resolution procedures, which is discussed in the PROCEDURES section of this publication.

You may request confidentiality and/or that the Title IX Coordinator provides you with remedies and resources without initiating a formal resolution process. The coordinator will weigh requests for confidentiality against the institutional need to address and remedy discrimination under Title IX. Generally, PCC will be able to respect your wishes, unless it believes there is a threat to the community based upon the use of weapons, violence, pattern, predation, or threatening conduct by the person being accused.

In cases where your request for confidentiality is granted, PCC will offer you available resources, supports, and remedies. You are not obligated to pursue formal resolution to access the resources that are available. If PCC decides that it is obligated to pursue a formal resolution based on the notice you have given, you are not obligated to participate in the resolution process; however, the ability of PCC to enforce its policies or provide some remedies may be limited because of your decision not to participate.

Incidents Involving Minors

Please be aware that institutional duties with respect to minors, those under the age of 17, may require reporting sexual misconduct incidents to state agencies and/or local law enforcement. As a result, confidentiality cannot be guaranteed in sexual misconduct incidents involving minors.

Options for Survivors

Option 1: Medical treatment and optional evidence collection at hospital emergency room

- Local police and local sexual assault advocacy agency respond to hospital. Provided options to speak to one or both and receive services

Option 2: Non-confidential reporting

- Referred to PCC's Title IX Coordinator for investigation
- Provided option to receive on-campus support services
- Provided options to seek medical treatment and optional evidence collection at hospital emergency room
- Provided options to receive sexual assault advocacy locally

Option 3: Confidential report at College Health Center

- Provided options of seeking counseling for off-campus support
- Provided option of reporting to local police
- Provided options to seek medical treatment and optional evidence collection at hospital emergency room
- Local police and sexual assault agency respond to hospital. Provided options to speak to one or both and receive services

Option 4: Report at local police department

- Provided option of reporting the incident to local sexual assault advocacy agency and/or PCC Police Department

Option 5: Confidential report through community sexual assault advocacy agency

- Provided option of working with PCC to receive on-campus accommodations
- Provided option of reporting to local police department

NOTE: Some services may vary by location.

Programs

Bystander Intervention

PCC offers bystander intervention programming to all students to ensure that each member of the PCC community is invested in creating a safe campus environment for themselves and other program participants are instructed on safe options for preventing harm and intervening when a risk of sexual misconduct exists.

VAWA/Clery Training

PCC provides incoming students with education and training on awareness and risk reduction of sexual harassment, sexual assault, dating violence, domestic violence, and stalking, as well as on consent in compliance with the Violence Against Women Act (VAWA) and the Clery Act.

Ongoing Campaigns

PCC offers ongoing awareness and prevention campaigns throughout the academic year to students, faculty, and staff.

PCC Sexual Misconduct/Title and Safety Webpages

Can be found at on [PCC's Nondiscrimination/Title IX webpage](#) (opens in a new window) or the URL at: <https://pueblocc.edu/Title-IX> and [Public Safety's webpage](#) (opens in a new window) or the URL at: www.pueblocc.edu/public-safety

If you have experienced Sexual Misconduct

1. Go to a safe location as soon as possible.
2. Seek immediate medical attention if you are injured or believe that you may have been exposed to an STI/STD or potential pregnancy.
3. Contact any of the KEY CONTACTS listed below.
4. It is important to preserve physical evidence that may include tissue and fluid samples, evidence of violence, sheets, towels, clothing, etc. You may choose to avoid washing, bathing, urinating, etc., until after being examined at a local medical center. Because evidence of a sexual assault can deteriorate quickly, you may choose to seek a medical exam as soon as possible with a Sexual Assault Nurse Examiner (SANE) at PARKVIEW MEDICAL CENTER or ST. MARY CORWIN (Pueblo), ST. THOMAS MORE HOSPITAL (Cañon City), MERCY REGIONAL MEDICAL CENTER (Durango), SOUTHWEST HEALTH SYSTEM (Cortez), PAGOSA SPRINGS MEDICAL CENTER (Bayfield). It is best to complete an examination within 120 hours of the assault, yet evidence (such as fluids, hair samples, and DNA) can be collected for a long time thereafter.
5. Choose how to proceed. You have options, and PCC encourages you to contact the local crisis center to discuss your options:
 - a. Do nothing until you are ready,
 - b. Pursue resolution by PCC, and/or
 - c. Initiate criminal proceeding, and/or
 - d. Initiate civil process against the perpetrator.

You may pursue whatever combination of options is best for you. If you wish to have an incident investigated and resolved by PCC, you should contact the following individuals at your campus/site: Pueblo Campus Contact: PCC Police Dept. Student Center, Room 160 – 719.549.3355; Fremont Campus Contact: Cody Dornhecker, Public Safety – Room L104 – 719.296.6130; PCC Southwest Campus and Site Contact: Regional Director, Academic Services, Perry Pepper – 970.564.6205. Employees should contact the Human Resources Office, Central Administration, Room 111, 719.549.3220. College procedures will be explained. If you wish to have an incident handled criminally, you should contact the PCC Police Department or local law enforcement where the assault occurred. A campus official is available to accompany you in making such reports, if desired. For further information, please contact any of the individuals listed above at your campus/site.

Key Contacts

<p><u>Pueblo Campus</u> Title IX Coordinator, Dana Moss, Vice President of Human Resources</p>	<p>Central Administration, Room 111 719.549.3220 Dana.moss@pueblocc.edu</p>
<p>Pueblo Campus Police Department</p>	<p>Student Center, Room 103 719.549.3355 24 hour/7 days a week</p>
<p><u>Fremont Campus</u> Title IX Coordinator, Dana Moss, Vice President of Human Resources</p>	<p>Central Administration, Room 111 719.549.3220 Dana.moss@pueblocc.edu</p>
<p>Fremont Campus Safety Office</p>	<p>Room L104 719.296.6130 Cody.dornhecker@pueblocc.edu</p>
<p><u>Southwest Campus - Mancos</u> Title IX Deputy Coordinator, Lisa Molina, Regional Director of Student Services</p>	<p>Mancos Campus – Room 100B 970.564.6228 Lisa.molina@pueblocc.edu</p>
<p><u>Southwest Campus/Site – Durango</u> Perry Pepper, Regional Director, Academic Services</p>	<p>970.564.6205 Perry.pepper@pueblocc.edu</p>
<p><u>Crisis Centers</u> Pueblo: Pueblo Rape Crisis Services Fremont: Family Crisis Services Durango: Alternative Horizons Sexual Assault Services Organization Cortez: Renew, Inc. National Domestic Violence Hotline Colorado Domestic Information</p>	<p>719.544.1191 719.275.2429 970.247.9619 970.259.3074 970.565.2100 800.799.7233 Vilence Free Colorado website (opens in a new window) or the URL at: https://www.violencefreecolorado.org/resources-2/ or 800.799.7233</p>
<p><u>Medical Centers - SANE</u> Pueblo: Parkview Medical Center Pueblo: St. Mary Corwin Hospital Fremont: St. Thomas More Hospital Durango: Mercy Regional Medical Center Cortez: Southwest Health System</p>	<p>719.584.4445 (available 24/7) 719.557.4000 719.285.2000 970.247.764.2100 970.565.6666</p>
<p><u>Mental Health & Wellness Support Resources</u></p> <p><u>Fremont Campus</u></p> <ul style="list-style-type: none"> • Solvista • Upper Arkansas Area Council of Governments (UAACOG) 	<p>Solvista Health website (opens in a new window) or the URL at: https://solvistahealth.org/</p> <p>Upper Arkansas Area Council of Governments website or the URL at: https://www.uaacog.com/</p>

<ul style="list-style-type: none"> • Caring Connections • Colorado Crisis Services • 988: The 24/7 Lifeline for Emotional, Mental, or Substance Misuse Support • 988 Suicide & Crisis Lifeline • 211 Colorado: 2-1-1 is a confidential and multilingual service connecting people to vital resources across the state. No matter where you live in Colorado, you can find information about resources in your local community • PCC Victim Assistance and Drug/Alcohol Referral Programs and Resources 	<p>Caring Connections Website (opens in a new window) or the URL at: http://www.caringconnectionsco.com/</p> <p>Colorado Crisis Services Website (opens in a new window) or the URL at: https://coloradocrisiservices.org/, or call 1.844.493.8255 or Text “Talk” to 38255</p> <p>988 Website (opens in a new window) or the URL at: https://988nm.org/, or Dial 988</p> <p>988 Suicide & Crisis Lifeline Website (opens in a new window) or the URL at: https://988lifeline.org/ or call 988</p> <p>211 Website (opens in a new window) or the URL at: https://www.211colorado.org/, or call 211</p> <p>PCC Victim Assistance and Drug/Alcohol Referral Programs and Resources Website (opens in a new window) or the URL at: https://pueblocc.edu/TitleX/Resources</p>
<p><u>Pueblo Campus</u></p> <ul style="list-style-type: none"> • PCC Health Clinic • Health Solutions Crisis Services • CommonSpirit - St. Mary-Corwin Hospital • Colorado Crisis Services 	<p>PCC Health Clinic Website (opens in a new window) or the URL at: www.pueblocc.edu/Health_Clinic, or call 719.549.3315</p> <p>Health Solutions Crisis Services Website (opens in a new window) or the URL at: https://www.health.solutions/services/emergency-crisis-services/ or call 719.545.2746</p> <p>CommonSpirit – St. Mary Corwin Website (opens in a new window) or the URL at: https://www.mountain.commonspirit.org/location/st-mary-corwin-hospital</p> <p>Colorado Crisis Services website (opens in a new window) or the URL at: https://coloradocrisiservices.org/ or call 1.844.493.8255 or Text “Talk” to 38255</p>

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<p><u>Southwest Campus / Site</u></p>	
<ul style="list-style-type: none"> • Mancos Campus: Cortez Integrated Healthcare 	<p>Cortez Integrated Healthcare Website (opens in a new window) or the URL at: https://www.axishealthsystem.org/locations/cortez/cortez-integrated-healthcare/</p>
<p>Other local support resources that students may use in the southwest region:</p>	
<ul style="list-style-type: none"> • Dove Creek Integrated Healthcare 	<p>Dove Creek Integrated Healthcare Website (opens in a new window) or the URL at: https://www.axishealthsystem.org/locations/dove-creek/dove-creek-integrated-healthcare/</p>
<ul style="list-style-type: none"> • Archuleta Integrated Healthcare 	<p>Archuleta Integrated Healthcare Website (opens in a new window) or the URL at: https://www.axishealthsystem.org/locations/pagosa-springs/archuleta-integrated-healthcare/</p>
<ul style="list-style-type: none"> • San Juan Regional Medical Center 	<p>San Juan Regional Medical Center Website (opens in a new window) or the URL at: https://www.sanjuanregional.com/</p>
<ul style="list-style-type: none"> • Colorado Crisis Services 	<p>Colorado Crisis Services Website (opens in a new window) or the URL at: https://coloradocrisiservices.org/, or call 1.844.493.8255 or Text "Talk" to 38255</p>

<ul style="list-style-type: none"> • 988: The 24/7 Lifeline for Emotional, Mental, or Substance Misuse Support • 988 Suicide & Crisis Lifeline • 211 Colorado: 2-1-1 is a confidential and multilingual service connecting people to vital resources across the state. No matter where you live in Colorado, you can find information about resources in your local community • PCC Victim Assistance and Drug/Alcohol Referral Programs and Resources 	<p>988 Website (opens in a new window) or the URL at: https://988lifeline.org/ or call 988</p> <p>988 Website (opens in a new window) or the URL at: https://988lifeline.org/ or call 988</p> <p>211 Website (opens in a new window) or the URL at: https://www.211colorado.org/, or call 211</p> <p>PCC Victim Assistance and Drug/Alcohol Referral Programs and Resources Website (opens in a new window) or https://pueblocc.edu/TitleIX/Resources</p>
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Notice of Non-Discrimination

Pueblo Community College prohibits discrimination, harassment, or retaliation on the basis of sex, gender, race, color, age, creed, national or ethnic origin, ancestry, physical or mental disability, veteran or military status, pregnancy or related conditions, marital status, religion, genetic information, gender identity, sexual orientation, sex characteristics, sex stereotypes, gender expression, or any other class or category protected under applicable local, state or federal law (also known as “civil rights” laws) in connection with its employment practices or educational programs and activities. Pueblo Community College will take appropriate steps to ensure that the lack of English language skills will not be a barrier to admission and participation in vocational education programs.

The College has designated the Vice President of Human Resources as its AA/EEO and Title IX Coordinator, with the responsibility to coordinate the college’s Civil Rights Compliance Activities and Grievance Procedures. If you have any questions, please contact the Vice President of Human Resources, 900 W. Orman Avenue, Central Administration Building, Room 111, telephone 719.549.3220, email pcchr@pueblocc.edu. You may also contact the Office for Civil Rights, U.S. Department of Education, Region VIII, Federal Office Building, 1244 North Speer Blvd., Suite 310, Denver, CO 80204; phone: 303.844.3417.

Aviso de No Discriminación

Pueblo Community College prohíbe la discriminación, el acoso o las represalias basadas en el sexo, género, raza, color, edad, credo, origen nacional o étnico, ascendencia, discapacidad física o mental, estatus de veterano o militar, embarazo o condiciones relacionadas, estado civil, religión, información genética, identidad de género, orientación sexual, características sexuales, estereotipos de género, expresión de género, o cualquier otra clase o categoría protegida bajo las leyes locales, estatales o federales aplicables (también conocidas como leyes de “derechos civiles”) en relación con sus prácticas laborales o programas y actividades educativas. Pueblo Community College tomará las medidas adecuadas para garantizar que la falta de habilidades en el idioma inglés no sea un obstáculo para la admisión y participación en los programas de educación vocacional.

El Colegio ha designado al Vicepresidente de Recursos Humanos como su Coordinador de AA/EEO y Título IX, con la responsabilidad de coordinar las Actividades de Cumplimiento de los Derechos Civiles y los Procedimientos de Quejas del colegio. Si tiene alguna pregunta, comuníquese con el Vicepresidente de Recursos Humanos, 900 W. Orman Avenue, Edificio de Administración Central, Sala 111, teléfono 719.549.3220, correo electrónico pcchr@pueblocc.edu. También puede comunicarse con la Oficina de Derechos Civiles, Departamento de Educación de EE. UU., Región VIII, Edificio Federal, 1244 North Speer Blvd., Suite 310, Denver, CO 80204; teléfono: 303.844.3417.