



# COLORADO SCHOOL OF TRADITIONAL CHINESE MEDICINE

1441 YORK STREET, SUITE 202 • DENVER, CO 80206-2127 • 303-329-6355 • 303-388-8165 FAX • WWW.CSTCM.EDU

## **Anti-Discrimination & Violence Policy**

### **Title IX, VAWA and Clery Act**

#### **A. Notice of Nondiscrimination**

As a recipient of federal funds, Colorado School of Traditional Chinese Medicine is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. § 1681 et seq. ("Title IX"), which prohibits discrimination on the basis of sex in educational programs or activities, admission and employment. Under certain circumstances, sexual misconduct, sexual harassment, and similar conduct constitute sexual discrimination prohibited by Title IX. Inquiries concerning the application of Title IX may be referred to CSTCM's Title IX Coordinator or to the U.S. Department of Education's Office for Civil Rights. The Colorado School of Traditional Chinese Medicine's Title IX Coordinator is Camille Rodriguez whose office is located at the office of the Academic Dean, 303-329-6355 Ext. 15, [Dean@cstcm.edu](mailto:Dean@cstcm.edu)

#### **B. Policy**

Colorado School of Traditional Chinese Medicine is committed to providing an environment that is free from harassment and discrimination based on any status protected by law. This institution promotes and maintains educational opportunities without regard to race, color, sex, ethnicity, religion, gender, age (except when age is a bona fide occupational qualification), disability, national origin, or other non-merit factors. This Policy also addresses the requirements under the Violence Against Women Reauthorization Act of 2013 (VAWA), also known as the Campus Save Act.

This Policy is not intended to substitute or supersede related criminal or civil law. Individuals should report incidents of sexual and domestic violence, dating violence, and stalking to law enforcement authorities. Criminal and civil remedies are available in addition to the potential remedies that CSTCM may provide.

#### **C. Purpose**

The purpose of this Policy is to establish that CSTCM prohibits discrimination, harassment, sexual assault, domestic violence, dating violence, stalking, and retaliation and to set forth procedures by which such allegations shall be filed, investigated and resolved.

#### **D. Applicability**

This Policy applies to all campus community members, including students, faculty, staff and third parties, e.g., vendors, contractors and visitors. Conduct that occurs off campus can be the subject of a complaint or report and will be evaluated to determine whether it violates this Policy, e.g. if off-campus harassment has continuing effects that create a hostile environment on campus.

#### **E. Definitions**

In the State of Colorado, **Consent** is defined as:

Cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A current or previous relationship shall not be sufficient to constitute consent under the provisions of this part 4.

Submission under the influence of fear shall not constitute consent. Nothing in this definition shall be construed to affect the admissibility of evidence or the burden of proof in regard to the issue of consent under this part 4.

(C.R.S. 18-3-401)

In the State of Colorado, **Domestic Violence** is defined as:

(1) "Domestic violence" means an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. "Domestic violence" also includes any other crime against a person, or against

property, including an animal, or any municipal ordinance violation against a person, or against property, including an animal, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship.

(2) "Intimate relationship" means a relationship between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time.

(C.R.S. 18-6-800.3 (2013))

In the State of Colorado, **Stalking** is defined as: (1) A person commits stalking if directly, or indirectly through another person, the person knowingly:

(a) Makes a credible threat to another person and, in connection with the threat, repeatedly follows, approaches, contacts, or places under surveillance that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship; or

(b) Makes a credible threat to another person and, in connection with the threat, repeatedly makes any form of communication with that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship, regardless of whether a conversation ensues; or

(c) Repeatedly follows, approaches, contacts, places under surveillance, or makes any form of communication with another person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship in a manner that would cause a reasonable person to suffer serious emotional distress and does cause that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship to suffer serious emotional distress. For purposes of this paragraph (c), a victim need not show that he or she received professional treatment or counseling to show that he or she suffered serious emotional distress. (C.R.S. 18-3-602 (2012))

Please note: The State of Colorado does not have a specific definition of **Dating Violence**. As such, the federal definition applies (see below).

The above definitions are included here so that individuals understand how such acts are defined in the State of Colorado. However, in compliance with VAWA, the Annual Security Report includes reports of incidents which meet the federal definitions of such crimes.

Source: [FBI's Uniform Crime Reporting Handbook - Revised 2004](#)

The federal definition of **Domestic Violence** is:

A felony or misdemeanor crime of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

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The federal definition of **Stalking** is:

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety or the safety of others, or (B) suffer substantial emotional distress.

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The federal definition of **Dating Violence** is:

Violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship.

## **F. No Guarantee of Confidentiality**

Due to various federal and state laws, it is not always possible to guarantee confidentiality regarding incidents of sexual harassment, sexual assault, sexual misconduct, relationship violence (domestic violence and dating violence),

and stalking in addition to retaliation, intimidation, and violation of the School or Court-Ordered directives related to these allegations (to be referred to as Prohibited Conduct in this section). Under those laws, the School's decision to share information with others is subject to a balancing test that requires the School to consider a range of factors when a student's request for confidentiality would preclude a meaningful investigation or potential discipline of the respondent.

These factors include, but are not limited to:

- Multiple reports of Prohibited Conduct relating to a single respondent;
- A report that Prohibited Conduct involved a weapon, physical restraints or battery;
- The age of the student; and
- The availability of other School means to obtain relevant evidence.

### **G. Understanding Options Before Reporting: Confidential Resources**

A Confidential Resource is an individual who by law is exempt from the obligation to report an allegation of Prohibited Conduct to the Title IX Coordinator or to law enforcement. Confidential Resources include the following individuals when acting in the capacity of providing medical care, advice, counseling or comfort:

**Adams County: (303) 289-4441 ~ Alternatives to Family Violence**  
**Arapahoe: (303) 343-1851 ~ Gateway**  
**Boulder: (303) 444-2424 ~ Boulder County SafeHouse**  
**Denver - The Blue Bench (24 hour rape crisis line): (303) 322-7273**  
**Denver - Brandon Center: (303) 620-9190**  
**Denver Center for Crime Victims: (303) 894-8000**  
**Denver - SafeHouse: (318) 318-9989**  
**Denver - Servicios de La Raza (Se habla Español): (303) 458-7088**  
**Douglas County: (303) 688-8484 ~ Women's Crisis Center**  
**Jefferson County: (303) 420-6752 ~ Family Tree Women in Crisis**  
**Longmont: (303) 772-4422 ~ "Women in Crisis"**  
**National Hotline: 1-800-799-7233**

Unless there is a belief that there is an imminent threat of harm to self or others, reporting a Title IX concern to one of these resources will not lead to a School or police investigation.

### ***CLERY ACT***

Pursuant to the Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the Colorado School of Traditional Chinese Medicine publishes an Annual Report which contains practical information about safety and security practices and statistics about crime on campus. Students may view this report at <http://www.cstcm.edu/campus-safety-title-ix-compliance> or a physical copy can be requested in Room 302 of the School.