

# RIGHTS AND LEGAL NOTICES

The College reserves the right to

- change any provision or requirement of this catalog, including academic calendar dates, tuition and fees, pursuant to law, the rules of the State Board for Community Colleges and Occupational Education, or the Colorado Community College and Occupational Educational System, or College policy.
- cancel any course or program described in this catalog, at any time, without notice, and to change any other aspect of any course or program.
- require a student to withdraw at any time for health, safety, or other reasons, pursuant to appropriate policies and procedures, and to impose sanctions, according to established policy.
- dismiss students who are admitted based on false statements or documents. In such cases, students may be subject to a loss of all credit for work that may have been completed.

## Student Rights Student Code of Conduct

Effective June 1, 2014 | [CCD.edu/StudentCode](http://CCD.edu/StudentCode)

CCD values involvement, integrity, lifelong learning and excellence. In the spirit of these values, we have the expectation that students adhere to a code of conduct, which is reflective of the values of the College.

### MISSION STATEMENT

The Office of Student Conduct believes that student learning takes place outside the classroom as well as inside the classroom. Our goal is to use the conduct process as a tool for educating the student on personal conduct, ethical reasoning and community responsibility. We will treat each case individually and each student with respect. We will involve the entire community in a culture of conversation, where reporting is a natural byproduct of a sincere commitment to the safety, security and learning environment of the campus.

The Code of Conduct for Community College of Denver coincides with the Colorado Community College System policy on Student Disciplinary Procedure. According to CCCS policy SP 4-30, students are expected to adhere to the Student Code of Conduct and policies and procedures of the college.

### Section I: Definitions

**AHEC:** refers to the Auraria Higher Education Center.

**Cheating:** includes, but is not limited to:

- use of any unauthorized assistance in taking quizzes, tests or examinations;
- dependence upon the aid of sources beyond those authorized by the faculty member in writing papers, preparing reports, solving problems, or carrying out other assignments; or
- the acquisition, without permission, of tests or other academic materials belonging to a member of the College faculty, staff or other students.

**Senior Student Services Officer (SSSO):** The individual designated by the College president to administer student affairs and be responsible for administering the College's Student Code of Conduct and this procedure. The SSSO may delegate student discipline to another individual (designee).

**Code of Conduct:** A document developed and published by each college in the Colorado Community College System, which defines prescribed conduct of students.

**College:** refers to Community College of Denver.

**College Official:** includes any person employed by the College performing assigned administrative or professional responsibilities.

**College or Campus Premises:** includes all land, buildings, facilities and other property in the possession of or owned, used or controlled by the Auraria Higher Education Center, including the adjacent streets and

sidewalks, and also includes extended campus locations such as the Advanced Manufacturing Center and Lowry. This can include online classes as well.

**College-Sponsored Activity:** includes but is not limited to music and theater events, student activities, study abroad programs and student trips funded by the Office of Student Life.

**College Suspension or Expulsion:** An involuntary separation of the student from the College for misconduct not based on academic performance for a specified period of time.

Suspension is a separation that shall not exceed three academic terms per suspension for any singular offense or situation. While a student is suspended, he or she is not eligible for admission or re-admission at any of the community colleges within CCCS. Additionally, if a student is suspended at any of the other Auraria Campus institutions (i.e., Metropolitan State University of Denver or University of Colorado Denver), he or she will not be eligible for admission or re-admission at Community College of Denver (CCD). Once the suspension is lifted at any of the community colleges within CCCS, the student may be eligible for admission or re-admission.

Examples of suspension include, but are not limited to the following: the College, a department or program, a class, residence hall, use of a college facility or an activity.

Students may be suspended from one class period by the responsible faculty member or adjunct instructor. Longer suspensions can only be implemented by the CSSO or designee in accordance with this procedure.

Expulsion is an indefinite separation from the College. The student is not eligible for admission or re-admission at any of the community colleges within CCCS. Additionally, if a student is expelled at any of the other Auraria Campus institutions (i.e., Metropolitan State University of Denver or University of Colorado Denver), he or she will not be eligible for admission or re-admission at CCD.

In exceptional cases where a student wants to be considered for admission or re-admission after an expulsion has been implemented, the student bears the burden to prove the behavior that resulted in the expulsion has been resolved. It is within the College's discretion to admit or deny the student.

**Conduct Officer:** or "Senior Student Services Officer" is that person designated by the College president to be responsible for the administration of the Student Code of Conduct.

**Day:** Refers to working day unless otherwise noted below.

**Faculty Member:** "instructor" or "adjunct instructor" means any person hired by the College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of its faculty.

**Impartial Decision Maker:** means the vice president for Enrollment Administration and Student Success or designee.

**Interim Action:** An immediate action taken by the SSSO to ensure the safety and well-being of members of the College community; preservation of college property; or if the student poses a definite threat of disruption or interference to others or the normal operations of the College. In the event of an interim action, the hearing before the SSSO or designee shall occur as soon as possible following the interim action. If the College issues a permanent sanction, the student shall be afforded appeal rights as discussed below. If the College does not implement a permanent sanction, the interim action will be removed from the student's record.

**Jurisdiction:** College jurisdiction applies to student conduct that occurs on or off campus, including while a student or organization is participating in College-sponsored activities such as study abroad and student travel programs. The College may adjudicate off campus conduct when the continued presence of the student is likely to interfere with the educational process or the orderly operation of the campus; is likely to endanger the health, safety or welfare of the College community; or the offense committed by the student is of such a serious nature as to adversely affect the student's suitability as a member of the College community. The Student Code of Conduct shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. In relevant cases, the student's use of electronic media in violating a standard of conduct may be

considered in the adjudication process regardless of where the electronic media originated.

**Member of the College:** includes any person who is a student, faculty member, College official, or any other person employed by the College.

**Notice:** Notices, which are required to be given by this procedure, shall be considered served upon the student when given by personal delivery, mailing by certified mail, or emailing the student to their official college email address requesting a delivery receipt notification. If notice is mailed, student shall be given three (3) additional days to respond.

**Organization:** means any number of persons who have complied with the formal requirements for College recognition. Student organization requirements can be found in the student organization handbook.

**Other Disciplinary Sanction:** fines, restitution, denial of privileges, assignment to perform services for the benefit of the College or community; or other sanction that does not result in the student being denied the right of attending classes.

**Plagiarism:** includes, but is not limited to, the use by paraphrase or direct quotations of the published or unpublished work of another person without full and clear acknowledgement. It also includes the unacknowledged use of materials prepared by another person or agency that may or may not be engaged in the selling of term papers or other academic materials.

**Policy:** is defined as the written regulations of the College as found in, but not limited to, the Student Code of Conduct, the Community College of Denver website, any Auraria Higher Education Center publications, College catalogs and class schedules, State Board for Community Colleges and Occupational Education (SBCCOE) policies and Colorado Community College System president's procedures.

**Preponderance of Evidence:** is the standard of proof used in all conduct proceedings under this Student Code of Conduct. A preponderance of evidence standard means that it is more likely than not that a violation occurred.

**Probation:** After a finding of a violation of the Code of Conduct, restriction of student's privileges for a designated period of time including the probability of more severe disciplinary sanctions if the student is found to be violating any College regulations during the probationary period.

**Student:** All persons taking courses at or sponsored by the College(s), both full-time and part-time, pursuing both undergraduate credit and non-credit courses and those concurrently attending secondary or post-secondary institutions and College. Persons who are not officially enrolled for a specific term, but who have a continuing relationship with the College are considered students.

**Title IX Coordinator(s) and Title VI and VII Coordinator(s) (EO Coordinator):** is the employee(s) designated by the College president to oversee all civil rights complaints.

**Warning:** A notice served upon the student advising him/her that he/she is violating or has violated College regulations.

## Section II: Authority

1. The Office of Student Life and Office of Student Conduct is appointed by the College to adjudicate any potential violations of the Student Code of Conduct.
2. The Conduct Officer may develop policies for the administration of the student conduct program and procedural rules for the conduct of hearings that are consistent with provisions of the Student Code of Conduct. Including but not limited to, the utilization of alternative dispute resolution methods such as restorative justice and mediation.
3. Decisions made by the Conduct Officer shall be final, pending the normal appeal process.
4. The Conduct Officer may extend time limits for good cause demonstrated in writing.
5. The Conduct Officer may contact the Student Conduct Officers from Metropolitan State University of Denver, the Auraria Higher Education Center or the University of Colorado at Denver and Health Sciences Center on matters that involve students from any or all institutions.

## Section III: Unsatisfactory Conduct

Community College of Denver expects its students to be accountable for their conduct and to represent the College in a positive, responsible manner. The Student Code of Conduct exists to provide parameters for students and their behavior as they represent the College during the entirety of their CCD experience.

Conduct that violates student rights and freedoms and is subject to disciplinary action includes, but is not limited to:

1. **Academic Misconduct:** Plagiarizing, cheating, or committing any other form of academic misconduct including, but not limited to, unauthorized collaboration, falsification of information, and/or helping someone else violate reasonable standards for academic behavior. Students who engage in any type of academic dishonesty are subject to both academic consequences as determined by the instructor and to disciplinary action as outlined in the CCD disciplinary procedures. **Academic Acts of Dishonest/Misconduct may go through a joint process with faculty and the Office of Student Conduct.**
2. **Disruptive Behavior:** Engaging in any disruptive behavior that negatively affects or impedes teaching or learning (regardless of mode of delivery or class setting); or disrupts the general operation of the college.
3. **Deceptive Acts:** Engaging in deceptive acts, including, but not limited to: forgery, falsification, alteration, misrepresentation, non-disclosure, or misuse of documents, records, identification and/or educational materials.
4. **Conduct that is Detrimental to College or to Safety:** Conduct that is deemed detrimental, harmful and/or damaging to the college and/or that jeopardizes the safety of others as determined by the Dean of Student Life or designee. Examples include, but are not limited to, slamming doors, throwing chairs, and/or defacing of college property, or property of others.
5. **Physical/Non-physical Abuse:** Physical abuse or conduct that threatens or endangers another person's health or safety. Non-physical abuse, threats, intimidation, coercion, influence, or any unwelcome conduct in any form that is sufficiently severe, pervasive or persistent that it alters the conditions of the learning environment or employment. Knowingly falsifying, publishing or distributing, in any form, material that tends to impeach the honesty, integrity, virtue or reputation of another person.
6. **Harassment and/or Discrimination:** Discrimination or harassment on the basis of sex/gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion or sexual orientation.
7. **Sexual Misconduct:** Sexual Misconduct offenses include, but are not limited to sexual harassment, non-consensual sexual contact (or attempts to commit same), non-consensual sexual intercourse (or attempts to commit same), and/or sexual exploitation.
8. **Weapons:** Possession or distribution of any unauthorized firearms, ammunition, explosives, fireworks and/or other dangerous weapons (or chemicals/flammable liquids) or use/threat of use of any instrument (including, but not limited to paint ball guns, pellet guns, air soft guns, bow and arrows, knives) as a weapon to intimidate, harass, or cause harm to others.
9. **Narcotics/Alcohol:** Using, being under the influence, manufacturing, possessing, cultivating, distributing, purchasing, or selling of alcohol and/or drugs (illegal and/or dangerous or controlled substance) and/or alcohol/drug paraphernalia while on college-owned or college-controlled property, and/or at any function authorized or supervised by the College and/or in state owned or leased vehicles. *NOTE: Although possession and use of marijuana consistent with the requirements of the Colorado Constitution is no longer a crime in the State of Colorado, the possession and use of marijuana remains illegal under federal law. Consistent with federal law, including the Controlled Substances Act and the Drug Free Schools and Communities Act, the use and/or possession of marijuana continues to be prohibited while a student is on college-owned or college-controlled property, and/or any function authorized or supervised by the College and/or in state owned or leased vehicles.*
10. **Dress Code:** Dress or personal hygiene that fails to meet the established safety or health standards of specific classes or activities offered by the College.

11. **Leaving Children Unattended:** Leaving children unattended or unsupervised in campus buildings or on campus grounds unless enrolled or participating in authorized campus activities.
12. **Violation of Laws, Directives, and Signage:** Violating any municipal, county, state or federal law that adversely impacts the conditions of the educational or employment environment. Violations of College traffic and parking rules, regulations, or signage. Damage to or falsely using fire alarms and/or fire extinguishers. Creating an intentional obstruction that unreasonably interferes with freedom of movement, either pedestrian or vehicular. This includes, but is not limited to leading or inciting to disrupt college activities. Failure to comply with the lawful directives of College employees acting within the scope of their duties, including those directives issued by a College administrator to ensure the safety and well-being of others. Violations of college policies, protocols, procedures or signage.
13. **Illegal Gambling:** Participation in illegal gambling activities on college owned or college controlled property, and/or any function authorized or supervised by the college and/or in state-owned or leased vehicles.
14. **Unauthorized Entry and/or Unauthorized Possession:** Entry into, or use of any building, room, or other college-owned or college-controlled property, grounds, or activities without authorized approval. This also includes, but is not limited to the unauthorized possession, duplication or use of college keys, lock combinations, access codes, and access cards and/or credentials and/or propping open or tampering with doors/windows.
15. **Unacceptable Use of College Equipment, Network or System:** Unacceptable uses of any college-owned or operated equipment, network or system including, but not limited to: knowingly spreading computer viruses; reposting personal communications without author's consent; copying protected materials; using the network for financial or personal gain, commercial activity, or illegal activity; accessing the network using another individual's account; unauthorized downloading/uploading software and/or digital video or music; downloading/uploading, viewing or displaying pornographic content, or any other attempt to compromise network integrity.
16. **Unauthorized Pets/Animals:** Possession of any unauthorized pet or animal, excluding trained service animals while on college-owned or college-controlled property. Reasonable behavior is expected from service animals while on campus. If a service dog, for example, exhibits unacceptable behavior, the owner is expected to employ the proper training techniques to correct the situation. The owners of disruptive and aggressive service animals may be asked to remove them from college facilities. If the improper behavior happens repeatedly, the owner may be told not to bring the service animal into any facility until they take significant steps to mitigate the behavior. The service animal will be treated as an extension of the student and the student will be held responsible for the service animal's behavior.
17. **Tampering with Student Organization, Election, or Vote:** Tampering with the process of any college-recognized student organization, election or vote.
18. **Group or Organization Conduct:** Students who are members of a college-recognized student organization or group and commit a violation of SCOC may be accountable both as an individual and as a member of the student organization.
19. **Abuse of the Student Disciplinary and/or Grievance Procedure:** Abuse of the Student Disciplinary and/or Grievance Procedure includes, but is not limited to the following:
  - Disruption or interference with the orderly conduct of the student disciplinary / grievance procedure.
  - Falsification, distortion, or misrepresentation, or knowingly pursuing malicious, frivolous, or fraudulent charges.
  - Attempting to discourage an individual's proper participation in, or use of, the student disciplinary / grievance procedure.
  - Attempting to influence the impartiality of a participant and/or the student disciplinary / grievance procedure.
  - Harassment (verbal or physical) and/or intimidation of a participant in the student disciplinary / grievance procedure.
  - Failure to comply with directives and/or sanctions imposed under student disciplinary / grievance procedure.
  - Influencing or attempting to influence another person to commit an abuse of the student disciplinary / grievance procedure.
- Engaging in retaliatory acts in any form against any person or person(s) involved in the student disciplinary / grievance procedure.
20. **Violation of College policies, rules, or regulations** which are published in hard copy or available electronically on the College website, the Auraria Higher Education Center (AHEC) website, or the Colorado Community College website which outlines SBCCOE policies and System President procedures.
21. **Camping/Residing:** In accordance with published AHEC policy #30: Auraria campus facilities and grounds shall not be used for camping, regardless of the duration or purpose of the use. Camping shall be defined as the use of Auraria campus facilities or grounds for living accommodations or housing purposes such as overnight sleeping or making preparations for overnight sleeping (including the laying down of bedding for the purpose of sleeping), the making of any fire for cooking, lighting or warmth, or the erection or use of tents, motor vehicles, or other structures for living or shelter. These activities constitute camping when it reasonably appears, in light of all the circumstances, that the participants conducting these activities are intending to use or are using the facilities or grounds for living accommodations or housing, regardless of the duration or other purpose of the use.
22. **Smoking in buildings and outside of designated areas:** In accordance with AHEC policy, the smoking of any substance is strictly prohibited in all buildings on the Auraria Campus, including those in the institutional neighborhoods and buildings owned by the constituent institutions therein. Smoking, for the purposes of this policy, shall include the use of e-cigarettes, electronic vaping devices, personal vaporizers, electronic nicotine delivery systems, or other such devices which vaporize substances to simulate smoking. To review full policy: <http://www.ahec.edu/files/general/Policy-Smoking.pdf>

Please note: In most circumstances, college will treat attempts to commit code of conduct violations as if those attempts had been completed.

Note: Violation of Law and Student Code of Conduct Proceedings initiated under these procedures are separate from civil or criminal proceedings that may relate to the same incident. Investigations or conduct proceedings by the College are not postponed while criminal or civil proceedings are pending unless otherwise determined by the Conduct Officer.

#### Section IV: Conduct Processes

Note: Because email is an official method of communication for the College, students may be notified over email of potential violations of the Student Code of Conduct.

##### 1. Standard of Proof

The College views the conduct process as a learning experience that can result in growth and personal understanding of one's responsibilities and privileges within the College community. It is not intended to be a substitute for civil or criminal legal proceedings, and is designed to provide a fair evaluation of whether or not a student has violated the Student Code of Conduct. Formal rules of evidence do not apply in the College's conduct process. The College uses a preponderance of evidence standard when determining responsibility for alleged violations of the Student Code of Conduct. A preponderance of evidence means that what is alleged to have happened is, more likely than not, what actually happened. This shall be the standard of proof used in all conduct proceedings under this Code.

##### 2. Incident Process

- a. **Incident Submission:** Faculty, staff, or students can file an incident report of alleged violation at [CCD.edu/IncidentReport](http://CCD.edu/IncidentReport).
- b. **Incident Review:** The Conduct Officer reviews all reports and information received from college departments, staff, faculty, officials, students, community members, or police to determine if there is sufficient information to indicate that the Student Code of Conduct has been violated. If the allegations of misconduct are discrimination and/or harassment based on federal or state civil rights laws, the college will investigate those incidents through the Civil Rights Grievance and Investigation Process, System President's Procedure (SP) 4-31a.
- c. **Written Notification:** The Conduct Officer or designee will notify the student in writing (via student email) that information has been received which indicates a potential violation of specific standards in the Code of Conduct. The written notification will provide cursory

details of the incident along with the charges. The letter will ask the student to schedule a meeting with the Conduct Officer.

- d. **Conduct Meeting:** The student will have a chance to meet with the Conduct Officer to discuss the situation. The student will have the opportunity at that meeting to review the written documentation of the incident and present any information that is relevant to the incident. If the student chooses not to meet with the Conduct officer within the timeline stated in the Written Notification, a decision may be made in the student's absence. In addition, a hold may be placed on the student's account which will prevent the student from registering until the process is completed.
- e. **Decision:** Once the investigation is complete, either through this process or the Civil Rights Grievance and Investigation process, the SSSO or designee shall render a sanction decision. The SSSO or designee may decide that the charges can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to them. If an administrative resolution is not achieved, the SSSO or designee shall issue a decision which determines whether the alleged conduct occurred; whether the conduct violated the Code of Conduct or College procedures; and impose a sanction(s) if appropriate.
- f. **Decision Letter:** Each incident involving an alleged violation of the Code of Conduct will be concluded with a Letter outlining the Conduct Officer's decision of "responsible" or "not responsible" for the potential charges. The letter will also include any sanctions which the Conduct Officer deems appropriate in response to the situation. If a student chooses not to complete the sanctions within the timeline stated in the letter, a hold will be placed on the student's registration.
- g. **Appeal:** Any student found responsible for a violation of the Code of Conduct may appeal the decision within seven working days to the vice president for Enrollment Administration and Student Success. Please refer to Section IV.E. for details on the appeal process.
- h. **Appeal Decision:** The Student will be informed in writing of the outcome of the appeal.

### 3. Sanctions

One or more of the following may be imposed when there is a finding that a student has violated the Student Code of Conduct.

1. Warning: A Notice served upon the student advising him/her that he/she is violating or has violated College regulations.
2. Probation: After a finding of a violation of the Code of Conduct, restriction of students privileges for a designated period of time including the probability of more severe disciplinary sanctions if the student is found to be violating any College regulations during the probationary period.
3. Other disciplinary sanction: Fines, restitution, denial of privileges, assignment to perform services for the benefit of the college or community; or other sanction that doesn't result in the student being denied the right of attending classes.
4. College suspension or expulsion: An involuntary separation of the student from the College for misconduct not based on academic performance for a specified period of time.
  - a. Suspension is a separation that shall not exceed three academic terms per suspension for any singular offense or situation. While a student is suspended, he or she is not eligible for admission or re-admission at any of the community colleges within CCCS. Additionally, if a student is suspended at any of the other Auraria Campus Institutions (i.e., Metropolitan State University of Denver or the University of Colorado Denver), he or she will not be eligible for admission or re-admission at Community College of Denver (CCD). Once the suspension is lifted at any of the community colleges within CCCS, the student may be eligible for admission or re-admission. Examples of suspension include, but are not limited to the following: the college, a department or program, a class, residence hall, use of a college facility or an activity. Students may be suspended from one class period by the responsible faculty member or adjunct instructor. Longer suspensions can only be implemented by the SSSO or designee in accordance with this procedure.
  - b. Expulsion is an indefinite separation from the college. The student is not eligible for admission or re-admission at any of the community colleges within CCCS. Additionally, if a student is expelled at

any of the other Auraria Campus Institutions (i.e., Metropolitan State University of Denver or University of Colorado Denver), he or she will not be eligible for admission or re-admission at CCD. In exceptional cases where a student wants to be considered for admission or re-admission after an expulsion has been implemented, the student bears the burden to prove the behavior that resulted in the expulsion has been resolved. It is within the colleges discretion to admit or deny the student

5. Interim Action: An immediate action taken by the SSSO to ensure the safety and well-being of members of the college community; preservation of college property; or if the student poses a definite threat of disruption or interference to others or the normal operations of the college. In the event of an interim action, the hearing before the SSSO or designee shall occur as soon as possible following the interim action. If the college issues a permanent sanction, the student shall be afforded appeal rights as discussed below. If the college does not implement a permanent sanction, the interim action will be removed from the students record.
6. Alternative Dispute Resolution: During the conduct procedures, the conduct officer may determine that an Alternative Dispute Resolution may be effective for repairing the violation. This resolution may take the following forms: Mediation, Restorative Justice, and other alternatives for a low-level resolution.

### e. Appeals

Appeal (as directed in the CCCS Policy SP 4-30)

In the event of an appeal, the Chief Student Services Officer or designee shall give written notice to the other party (e.g., if the accused student appeals, the appeal is shared with the complainant who may also wish to file a response), and then the SSSO or designee will draft a response memorandum (also shared with all parties). All appeals and responses are then forwarded to the appeals officer or committee for initial review to determine if the appeal meets the limited grounds and is timely. The original finding and sanction will stand if the appeal is not timely or substantively eligible, and the decision is final. If the appeal has standing, the documentation is forwarded for consideration. Because the original finding and sanction are presumed to have been decided reasonably and appropriately, the party appealing the decision must specifically cite the error(s) in the original determination on which the appeal is based. The ONLY grounds for appeal are as follows:

1. A material procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures); which must be explained in the written appeal; or
2. To consider new evidence, unavailable during the investigation or hearing that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included in the written appeal, as well as the reasons the new evidence was not available during the original proceeding.

If the appeals officer or committee determines that a material procedural or substantive error occurred, it may return the complaint to the SSSO or designee with instructions to reconvene to cure the error. In rare cases, where the procedural or substantive error cannot be cured by the SSSO or designee in cases of bias, the appeals officer or committee may order a new hearing be held by a different individual acting in the place of the designated SSSO or designee. The results of a reconvened hearing cannot be appealed. The results of a new hearing can be appealed, once, on the two applicable grounds for appeals.

If the appeals officer or committee determines that new evidence should be considered, it will return the complaint to the SSSO or designee to reconsider in light of the new evidence, only. If the subject matter pertains to discrimination and/or harassment pursuant to SP 4-31a, the appeals officer or committee will return the complaint to the Title IX/EO Coordinator to reconsider in light of the new evidence, only. The reconsideration of the SSSO, designee, or Title IX/EO Coordinator is not appealable.

The procedures governing the hearing of appeals include the following:

- All parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision;

- If the appeals officer or committee determines there is new evidence or error in the original proceeding, every opportunity to return the appeal to the SSSO or designee for reconsideration (remand) should be pursued;
- Appeals are not intended to be full rehearings of the complaint (de novo). In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal;
- An appeal is not an opportunity for an appeals officer or committee to substitute their judgment for that of the SSSO or designee merely because they disagree with its finding and/or sanctions.
- Appeals decisions are to be deferential to the original decision, making changes to the findings only where there is clear error and a compelling justification to do so.
- Sanctions imposed are implemented immediately unless the SSSO or designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
- The appeals officer or committee will render a written decision on the appeal to all parties within seven (7) days from receiving the appeal request. The committee's decision to deny appeal requests is final.

#### f. Release of Disciplinary Information

Disciplinary records are considered education records under the Family Educational Rights and Privacy Act (FERPA). As a result, these records are kept confidential in accordance with this law. Access to any student's disciplinary file shall be governed by provisions of FERPA, and the Campus Security Act (or "Clery Act") as amended. A written waiver signed by the student is required for release of disciplinary records to third parties not otherwise mandated by relevant law.

#### g. Student Conduct Procedure on Record Retention and Review

With the exception of cases in which the College has federally mandated reporting requirements, records will be kept according to the Colorado Community College System Records Retention Schedule.

#### h. Situational Considerations

##### Immunity for Victims/Survivors of Sexual Misconduct

Sometimes, victims/survivors are hesitant to report to campus officials because they fear that they themselves may be charged with policy violations, such as underage drinking at the time of the incident. It is in the best interest of this community that as many victims/survivors as possible choose to report to institutional officials. To encourage reporting, the Community College of Denver pursues a practice of offering victims/survivors of sexual misconduct limited immunity from being charged for conduct violations related to the sexual misconduct incident (particularly in regard to alcohol and drugs). While violations cannot be completely overlooked, the institution will provide educational options rather than punishment in such cases. Students who report sexual assault will not have a formal conduct record for alcohol or drug violations.

##### Good Samaritan

Sometimes, students are hesitant to offer assistance to others, for fear that they may get themselves in trouble (for example, as student who has been drinking underage might hesitate to help take a sexual misconduct victim/survivor to the Campus Police). Community College of Denver pursues a practice of limited immunity for students who offer help to others in need. While policy violations cannot be overlooked, the institution will provide educational options, rather than punishment, to those who offer their assistance to others in need. In these cases a student will not receive a formal conduct record when seeking assistance for another.

#### i. Miscellaneous

Time limits for scheduling of hearings may be extended at the discretion of the Impartial Decision Maker.

The procedural rights afforded to students above may be waived by the student.

#### Students should be aware of the following policy:

Policy Statement Pursuant to statute, it is the Board's policy that there shall be no admission requirements imposed upon any student except those listed below concerning proof of immunization. Admission to a college does not guarantee enrollment in specific programs which may have prerequisites designed to facilitate successful completion. Admission may be denied in accordance with the provisions of this policy.

**Proof of Immunization:** Traditionally aged students seeking admission to residential colleges must show proof of immunization as required by Section 4, Title 25, Part Nine CRS and implementing rules prior to attending on-campus classes at the college. Nontraditional adult students are defined as those students who have attained the age of 19 years of age or older.

**Review of Denial:** Review of a denial of admission or denial of continued enrollment or re-enrollment of students shall be in accordance with the college's disciplinary procedures.

**Procedures:** The System President shall promulgate such procedures as may be necessary for the implementation of this policy.

#### Section V: Interpretation and Revision

A. Any question of interpretation regarding the Student Code of Conduct shall be referred to the vice president for Enrollment Administration and Student Success, dean of Student Life, director of Student Conduct or designee for final determination.

B. The Student Code of Conduct shall be reviewed periodically (and as needed).

#### In-Person Student Transactions

For each in-person student services transaction students are required to present an acceptable identification document before any action is taken. Examples of service transactions include but are not limited to those listed below.

- Issuing of student identification cards
- Financial Aid transactions
- Registration and Records transactions
- Transcript requests and releases
- Cashier transactions
- Testing services
- Admissions services
- Release of any part of the student record as defined by FERPA

#### Valid Identity and Verification of Age Documents

- CCD student ID card
- Colorado driver's license
- Colorado identification card
- A valid U.S. Passport
- Valid out-of-state driver's license
- Foreign passport with photo
- Military ID/Common Access Card
- Certificate of Naturalization with photo
- Certificate of Citizenship with photo
- Valid I-551
- Valid EAH/Temporary Resident
- Refugee/Asylee I-94 with photo
- BIA identification card with photo
- VA identification card with photo

#### Student Right to Know & Campus Security Act

This report was prepared by the Auraria Higher Education Center (AHEC) Campus Police Department and the Community College of Denver Dean of Students to comply with Federal Law No.101- 542, the Student Right-to-Know and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1999 (formerly the Campus Security Act of 1990).

For a paper copy of this report, contact the Director of Student Conduct and Support at 303.352.3205. The report describes security practices and procedures at the Auraria Higher Education Center and other Community College of Denver Satellite Locations, and lists crime statistics for the most recent calendar year and the two preceding calendar years. Since 1992, these institutions have been required to report each year on the status of campus security to all current students and employees.

View Updated Report | [www.AHEC.edu/for-campus-faculty-staff/auraria-campus-police-department/clery-act/](http://www.AHEC.edu/for-campus-faculty-staff/auraria-campus-police-department/clery-act/)

**Academic Freedom**

CCD believes that education should help students function well in a dynamic society. To do so, students must gain knowledge and cultivate critical thinking skills. CCD faculty believes that no restrictions should hamper the spirit of investigation, free inquiry, and open discussion in the classroom. Faculty exercises professional judgment in selecting and interpreting ideas. They have the freedom to choose the methods of instruction, guidance, tutoring, testing, and evaluation to achieve these goals.

**Campus Crime Information**

The college provides to all prospective students and CCD employees the Campus Security Policies and Procedures and the most recent campus crime statistics. This is part of the Federal Law No.101-542, the Student Right-to-Know, and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1999 (formerly the Campus Security Act of 1990).

View Updated Report | [www.AHEC.edu/for-campus-faculty-staff/auraria-campus-police-department/clery-act/](http://www.AHEC.edu/for-campus-faculty-staff/auraria-campus-police-department/clery-act/)

**Sexual Misconduct Policies**

Board Policy (BP) 3-120 and System President’s Procedure (SP) 4-120 provide that Colorado Community College System shall not unlawfully discriminate based on sex/gender in its employment conditions or educational programs or activities. Sexual misconduct is a form of sex/gender discrimination.

The CCD community has the right to be free from sexual violence. All members of the CCD community are expected to conduct themselves in a manner that does not infringe upon the rights of others. Information from College Procedure HR-9, Sexual Misconduct, is provided below or view the procedure at [ccd.edu/HR-7](http://ccd.edu/HR-7).

Sexual Misconduct offenses include, but are not limited to:

- Sexual Harassment
- Non-Consensual Sexual Contact (or attempts to commit same)
- Non-Consensual Sexual Intercourse (or attempts to commit same)
- Sexual Exploitation

**Sexual Harassment** is unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent, or pervasive that it has the effect of unreasonably interfering with, denying, or limiting someone the ability to participate in or benefit from CCD’s educational programs and/or activities, or work activities, and, the unwelcome behavior is based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

- Quid pro quo sexual harassment exists when there are unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, and, submission to or rejection of such conduct results in adverse educational or employment action; or affects the terms or conditions of education or employment, or activities with the College.
- Hostile environment includes any situation in which there is harassing conduct that is sufficiently severe, persistent, or pervasive that it alters the conditions of employment or limits, interferes with, or denies educational benefits or opportunities, from both a subjective (the alleged victim’s) and an objective (reasonable person’s) viewpoint.
- Retaliatory harassment is any adverse employment or educational action taken against a person because of the person’s perceived participation in a complaint or investigation of discrimination or sexual misconduct.

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

**Non-consensual sexual intercourse** is any sexual penetration however slight, with any object, by any individual upon any individual that is without consent and/or by force.

- Consent must be clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity. Also, in order to give effective consent, one must be of legal age. Further, consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Previous relationships or prior consent cannot imply consent to future sexual acts.
- Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that overcomes resistance or produces consent.
- Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent. Incapacitation could result from mental disability, sleep, involuntary physical restraint, or from the ingestion of rape drugs. Possession, use and/or distribution of any of these substances, including, but not limited to Rohypnol, Ketomine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another person is a violation of this procedure. More information on these drugs can be found at [911rape.org](http://911rape.org). Having sex with someone whom you know to be, or should know to be, incapacitated (mentally or physically) is a violation of college procedure HR-9.

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

- Examples of sexual exploitation include, but are not limited to, invasion of sexual privacy, non-consensual video or audio-taping of sexual activity, or viewing or possessing child or adult pornography at work or on college-owned property.

CCD can only respond to allegations of misconduct if it is aware of the misconduct. Further, CCD can more effectively investigate the sooner the allegation is brought to its attention. Any employee, student, authorized volunteer, guest, or visitor who believes that he or she has been subjected to sexual misconduct, or believes someone else a part of the CCD community is being subjected to sexual misconduct, shall contact:

Title IX/EO Coordinator Patty Davies  
 Director of Human Resources  
 Campus Box 240  
 PO Box 173363  
 Administration Building, Room 310  
 303.352.3310  
[Patty.Davies@ccd.edu](mailto:Patty.Davies@ccd.edu) ([patty.davies@ccd.edu](mailto:patty.davies@ccd.edu))

CCD reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect employee and students’ rights and personal safety. For students, such measures include, but are not limited to: modification of living arrangements, class schedule reassignment, interim suspension from the College pending an investigation, and reporting the matter to the Auraria Campus Police.

Not all forms of sexual misconduct will be deemed to be equally serious offenses, and CCD reserves the right to impose different sanctions, ranging from verbal warning to expulsion, dismissal, termination, or no-trespass order, depending on the severity of the offense. CCD will consider the concerns and rights of both the complainant and the respondent.

**Sexual Assault Policy for the Auraria Campus Statement of Purpose**

This Policy was developed collaboratively by the Auraria Higher Education Center ("Center") and its constituent institutions — Community College of Denver, Metropolitan State University of Denver and University of Colorado Denver — for the purpose of implementing provisions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.C.S. § 1092(f), relating to the response of the Auraria Campus Police Department and the constituent institutions to students who are victims of sexual assault. The Auraria Campus is committed to responding

appropriately to all reports of sexual assaults and to working collaboratively with other law enforcement and government and community agencies.

In the development of this Policy, the Auraria Campus also collaborated with the Sexual Assault Interagency Council and adhered to the spirit of the Denver Sexual Assault Response Protocol, which was signed by the chief executives of the constituent institutions on November 7, 2005. This Protocol is available online at [www.DenverSAIC.org](http://www.DenverSAIC.org).

### Policy Statement

The Center and its constituent institutions prohibit sexual assault, attempted sexual assault, and other sexual offenses on property owned or controlled by the Center or its constituent institutions, at institutionally-sponsored or supervised activities, or at functions of recognized student organizations. The Federal Bureau of Investigation's National Incident Based Reporting System of the Uniform Crime Report defines a sex offense in general as "any sexual act directed against another person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent."

### Support for Victims

Students who are victims of sexual offenses have access to various confidential counseling options with staff that are specifically trained in the area of sexual offenses and crisis intervention. Victims of sexual offenses can be seen confidentially through the Health Center at Auraria. During regular business hours, victims should call the Health Center at 303.556.2525 for immediate care or an appointment. After hours, victims should seek immediate assistance from Denver Health Medical Center at 8th and Bannock in Denver.

For additional resources, see below.

#### *On the Auraria Campus*

#### **Health Center at Auraria**

Available to any student—fees may apply.  
[www.MSUDenver.edu/HealthCenter](http://www.MSUDenver.edu/HealthCenter) | 303.556.2525 | Plaza 150

#### **The Phoenix Center at Auraria**

[www.ThePCA.org](http://www.ThePCA.org) | 303.556.6011 24/7 Helpline: 303.556.CALL (2255) | Tivoli Student Center, Room 259

#### **Dean of Student Development & Retention**

303.556.3605 | Confluence Building, Room 123

#### *Local Law Enforcement Agencies*

#### **Denver District Attorney's Office**

[www.DenverDA.org](http://www.DenverDA.org) | 720.913.9000 | Victims Compensation: 720.913.9253

#### **Denver Police Department**

[www.DenverGov.org/Police](http://www.DenverGov.org/Police)

- Emergency: 911
- TDD/TTY: 720.913.2000
- Non-Emergency: 720.913.2000
- Victim Assistance Unit: 720.913.6035
- Sex Crimes Unit: 720.913.6050
- Sex Crimes Hotline: 720.913.6359

#### *Community Agencies/Resources Available in the Denver/Metro area*

#### **Colorado Coalition Against Sexual Assault (CCASA)**

[www.CCASA.org](http://www.CCASA.org) | 303.839.9999

#### **The Center for Trauma & Resilience**

[www.TraumaHealth.org](http://www.TraumaHealth.org)

- Hotline: 303.894.8000 | TTY: 303.860.9555
- Administrative Line: 303.894.0660

#### **Moving to End Sexual Assault (MESA)**

[www.MovingtoEndSexualAssault.org](http://www.MovingtoEndSexualAssault.org)

- Hotline: 303.443.7300 | Administrative Office: 303.443.0400

#### **The Blue Bench**

[www.TheBlueBench.org](http://www.TheBlueBench.org)

- Hotline: 303.322.7273 | Spanish: 303.329.0031
- TTY: 303.329.0023
- Administrative Office: 303.329.9922

#### **WINGS Foundation**

[www.WingsFound.org](http://www.WingsFound.org)

Survivors of childhood sexual abuse; support groups for men and women.

- Phone: 303.238.8660 | Toll free: 800.373.8671

#### *Community Specific Services / Resources*

#### **Colorado Anti-Violence Program**

(Gay, Lesbian, Bisexual, Transgender and Queer)

[www.COAVP.org](http://www.COAVP.org)

- Phone: 303.839.5204 | 24-hour crisis: 303.852.5094 or 1.888.557.4441

#### **Statement Regarding Registered Sex Offenders**

Colorado Revised Statutes requires that "each institution of post-secondary education in the state shall provide a statement to its campus community identifying the name and location at which members of the community may obtain the law enforcement agency information collected pursuant to 19-3-412(6.3), C.R.S., concerning registered sex offenders."

Information concerning persons who are required by Colorado law to register as sex offenders, including registered sex offenders who are enrolled, employed, or volunteering at CCD, may be obtained from the Denver Police Department, 1331 Cherokee St. (720.913.2000) or the Auraria Campus Police (303.556.3271).

## Legal Notices

### **Alcohol & Drug Policy**

By Gubernatorial decree and in compliance with applicable laws, the illegal use of alcohol, other drugs, or controlled substances when on campus is prohibited.

In addition to the policy described above, education, training, and treatment programs are available through the student life programs at each institution and through Auraria Human Resources. The campus may take action when policies on the use, possession, distribution, manufacture, and sale of illegal drugs have been violated. AHEC also cooperates with local, state, and federal authorities in the detection and possession of drug offenses.

### **Alcohol**

AHEC alcohol policies apply to the Auraria Campus and institution-sponsored activities. Administrators, alumni, faculty, guests, staff, and students must adhere to all applicable state and local laws and regulations related to the sale and use of alcoholic beverages. The most common laws related to alcohol use and sales are as follows:

The sale of alcoholic beverages is prohibited except in areas, at times, and on dates licensed by the Colorado State Department of Revenue.

Persons under 21 years of age cannot legally possess or consume alcoholic beverages of any kind. The furnishing of alcoholic beverages to under-aged persons is prohibited.

Alcohol cannot be consumed or carried in open containers on any street, sidewalk, alley, automobile, or public area (except as noted herein).

### **Serving Alcohol**

Those persons or organizations that control the service of alcoholic beverages are responsible for compliance with applicable laws and campus policies. Those policies are:

- Service of alcoholic beverages is planned to stop before the close of the event.
- The burden of proof for showing legal age is on the alcohol consumer. No alcohol will be served unless clear evidence of legal age is presented. It is the responsibility of those in charge of an event to ensure that no one who is under age is served or consumes any alcoholic beverages.
- Alcohol may not be consumed or carried in open containers in common areas or "public" areas of any building or grounds except as follows: for

group activities or events where a liquor license (if required) has been obtained and the scheduling officer has approved the event.

### Illegal Drugs

The policy for Auraria and the institutions prohibit the sale, manufacture, distribution, use or possession of illegal drugs on the Auraria Campus. This policy applies equally to administrators, faculty, staff, and students.

**NOTE:** Although possession and use of marijuana consistent with the requirements of the Colorado Constitution is no longer a crime in the State of Colorado, the possession and use of marijuana remains illegal under federal law. Consistent with federal law, including the Controlled Substances Act and the Drug Free Schools and Communities Act, the use and/or possession of marijuana continues to be prohibited while a student is on college owned or college controlled property, and/or any function authorized or supervised by the college and/or in state owned or leased vehicles.

### Violation of Drug Policy

Sale, distribution, or manufacturing of illegal drugs by a member of the Auraria Campus community will normally result in the administration taking action to curtail the activity. This policy applies within or upon the grounds, buildings, or any other facilities of the campus. Sanctions may be imposed upon individuals found in violation of these policies, as well as violation of laws controlling drugs and alcohol.

More specific and detailed information about Auraria and institutional policies addressing drugs and alcohol concerns can be found in operations manuals, student handbooks, personnel offices or administrative policy information. Faculty, staff and students are encouraged to obtain this information through the Student Life or administrative areas of Community College of Denver, Metropolitan State University of Denver, University of Colorado Denver or the Auraria Higher Education Center Administrative office.

Auraria Police Department  
1201 5th Street, Suite 110  
Denver, CO 80204  
Police: (303) 556.5000  
Fax: (303) 556.4731  
E-Mail: [dispatch@ahec.edu](mailto:dispatch@ahec.edu)

### Health Risks of Alcohol and Drug Use

#### Alcohol Affects the Body

Alcohol is a drug. It is important for students and staff to understand that alcohol abuse impairs judgment and the peripheral and central nervous system. Alcohol affects different people in different ways. Some of the characteristics that determine the way alcohol affects people include:

- Gender
- Mood
- Body Weight
- Type of Alcohol
- Full/Empty Stomach
- Speed of Consumption
- Use of Medication or Other Drugs

For most people, the effects of alcohol are determined by simple volume.

#### Alcohol Impairment

When a person drinks alcohol, it can enter the bloodstream as soon as they begin to drink. The molecular structure of alcohol (or ethanol) is small, so the alcohol can be absorbed or transferred into the blood through the mouth, the walls of the stomach, and the small intestine.

The stomach has a relatively slow absorption rate; it is the small intestine that absorbs most of the alcohol. It is important to keep the alcohol in the stomach as long as possible by eating food, which dilutes the alcohol and keeps it from entering the small intestine so quickly. Once alcohol gets into the bloodstream it moves through the body and comes into contact with virtually every organ. However, some of the highest concentrations, and the highest impact, are caused by the alcohol that reaches the brain.

The body is quite efficient when it comes to dealing with alcohol. The liver is designed to metabolize the alcohol as it is consumed. Enzymes break down the alcohol into harmless products and then it is excreted. However, the liver can only handle so much alcohol at a time. For a person of average weight

and body type, the liver and small intestine can handle alcohol at a rate of about one drink per hour.

If a person drinks at a faster rate than one drink per hour, the alcohol stays in the body, waiting to be metabolized. If there is more alcohol in the body than can be metabolized, the result is increasing levels of intoxication.

Information source: [www.Bacchusnetwork.org](http://www.Bacchusnetwork.org)

For information regarding the effects of illicit drugs on the body, we recommend: <http://www.dea.gov/druginfo/factsheets.shtml>

### Potential Sanctions for Violations of the Alcohol and Drug Policy

At the Community College of Denver, any student who is found to be in violation of the alcohol and/or drug policy will be adjudicated under the Student Code of Conduct: [CCD.edu/StudentCode](http://CCD.edu/StudentCode). If found responsible for a violation, the student may face sanctions, which range from warning to expulsion.

### Resources for Students and Employees

If a student or employee has questions about alcohol or drug use and is in need of counseling, treatment or rehabilitation programs, information is available through the Auraria Health Center at 303.556.2525.

### Americans with Disabilities Act & CCD Compliance

The Americans with Disabilities Act, including The Amendments Act of 2008, prohibits discrimination based on disability in admission to, access to, and the operation of programs, services, or activities at CCD. The college is committed to providing an environment where all students have the opportunity to attain their educational goals. CCD provides both physical and programmatic access for all students. Reasonable accommodations will be made to ensure full educational opportunities for all students. Appropriate documentation of a student's disability is required. Visit the Accessibility Center ([CCD.edu/Access](http://CCD.edu/Access)) for additional information on accommodations.

CCD complies with and fully supports Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA), including changes made by the ADA Amendments Act of 2008, regarding nondiscrimination on the basis of disability (documentation required). Refer questions concerning these acts to:

Office for Civil Rights  
U.S. Department of Education  
1244 Speer Blvd., Suite. 300  
Denver, CO 80204-3582

or

<http://www2.ed.gov/about/offices/list/ocr/know.html>

### Electronic Communications Policy

CCD has adopted a policy to guide usage of all forms of electronic communication, including e-mail, Internet services, voice mail, audio and video conferencing, and fax messages that are sent or received by faculty, staff, students, and other authorized users of CCD resources.

In general, CCD provides various forms of electronic communication for teaching, learning and college operations. All records created through the electronic communication equipment CCD provides are the property of the college. People who are authorized to use e-mail and voice mail provided by CCD may make personal use of those media as long as there is no direct cost to the college.

All electronic communication at CCD must meet the standards of conduct, laws, and regulations published in such official CCD, state and federal documents as the CCD catalog, CCD Student Code of Conduct, any CCD faculty handbook and the Colorado State Employees Handbook.

CCD electronic communications may not be used for commercial purposes; to send copies of documents in violation of copyright laws; to transmit information that is restricted by laws or regulations; to intimidate, threaten, or harass other individuals, or to interfere with the ability of others to conduct CCD business; forge communication so it appears to be from someone else; to get unauthorized access to data, files or other communication; to breach



security measures to access electronically stored information in any way; sending chain letters or jokes of any nature.

For information about CCD student e-mail accounts please review the Student E-mail policy in the CCD Catalog. For more information or directions on how to activate your student e-mail visit [CCD.edu/Quick-Guides](http://CCD.edu/Quick-Guides). CCD requires that all students learn to use e-mail as it is the official means of communication between the college and students.

## Family Education Rights & Privacy Act of 1974 (FERPA)

### CCD Notification of Rights Under FERPA

The Family Educational Rights and Privacy Act of 1974 (FERPA) affords students certain rights with respect to their education records. FERPA rights are afforded to students at the time of admission. These rights include:

- The right to inspect and review the student's education records within 45 days of the day Community College of Denver receives a request for access.** A student should submit to the Admissions, Registration, and Records Office a written request that identifies the record(s) the student wishes to inspect. The Registrar will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the Registrar, they shall advise the student of the correct official to whom the request should be addressed.
- The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights.** A student who wishes to ask Community College of Denver to amend a record should write the Registrar who will notify the college official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed. If the College decides not to amend the record as requested, the College will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment using the Student Grievance Procedure SP 4-31. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
- The right to provide written consent before Community College of Denver discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent.** One exception which permits disclosure without consent is disclosure to college officials with legitimate educational interests. A college official is a person employed by the College in an administrative, supervisory, academic or research or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the College has contracted as its agent to provide a service instead of using college employees or officials (such as an attorney, auditor, or collection agent); a person serving on the College Board; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. Community College of Denver has designated the National Student Clearinghouse, the Auraria Police Department, and the Health Center at Auraria as college officials. Community College of Denver has also designated Auraria Higher Education Center (AHEC), Metropolitan State University of Denver (MSU Denver), and University of Colorado Denver (CU Denver) as college officials for students taking developmental courses through these institutions, automatic admissions, inter-institutional registration, and physical education courses. A college official (including CCD advisors representing NSLS, PTK and other honorary or leadership programs) has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the College. Upon request, the College discloses education records, without a student's consent, to officials of another school, in which a student seeks or intends to enroll, or after enrollment.

The college may share education records with parents in the following circumstances: for a student who is dependent under I.R.S. tax code; a student under 21 years old who has violated a law or the school's rules or policies governing alcohol or substance abuse; and when the information is needed to protect the health or safety of the student or other individuals in an emergency.

## FERPA Annual Notice to Reflect Possible Federal & State Data Collection and Use

As of January 3, 2012, the U.S. Department of Education's FERPA regulations expand the circumstances under which your education records and personally identifiable information (PII) contained in such records — including your Social Security Number, grades, or other private information — may be accessed without your consent. First, the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or state and local education authorities ("Federal and State Authorities") may allow access to your records and PII without your consent to any third party designated by a Federal or State Authority to evaluate a federal- or state-supported education program. The evaluation may relate to any program that is "principally engaged in the provision of education," such as early childhood education and job training, as well as any program that is administered by an education agency or institution. Second, Federal and State Authorities may allow access to your education records and PII without your consent to researchers performing certain types of studies, in certain cases even when we object to or do not request such research. Federal and State Authorities must obtain certain use-restriction and data security promises from the entities that they authorize to receive your PII, but the Authorities need not maintain direct control over such entities. In addition, in connection with Statewide Longitudinal Data Systems, State Authorities may collect, compile, permanently retain, and share without your consent PII from your education records, and they may track your participation in education and other programs by linking such PII to other personal information about you that they obtain from other Federal or State data sources, including workforce development, unemployment insurance, child welfare, juvenile justice, military service, and migrant student records systems.

**The Colorado Community College System considers the following to be directory information and Community College of Denver staff may disclose this information, without prior consent, to anyone inquiring in person, by phone, or in writing:** student name; major field of study; dates of student attendance; degrees/certificates and awards student has earned; most recent educational institution attended by the student; enrollment status (Full time, part time, etc.); participation in officially recognized activities and sports; and if participating in an officially recognized activity or sport, height, weight, and high school attended.

Addresses (including mail and e-mail) are considered PII and are not released as directory information except for the following:

- Graduation lists released to news media, which may include the student's city of residence
- Other listings to the news media and college personnel for special awards, honors, and events

Additionally, name, address, phone number, date and place of birth, level of education, most recently attended college, field of study, and degree(s) received of students may be released to military recruiters upon request in accordance with the Solomon Amendment. All other information contained in student records is considered private and not open to the public without the student's written consent. Students who do not want their directory/public information released to third parties or students who do not want to be listed in the college online e-directory should complete a form to suppress directory information available online or at the Office of Admissions, Records and Registration by the first day of the semester.

Upon request, the college discloses education records, without a student's consent, to officials of another school in which a student seeks or intends to enroll.

**Students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by CCD to comply with the requirements of FERPA.** The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5901

Fair & Accurate Credit Transactions Act (FACTA)

## FACTA Notification to Students

In accordance with the Fair and Accurate Credit Transactions Act (FACTA) of 2003, CCD adheres to the Federal Trade Commission's (FTC) Red Flag Rule (A Red Flag is any pattern, practice, or specific activity that indicates the possible existence of identity theft.), which implements Section 114 of the FACTA and to the Colorado Community College System's Identity Theft Prevention and Detection Program, which is intended to prevent, detect and mitigate identity theft in connection with establishing new covered accounts or an existing covered account held by the Colorado Community College System (System or CCCS) or one of its thirteen (13) community colleges, and to provide for continued administration of the Program. If a transaction is deemed fraudulent, appropriate action will occur. Action may include, but is not limited to, canceling of the transaction, notifying and cooperating with law enforcement, reporting to the Student Code of Conduct Office, and notifying the affected parties. For more information on FACTA, Red Flag Rules, and Identity Theft Consumer Information, please see the links provided below.

Federal Trade Commission Statute | [www.FTC.gov/os/statutes/fcradoc.pdf](http://www.FTC.gov/os/statutes/fcradoc.pdf)

Red Flag Rules | [www.FTC.gov/bcp/edu/microsites/redflagrule/index.shtml](http://www.FTC.gov/bcp/edu/microsites/redflagrule/index.shtml)

Consumer: FTC - Identity Theft Information | [www.Consumer.FTC.gov/features/feature-0014-identity-theft](http://www.Consumer.FTC.gov/features/feature-0014-identity-theft)

## Law Enforcement at CCD

### Auraria Campus

To report a crime on campus, use one of the emergency telephones located in every classroom building for immediate, direct access. Blue Light emergency telephones located in most parking lots on campus also provide immediate, direct access. Call 911 from any campus phone for emergencies or dial 6.5000 for other police assistance. From off-campus telephones, payphones, or cell phones call 303.556.5000.

The Auraria Police Department employs certified police officers who receive their police authority via the provisions of the Colorado Revised Statutes, Title 24, Article 7, Part 1. The Auraria Police Department is authorized to enforce campus rules and regulations as well as Municipal Codes, State Laws and Federal Statutes.

Crimes should be reported to the Auraria Police Department immediately. The department's services are available 24 hours a day, seven days a week. Priority is given to reports of incidents that threaten the life or safety of people, the security of property, and the peace of the community. Colorado Revised Statutes, 18-8-115, "Duty to Report a Crime," require all persons who believe a crime has been committed to report the suspected crime promptly to law enforcement authorities.

Victims of stalkers or persons with restraining orders against another party are strongly encouraged to notify the Auraria Police Department of the threat and to provide the Auraria Police Department with a copy of the restraining order so that police officers have the information on hand.

The Auraria Police Department has the primary responsibility to coordinate locking and unlocking of most campus buildings. Campus Police work closely with Facilities Management to maintain building security and key control. Access to facilities after normal building hours is limited and coordinated with Campus Police. The Auraria Police Department, located in the Administration Building, patrols the Auraria Higher Education Center 24 hours a day. A satellite Auraria Police Department office is located in the Tivoli Student Union.

### Center for Health Sciences at Lowry

The Center for Health Sciences at Lowry is monitored by Lowry Campus Security 24 hours a day, seven days a week. Lowry Campus Security personnel are not certified police officers but can make arrests. The Denver Police and Aurora Police departments are the official law enforcement agencies for the Lowry Campus. Both patrol the Lowry Campus frequently. The Center for Health Sciences at Lowry is divided between the City of Denver and the City of Aurora. Different cities have jurisdiction depending on the building where an incident occurs.

Anyone who is a victim of a crime, witnesses a crime, or needs the fire department, law enforcement, or an ambulance while at the Lowry Campus, should contact the Denver metro-area emergency response system by dialing 911 or 303.892.9111 from any telephone, including pay phones. Blue

Light emergency telephones are also available in most parking lots on the Lowry Campus.

For non-emergency crimes, contact Aurora Police at 303.627.3100 or Denver Police at 303.913.2000.

In addition, report all crimes and other emergencies to Lowry Campus Security at 303.419.5557 after calling 911. The Director of Lowry Security can be reached at 720.858.2733.

The buildings for the Center for Health Sciences at Lowry are open during normal business hours, Monday through Friday, 8 a.m. until 5 p.m. Classroom buildings are open at 7 a.m. and locked as scheduled activities end, which may be as late as 11 p.m. Contact Lowry Campus Security at 303.419.5557 with questions on building access and after hours maintenance.

### Advanced Manufacturing Center

The property is monitored during regular business hours by Advanced Manufacturing Center maintenance staff. College personnel are not certified police officers and cannot make arrests or other legal decisions. The Denver Police Department is the official law enforcement agency for the Advanced Manufacturing Center location.

Anyone who is a victim of a crime, a witness to a crime, or needs the fire department, law enforcement, or an ambulance while at the Advanced Manufacturing Center, should contact the Denver Police Department by calling 911 from any telephone, including pay phones. Report crimes and other emergencies immediately to the nearest Advanced Manufacturing Center faculty, staff, or administrator.

For non-emergency crimes, contact the Adams County Sheriff's Department at 720.913.2000.

The Advanced Manufacturing Center's maintenance staff has the primary responsibility for opening and closing the location. Buildings are generally open Monday through Thursday from 7:30 a.m. to 9 p.m. and on Fridays from 7:30 a.m. to 5 p.m. Access to the Advanced Manufacturing Center after regular business hours is limited and coordinated with the location director and the maintenance department or as arranged by individual instructors.

## Notice of Non-Discrimination

The College does not discriminate on the basis of sex / gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, or sexual orientation in its employment practices and educational programs and activities. Individuals with limited English proficiency interested in career and technical education programs will be assessed and offered options to support their participation in CCD programs. The following person has been designated to handle inquiries regarding the non-discrimination policies or discrimination complaints:

Patty Davies, Executive Director of Human Resources, Title IX Coordinator, Title VII/Equal Opportunity Coordinator, ADA/Sec 504 Coordinator  
Administration Building, Room 310  
Campus Box 240 | P.O. Box 173363  
Denver, CO 80217-3363,  
Telephone: 303.352.3310  
Online Complaint Form: [CCD.edu/Report-Discrimination](http://CCD.edu/Report-Discrimination)

### Notificación de Non Discriminación

El Community College of Denver (CCD por sus siglas en inglés), no discrimina por motivos sexo/género, de raza, color, credo, edad, origen nacional o étnico, militar en servicio activo y/o pasivo, embarazo, o personas con discapacidad física o mental, o orientación sexual, especificada en su política de empleo, o en su programa de educación, y/ o en otras actividades. Personas con conocimientos limitados de inglés interesadas en programas de educación profesional y/o técnicas, serán evaluadas y se les ofrecerá opciones para apoyar su participación en los programas educativos de CCD. La siguiente persona ha sido designada para manejar las preguntas con respecto a las políticas de no discriminación o denuncias de discriminación:

Directora de Recursos Humanos, Coordinadora del Título IX, Título VII/ Oportunidad de Igualdad (EO por sus siglas en inglés), y ADA/Sec 504  
Administration Building, Oficina 310  
Campus Box 240 | P.O. Box 173363

Denver, CO 80217-3363  
 Teléfono: 303.352.3310  
 Formulario en línea de quejas: [CCD.edu/Report-Discrimination](http://CCD.edu/Report-Discrimination)

## Status of Campus Safety

Timely notifications are made to the campus community on crimes that are reported to Auraria Campus Police or local police and may be considered a threat to other students or employees. These notifications are made using one or a combination of the following methods:

- news releases;
- crime advisories;
- making reports available to the media through campus newspaper, radio, and television;
- advertising in campus publications; and
- distributing the above information to campus employees.

The Clery Act requires higher education institutions to give timely warnings of crimes that represent a threat to the safety of students or employees, and to make public their campus security policies. It also requires that crime data is collected, reported, and disseminated to the campus community and also submitted to the Department of Education. The act is intended to provide students and their families with accurate, complete, and timely information about safety on campus so they can make informed decisions.

CCD Campus Security and Safety Report | [www.AHEC.edu/for-campus-faculty-staff/auraria-campus-police-department](http://www.AHEC.edu/for-campus-faculty-staff/auraria-campus-police-department)

## Student Email

CCD provides free student email accounts. CCD email accounts are the only official means of communication between students and the college. CCD expects that students sign in and check their college-issued email account on a frequent and consistent basis as students are responsible for all information sent to them via their system-assigned email account. Student email accounts will remain active throughout students' college experience at any CCCS institution.

The use of student email is a privilege, not a right; and the System maintains the right to limit access. Email is subject to disclosure to third parties through subpoena or other processes. Refer to the Electronic Communications Policy for more information.

## Student Complaint Process ([CCD.edu/complaints](http://CCD.edu/complaints))

This Student Complaint Process is intended to give students an opportunity to present an issue that they feel warrants action, including the right to secure educational benefits and services without regard to sex, race, national origin or ancestry, creed, color, sexual orientation, disability, or age and have the issue considered in a prompt and equitable fashion.

### Definitions

**Senior Student Services Officer (SSSO):** The college employee designated by the college president to administer student grievances. Grievances alleging discrimination may be referred to:

Executive Director of Human Resources  
 Campus Box 240  
 P.O. Box 173363  
 Denver, CO, 80217  
 Administration Building, Room 310  
 303-352-3310

**Grievance:** A grievable offense is any alleged action that violates or inequitably applies written college policies or procedures. The Grievant must be personally affected by such violation or inequitable action. A grievance must be brought to the formal stage within 20 calendar days of the date the student knew or reasonably should have known about the action.

**Grievant:** Enrolled student, client or volunteer who is providing a service to benefit the college under the supervision and control of a college employee. A client or volunteer may only grieve a decision that bans him or her from the campus.

**Non-grievable matters:** The following matters are not grievable under this procedure except as noted: matters over which the college is without authority to act; grades and other academic decisions unless there is an

allegation that the decision was motivated by illegal discrimination; and disciplinary actions taken pursuant to State Board for Community Colleges and Occupational Education (SBCCOE) policy.

**Remedy:** The relief that the Grievant is requesting.

**Respondent(s):** Another student, volunteer, client, faculty member and/or administrator identified by the Grievant as causing or contributing to the grievance.

### Procedures

1. **Informal.** Grievant is encouraged to resolve the issue with the Respondent or his/her supervisor. In case of grievances based upon one's race, color, creed, national origin or ancestry, disability, age or gender, the Grievant may first contact the college employee responsible for affirmative action to seek informal resolution of the issues. If the complaint alleges facts that might constitute a violation of the Colorado Community College System President's Procedures concerning sexual harassment, the administrator shall investigate and process the complaint under the procedure. While the Grievant is encouraged to use the informal process, he/she may at any time elect to go to the formal stage by following the process outlined below.
2. **Formal.**
  - a. Grievant, in a timely manner, files a written statement of the actions complained of and describes the remedy he/she is seeking with the Senior Student Services Officer (SSSO). A matter also could be referred to the process by the College president or his/her designee. Once a written grievance is filed or referred, the SSSO or designee will determine whether or not the situation states a grievable offense. The matter will be closed if the situation is determined not grievable and the Grievant will be notified of the reasons.
  - b. If the matter is determined to be grievable, the SSSO or designee (which may be an individual or a committee) shall hear the Grievance. A hearing will be held to give the Grievant, Respondent, and other interested parties invited to appear, the opportunity to explain what they know about the issues surrounding the grievance. Considering the oral and written statements and documents, the SSSO or designee shall issue a decision within 10 calendar days of close of the hearing. The decision shall be served upon the Grievant and the Respondent personally or by certified mail to the addresses on file in the Admissions, Registration and Records office. The decisions shall reject the grievance or grant the grievance and make recommendation(s) to resolve the issue(s). The SSSO or designee's decision is final unless either party files a Petition for Review with the college president within five (5) calendar days of service of the decision.
  - c. Upon receipt of a Petition for Review, the college president will review the record and issue a written decision within 10 calendar days of receipt of the Petition for Review. The president's decision is final.
  - d. The SSSO or designee may extend the scheduling timelines described above for good cause.
  - e. If the grievance is against the SSSO, the Chief Academic Officer/Provost or other person designated by the president shall perform the duties of the SSSO.

### Informal Grievance Procedure

This informal grievance procedure must be initiated as soon as possible after the Grievant knows of the matter that gives rise to the grievance.

1. The Grievant shall discuss and attempt to resolve the problem with the Respondent(s). The Grievant shall keep all records relevant to the alleged grievance.
2. If the problem is not mutually resolved at this time, the Grievant shall confer and attempt to resolve the problem with the immediate supervisor(s) and/or the administrator of the respondent(s).
3. If satisfactory resolution is still not achieved, the Grievant must confer and attempt to resolve the problem with the SSSO or designee. Matters involving grade changes or academic appeals should follow the grade appeal process.

### Formal Grievance Procedure

1. If the grievance is not resolved by the Informal Grievance Procedure or if the student wishes to bypass that course of action and is not limited to

a change of grade, the student has the right to file a written grievance with the SSSO. The filing must occur within 20 calendar days of the date the student knew or reasonably should have known about the action. This written allegation should document all steps taken to resolve the complaint. If the SSSO determines that the allegation is grievable, a copy of the written grievance must be mailed or hand-delivered to the Respondent(s) by the SSSO within five (5) working days of the filing of the formal grievance.

2. Upon receipt of the notice of a grievable offense, the SSSO will establish a Grievance Committee within 10 working days. The time may be increased if the notice is given during a school break or during a semester change. The SSSO is responsible for keeping all records pertaining to grievances. If the grievance is against the SSSO, the Chief Academic Officer or other person designated by the president shall perform the duties of the SSSO.
3. If the matter is determined to be grievable, the SSSO or designee shall hear the Grievance.
4. The SSSO or designee (which may be an individual or committee) will convene the hearing, set the date of the meeting and notify all involved persons. If a committee is convened, the SSSO will be responsible for informing the Grievance Committee of its role and responsibilities. A record of the proceedings and recommendations will be made and retained by the SSSO.
5. All hearings will be closed unless both the grievant and respondent agree in writing to an open hearing. At the request of the Grievant or respondent, interested parties may be included subject to the approval of the SSSO. In the case of sexual harassment grievances, the procedure will assure confidentiality to the extent possible for Grievant and witnesses.
6. If either the Grievant or Respondent fails to appear at the hearing, the committee may proceed and determine its resolution of the problem in the person's absence.
7. The Grievance Committee's decision will be based on the greater relevant evidence.
8. The Committee will deliver a copy of its recommendation to the SSSO within three (3) working days following the conclusion of the hearing.
9. The SSSO will render a decision regarding the recommendation within 10 working days, and both parties must be notified in writing of the decision.
10. The Grievant may withdraw the grievance in writing at any point in the proceedings.
11. The SSSO may grant an extension of the time limits for reasonable cause. This extension must be documented and is not automatic. The decision to grant an extension must be written and communicated to all concerned parties.
12. Within five (5) working days of the committee's decision, either party may file a petition for review with the college president. The president's decision is final.
13. This policy is being implemented in accordance with the SBCCOE policy and the due process.

In the event that two individuals or groups of individuals from different Auraria Campus institutions are involved in a grievance, the procedures normally followed by the institution whose constituent is being charged with the grievance would apply. The SSSO from the other institution involved will be informed of the filing of the grievance and the outcome of the grievance procedure.

### **Voter Registration Information**

Community College of Denver supports the National Voter Registration Act by providing students access to voter registration information. The State of Colorado - Voter Registration Application Form is available at [www.Elections.Colorado.gov](http://www.Elections.Colorado.gov) or at the local County Clerk and Recorder's office. Students with disabilities can access the Voter Registration Application in the Accessibility Center.