1.0 BACKGROUND AND PURPOSE
This policy is promulgated by the Board of Trustees pursuant to the authority conferred upon it by §23-41-104(1), C.R.S. (1999) in order to set forth a policy concerning unlawful discrimination at Mines. This policy shall supersede any previously promulgated Mines policy that is in conflict herewith.

2.0 UNLAWFUL DISCRIMINATION POLICY
Attendance and employment at Mines are based solely on merit and fairness. Discrimination on the basis of age, gender, race, ethnicity, religion, national origin, disability, sexual orientation, or military veteran status is prohibited. No discrimination in admission, application of academic standards, financial aid, scholastic awards, or any terms or conditions of employment shall be permitted. If a complaint of discrimination on the basis of gender arises, it shall be governed under Mines' Policy Prohibiting Gender-Based Discrimination, Sexual Harassment and Sexual Violence.

3.0 PERSONS WHO MAY FILE AN UNLAWFUL DISCRIMINATION COMPLAINT
An unlawful discrimination complaint may be filed by any individual described in one of the categories below:

A. Any member of the Mines campus community, including classified staff, exempt employees, and students as well as any applicant for employment or admission, who believes that he or she has been discriminated against by Mines, a branch of Mines, or another member of the Mines community on account of age, race, ethnicity, religion, national origin, disability, sexual orientation, or military veteran status;

B. Any person who believes that he or she has been threatened with or subjected to duress or retaliation by Mines, a branch of Mines, or a member of the Mines community as a result of (1) opposing any unlawful discriminatory practice; (2) filing a complaint hereunder; (3) representing a complainant hereunder; or (4) testifying, assisting, or participating in any manner in an investigation, proceeding, hearing, or lawsuit involving unlawful discrimination; or

C. The Associate Vice President for Human Resources or an attorney from the Office of Legal Services, if any of these individuals deem it to be in the best interest of Mines to do so.

4.0 CHOICE OF REMEDIES
No complainant shall be permitted to file an unlawful discrimination claim under the Mines Unlawful Discrimination Policy and any other complaint or grievance policy or procedure when the complaint or grievance arises out of an identical set of facts. In such a situation, a complainant shall be entitled to file his or her claim under the policy or procedure of his or her choice.
5.0 IMPLEMENTATION
Mines’ Board of Trustees directs the President or President’s delegates to develop, administer and maintain the appropriate administrative policies, procedures, and guidelines to implement this policy.

6.0 RESOURCES
Contact for Complaints about Student Behavior:
- Rebecca Flintoft, Director of Auxiliary Services, Student Center; Telephone - 303.273.3288; Email – rflintof@mines.edu
- Brent Waller, Director of Residence Life and Housing; Telephone - 303.273.3046; Email – bwaller@mines.edu

Policies and Procedures for Complaints regarding Student Behavior:
- Notice of Nondiscrimination
- Unlawful Discrimination Investigation, Resolution and Adjudication Procedure for Complaints Involving Student Behavior
- Policy Prohibiting Gender-Based Discrimination, Sexual Harassment, and Sexual Violence

Contact for Complaints about Employee or Third Party Behavior:
- Mike Dougherty, Associate Vice President for Human Resources, Guggenheim Hall; Telephone - 303.273.3250; Email – mdougher@mines.edu
- Veronica Graves, Assistant Director of Human Resources, Guggenheim Hall; Telephone - 303.273.3250; Email – vgraves@mines.edu
- Karin Ranta-Curran, Assistant Director for Human Resources - EEO and Equity and Title IX Coordinator, Guggenheim Hall; Telephone - 303.384.2558; Email - krcuran@mines.edu

Policies and Procedures for Complaints regarding Employee or Third-Party Behavior:
- Notice of Nondiscrimination
- Unlawful Discrimination Complaint, Investigation and Resolution Procedure for Complaints Involving Employee or Third-Party Behavior
- Policy Prohibiting Gender-Based Discrimination, Sexual Harassment, and Sexual Violence

7.0 HISTORY
Promulgated by the Mines Board of Trustees on March 13, 1992.
Amended by the Mines Board of Trustees on June 10, 1999.
Amended by the Mines Board of Trustees on June 22, 2000.
Amended by the Mines Board of Trustees on June 7, 2003.
Amended by the Mines Board of Trustees on August 14, 2007.
Amended by the Mines Board of Trustees on August 29, 2014.
1.0 BACKGROUND AND PURPOSE

Increasingly, incidents of violence and workplace confrontations are becoming more common throughout society. While this kind of behavior is not prevalent at Colorado School of Mines, and indeed it is rare, it is never-the-less prudent for CSM to clearly communicate its expectations of all who come to campus. Since August 1996, CSM has relied upon an Executive Order issued by Governor Roy Romer, for its Workplace Violence prohibition guidelines. The policy and procedures below are intended to amplify Governor Romer’s executive order and provide a reporting, complaint and resolution process.

2.0 POLICY

Colorado School of Mines is committed to maintaining an environment of respect that is free from violence or threats of violence. As a diverse community requiring trust, openness, and physical safety, CSM will not tolerate violence or threats of violence in the campus community and workplace. It is the policy of CSM not only to prohibit such behavior, but also to take seriously all reports of incidents, addressing each as appropriate. Further, all weapons identified and defined in Colorado Revised Statutes § 18-12-101 are banned from CSM premises. (Exception: Students who wish to possess firearms are referred to the Firearms Storage Procedures as outlined in the Campus Rules and Regulations section of the Student Handbook. All firearms must be stored at the CSM Department of Public Safety Office and all access will be controlled by the Public Safety Department.)

This policy applies to all persons conducting business with or visiting CSM, even though such persons are not directly affiliated with CSM. Individuals who violate this policy may be removed from the premises and, depending on the employment relationship, will be subject to disciplinary action that can include termination of employment as well as criminal prosecution, or both.

3.0 DEFINITIONS

3.1 Violent Behavior – Any act or threat of physical, verbal or psychological aggression or the destruction or abuse of property by an individual. Threats (including those made in person, by mail, over the telephone, by fax, by e-mail, or by other means) may include veiled, conditional or direct threats in verbal or
written form, resulting in intimidation, harassment, harm, fear, or endangerment of the safety of another person or property. In addition, acts or threats may include gestures or symbols.

3.2 Workplace or Premises – Includes all CSM property, facilities and off-campus locations where faculty, staff, or students are engaged in CSM business, educational programs, or activities.

4.0 PROCEDURES

4.1 Reporting: Faculty and staff involvement is essential to preventing violence or threats of violence. All members of the CSM community have a responsibility to report threatening or violent behavior. Each faculty and staff member must immediately report to his or her supervisor or department head, to the CSM Department of Public Safety, or to Human Resources any acts or behaviors covered under this policy. If the employee’s supervisor is the perpetrator, the employee must report the behavior to the next level manager.

4.1.1 Reporting Imminent Acts or Threats: In the case of an actual or imminent act or threat of violent behavior, call the CSM Campus Police Department at 303.273.3333 (from on-campus phones, simply dial 3333) or use 911 to alert the Golden Police Department who will coordinate with CSM police. When in doubt about the urgency of the threat of violence, CSM police should be contacted.

4.1.2 Criminal Acts: Any employee who believes a crime has been committed has the right to report that to the proper law enforcement agency.

4.2 Supervisors: Any supervisor who becomes aware of violent or threatening behavior must report the incident to his or her manager and to Human Resources. If the supervisor believes that someone may be in imminent danger, or if the incident in question resulted in anyone being physically harmed, the supervisor must first immediately contact the CSM Police Department and then report the incident to his or her manager and Human Resources.

4.2.1 Immediate Action: Nothing in this policy and procedures relieves a supervisor or manager from taking immediate action when the safety or security of employees or students is threatened and time is crucial. CSM will support efforts made by supervisors, managers, and campus specialists in dealing with immediate violent behavior or immediate threats of immediate violent behavior.
4.3 Confidentiality: CSM will ensure that all reports of workplace violence are treated confidentially to the extent possible. Reports of threatening or violent behavior will be disclosed as necessary in order to: (a) conduct an investigation, (b) to protect the reporting individual(s) from possible retaliation, (c) to complete disciplinary action, and (d) to protect the alleged offender.

4.4 Investigation: Upon a report of workplace violence, CSM will conduct an investigation as promptly as feasible. Depending on the level of the incident, the investigation may be led by CSM Public Safety, Human Resources, the department head in the affected department, or other CSM entity as appropriate. In most cases, an investigation will be a joint effort undertaken with the advice and counsel of CSM’s Office of Legal Services.

4.5 Discipline and Sanctions: Depending upon the outcome of the investigation, violation of this policy may result in employment-related discipline up to and including termination of employment. If the incident was of a nature where it was reported to a law enforcement agency, the criminal justice system may also impose penalties. Non-employee violations of this policy will be handled in accordance with applicable laws. Further, CSM will support criminal prosecution against any person who commits a crime in violation of this policy.

4.6 Retaliation: Reasonable action will be taken to ensure that persons involved in an investigation, or in providing information during an investigation, do not suffer any form of retaliation because of their good faith participation. Retaliation against anyone for good faith reporting of a violation of this policy or for cooperating in an investigation under this policy is prohibited and creates a separate, serious offense.

4.7 False Charges: If, upon investigation, it is determined that a report was intentionally falsified or made maliciously, the employee providing the false information will be subject to disciplinary action up to and including termination and, depending on the facts, may be subject to criminal prosecution.

4.8 Restraining / Protective Orders: Any employee who has obtained a restraining / protective order or other judicial order that lists a CSM location as a protected area must immediately provide a copy of the order to the CSM Campus Police. Other parties may also be informed when deemed necessary by CSM Campus Police for the safety of the CSM community.
4.9 **Employee Assistance Program:** Confidential counseling and assistance for employees and supervisors is available through the Colorado State Employee Assistance Program (C-SEAP) at no charge. C-SEAP program, services, and contact information may be found on the CSM Human Resources web site or at C-SEAP’s web page: [http://www.colorado.gov/dpa/dhr/eap/index.htm](http://www.colorado.gov/dpa/dhr/eap/index.htm).

4.10 **Freedom of Expression:** CSM recognizes the necessity of protecting individual rights and encouraging free speech, but also recognizes that certain conduct can threaten the mutual respect that is the foundation of scholarly communities. Nothing in this policy and these procedures is intended to curtail an individual’s right to express himself/herself as long as that expression does not constitute “Violent Behavior” as defined in these procedures.
10.4 PERSONAL RELATIONSHIPS POLICY

I. STATEMENT OF AUTHORITY AND PURPOSE

This policy is promulgated by the Board of Trustees pursuant to the authority conferred upon it by §23-41-104(1), C.R.S. (1988) in order to set forth a policy concerning certain personal relationships at CSM as addressed herein. This policy shall supersede any previously promulgated CSM policy that is in conflict herewith.

II. PREFACE

Certain amorous, romantic, or sexual relationships in which the parties appear to have consented, but where a definite power differential exists between them, are of serious concern to CSM. Personal relationships that might be appropriate in other circumstances always pose inherent dangers when they occur between an Instructor and a Student, between a Person in a Position of Trust and a Student, and between a Supervisor and a Subordinate Employee. Although both parties to the relationship may have consented at the outset, such relationships are fundamentally asymmetric in nature. It is incumbent upon those with authority not to abuse, or appear to abuse, the power with which they are entrusted. Accordingly, codes of ethics promulgated by most professional regulatory associations forbid professional-client amorous, romantic, or sexual relationships. The relationships prohibited by this policy shall be viewed in this context, and Instructors, Persons in Positions of Trust, and Supervisors should be aware that any violation of this policy shall result in formal disciplinary action against them.

III. DEFINITIONS

For the purposes of this policy, the following definitions shall apply:

A. Person in a Position of Trust

Any person occupying a position of trust with respect to one or more students at CSM such that engaging in an amorous, romantic, or sexual relationship with any student would compromise the ability of the employee to perform his or her duties. Examples of Persons in Positions of Trust at CSM are those employed in the Office of the Registrar, those employed in the Student Affairs Office, those employed in the Student Development Office, those employed in Public Safety, resident assistants, and paper graders. The above examples are provided for illustrative purposes only and are not intended to be exhaustive listings or to limit the illustrated category in any manner.

B. Instructor

Any person who teaches at CSM, including academic faculty members, instructional staff, and graduate students with teaching or tutorial responsibilities.

C. Student

Any person who is pursuing a course of study at CSM.

D. Subordinate Employee

Any person employed by CSM who is supervised by another employee.

E. Supervisor

Any person employed by CSM who occupies a position of authority over another employee with regard to hiring, administering discipline, conducting evaluations, granting salary adjustments, or overseeing task performance.
IV. POLICY

A. **Personal Relationships Between Instructors and Students in the Instructional Context**

No Instructor shall engage in an amorous, romantic, or sexual relationship, consensual or otherwise, with a Student who is enrolled in a course being taught by the Instructor, or whose academic work is being supervised by the Instructor.

B. **Personal Relationships Between Instructors and Students Outside the Instructional Context**

In a personal relationship between an Instructor and a Student for whom the Instructor has no current professional responsibility, the Instructor should be sensitive to the constant possibility that he or she may unexpectedly be placed in a position of responsibility for the instruction or evaluation of the Student. This could entail a request to write a letter of recommendation for the Student or to serve on an academic committee involving the Student. In addition, an awareness should be maintained that others may speculate that a specific power relationship exists even when none is present, giving rise to assumptions of inequitable academic or professional advantage for the Student. Even if potential conflict of interest issues can be resolved, charges of sexual harassment may arise. In such situations, it is the Instructor who, by virtue of his or her special responsibility, shall be held accountable for unprofessional behavior.

C. **Personal Relationships Between Supervisors and Subordinate Employees**

No Supervisor shall engage in an amorous, romantic, or sexual relationship, consensual or otherwise, with a Subordinate Employee who reports, either directly or indirectly, to the Supervisor or is under the Supervisor's direct or indirect authority.

D. **Personal Relationships Between Persons in Positions of Trust and Students**

No Person in a Position of Trust shall engage in an amorous, romantic, or sexual relationship, consensual or otherwise, with a Student.
1.0 BACKGROUND AND PURPOSE

Colorado School of Mines (“Mines” or “university”) is committed to the safety of all individuals in its community. The university has particular concern for those who are potentially vulnerable, including minors, who require special attention and protection. This policy establishes guidelines for the Mines community-at-large, as well as for those in the Mines community who may work or interact with individuals under 18 years of age, with the goal of promoting the safety and well-being of minors and ensuring compliance with applicable laws.

2.0 SCOPE

This policy provides broad safeguards intended to better protect minors when they are on the university Campus, participating in university programs and activities designed to include minors, or when they are in the care of University Personnel, Volunteers, or Contractors. All Mines Personnel, Volunteers, and Contractors are expected to be familiar and comply with the provisions of this Policy and any related university policies and/or procedures. This policy also establishes requirements for non-university organizations and entities, including but not limited to Recognized Student Organizations, that operate non-university programs or activities designed to include minors.

3.0 DEFINITIONS

For purposes of this policy only, the following definitions shall apply:

3.1 Abuse or Neglect of Minors: As defined in Colorado state statute (C.R.S. § 19-1-103). Please consult statute for full definition. In summary, child abuse and neglect means an act or omission that threatens the health or welfare of a person under 18 years of age.

3.2 Campus: All buildings, facilities, and properties that are owned, operated, managed, or controlled by Mines.

3.3 Minor: A person under the age of eighteen (18).

3.4 Recognized Student Organization: A student organization and club registered with the Board of Student Organizations. For purposes of this policy only, a Recognized Student Organization is considered to be a non-university organization and entity.
3.5 **University (or Mines) Contractor:** An individual or entity retained by the university under contract to provide services and/or support for university programs and activities designed to include minors.

3.6 **University (or Mines) Personnel:** Includes, but is not limited to all university faculty, staff, post-doctoral fellows, visiting scholars, and students in their capacity as student-employees.

3.7 **University (or Mines) Volunteer:** An uncompensated individual who is authorized by a university department or unit to: a) perform civil, charitable, or humanitarian services related to the business of or in support of activities of the university designed to include minors; or b) gain personal or professional experience in specific endeavors involving minors. Volunteers perform services without a promise, expectation, or receipt of any compensation for services performed, including a promise of future employment. This definition does NOT include parents or guardians who are accompanying their child at a program or activity and who may provide incidental service for the program or activity.

3.8 **Academic Year:** Beginning of Fall Semester through the end of the Summer II session.

4.0 **POLICY STATEMENTS**

4.1 All University Personnel, Volunteers and Contractors must:

- Always be vigilant in protecting the well-being and safety of Minors with whom they interact on Campus or at a university program, event or activity.

- Watch for signs of Abuse or Neglect of Minors, and promptly report suspected instances of abuse or neglect, or violations of this policy or law, as provided in Section 5.0 below.

4.2 All University Personnel, Volunteers and Contractors who plan to operate, host, or initiate university involvement in a program, event, or activity (“Program”) designed to include Minors must provide information to the Office of Compliance and Policy by timely completing and submitting the Protection of Minors Event form.

- Such information shall include each Program’s dates, times, locations, estimated attendance (age range and number of participants), and the contact information for two responsible individuals who will make arrangements for the safety of Minors and other participants in the event of an emergency.
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<tr>
<th><strong>Policy on the Protection of Minors</strong></th>
<th><strong>Responsible Administrative Unit:</strong></th>
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<tbody>
<tr>
<td>Issued: April 24, 2014</td>
<td>Office of Compliance and Policy</td>
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<tr>
<td>Revised:</td>
<td>Policy Contact:</td>
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<td>Director of Compliance and Policy</td>
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<td><a href="mailto:compliance@mines.edu">compliance@mines.edu</a></td>
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- **Protection of Minors Event form** must be completed (per instructions found on the form) prior to the start of a new Program, and annually for any such Program that is repeated in a new academic year or continues beyond a single academic year.

4.3 All University Personnel, Volunteers and Contractors who are responsible for the supervision or care of Minors, or whose duties would require close contact and/or time alone with Minors who are not enrolled or accepted for enrollment at the university, must complete a criminal background check and sex offender registry check in accordance with the university’s background check policy.

- University Personnel, Volunteers and Contractors who only interact in classes or other routine academic settings with Minors who are enrolled or accepted for enrollment at the university are not obligated to complete additional background checks beyond the parameters established by the university’s Background Investigation Policy.

4.4 Non-university organizations and entities that operate non-university Programs on campus (including, but not limited to Recognized Student Organizations, lessees, etc.) are obligated to be familiar with this policy, ensure their staff, volunteers and participants are familiar with this policy, and take appropriate precautions to protect Minors participating in or attending their programs.

4.5 Non-university organizations and entities that operate Programs on Campus involving Minors must inform the appropriate Mines’ contract approval authority in writing if the organization or entity has any knowledge (whether obtained via background investigation or other means) of a criminal conviction or other adverse information regarding its employees, volunteers, or participants, the nature of which could impact the safety and well-being of other individuals on Campus, especially Minors.

- Examples of information that must be reported include, but are not limited to: all felony convictions; all convictions of any level that involve Minors; all assault convictions; all convictions of any type that result from injury to others; and any information of a similar nature.

4.6 Mines may exclude from Campus, at its sole discretion, any external Program employee, volunteer, or representative identified pursuant to subsection 4.5. Further, Mines may request any additional information it deems necessary to meet the requirements of this policy.
5.0 REPORTING POTENTIAL HARM TO MINORS

According to Colorado law, every person who has reasonable grounds to believe that a crime has been committed has a duty to promptly report the suspected crime to law enforcement authorities. An individual who reports a suspected crime in good faith is deemed immune from civil liability for reporting. [Section 18-8-115, C.R.S.]

5.1 Emergencies. In case of an emergency, one should immediately call 911.

5.2 All Other Reports of Known or Suspected Abuse or Neglect of Minors.

All University Personnel, Volunteers and Contractors who know, suspect or receive information indicating that a Minor has been abused or neglected, or who have any other concerns about the safety of minors MUST:

• Immediately call the Mines Department of Public Safety at (303) 273-3333, or the appropriate local police department if the university Program is operating off-campus; AND

• Report the incident to either the Dean of Students Office at (303) 273-3231 or the Provost Office at (303) 273-3399, AND other appropriate members of Mines senior leadership.

Anyone who knows or suspects abuse or neglect of Minors may also notify the Jefferson County Department of Human Services, Division of Children, Youth & Families (“CYF”) child abuse hotline at (303) 271-HELP (4357). The hotline is available 24 hours a day, seven days a week. Additional information about reporting can be found at the CYF website.

6.0 ADDRESSING REPORTS OF ABUSE OR NEGLECT

Whenever the university receives a report of alleged abuse or neglect of a minor when the minor is participating in a university Program designed to include Minors, or when the Minor is in the care of University Personnel, Volunteers, or Contractors:

6.1 The person receiving the report shall immediately notify (1) the Mines Department of Public Safety or the local police department if off-campus, AND (2) the Dean of Students Office or the Provost Office, AND other appropriate members of Mines senior leadership even if it is believed notification has already occurred.

6.2 The Mines Department of Public Safety and the Dean of Students or Provost, in consultation with the Office of Legal Services and other appropriate senior leadership, shall:
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• Take immediate steps to prevent further harm to the alleged victim or other Minors, including, where appropriate, removing the alleged abuser from the Program or limiting his or her contact with Minors pending resolution of the matter.

• Determine whether the Mines Department of Public Safety, the Golden Police, and/or the Jefferson County CYF Department, have already been notified and, if not, whether such notification is required or appropriate given the circumstances.

• If the parents or guardians of the alleged victim have not been notified and are not the alleged abusers, notify the parents or guardians of the Minor involved.

• Investigate the report and resolve the matter in a way that safeguards Minors, protects the interests of victims and reporters, affords fundamental fairness to the accused, and meets relevant legal requirements.

• Facilitate the School’s cooperation with any investigation conducted by Mines Department of Public Safety, the Golden Police Department, and/or the Jefferson County CYF Department or other governmental agency.

7.0 ENFORCEMENT

Sanctions for violations of this policy will depend on the circumstances and the nature of the violation, but may include the full range of available university sanctions applicable to the individual, including suspension, dismissal, termination, and, where appropriate, exclusion from Campus. Mines may also take any interim actions it deems necessary before determining whether a violation has occurred. The university may terminate relationships or take other appropriate actions against non-Mines entities and individuals deemed in violation of this policy.

8.0 POLICY IMPLEMENTATION AND MODIFICATION

8.1 All University Personnel, Volunteers and Contractors subject to the background investigation requirement in Section 4.3 and engaged in new Programs not in existence at the time of the policy adoption must complete background check requirements prior to participating in the Program, unless a background check was completed within the five (5) years preceding participation in the Program.

8.2 All University Personnel, Volunteers and Contractors subject to the background investigation requirement in Section 4.3 and engaged in existing Programs at the time of the policy adoption must complete background check requirements within 90 days of the policy implementation date, or have had a background check completed within the five (5) years preceding their participation in the Program.
8.3 All University Personnel, Volunteers and Contractors subject to the background investigation requirement in Section 4.3 must complete background check requirements every five (5) years.

8.4 Background check investigation requirements and procedures are set forth in the university's Background Investigation Policy.

8.5 The university will establish procedures and forms as appropriate to implement this policy and monitor compliance.

8.6 Questions about the interpretation or application of this policy should be addressed to the Office of Compliance and Policy, which shall administer and oversee the implementation of the policy in a manner that best achieves its goals.