





is conduct that is based upon an individual's race, age, creed, color, religion, national m

- activity;
2. Submission to or rejection of such conduct by an individual is used as the basis for, or a factor in, decisions affecting that individual's employment, education or participation in a university activity; or
  3. Such conduct is sufficiently severe or pervasive to unreasonably interfere with an individual's employment or academic performance or create an intimidating, hostile or offensive environment for that person's employment, education or participation in a university activity.

Depending upon the facts, examples of sexual harassment could include, but are not limited to: unwelcome sexual advances; repeated and unwelcome sexually-oriented bullying, teasing, joking, or flirting; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, or sexual deficiencies; leering, touching, pinching, or brushing against another's body; or displaying objects or pictures, including electronic images, which are sexual in nature and which create a hostile or offensive work, education, or living environment.

The fact that a consensual relationship exists, in and of itself, is not a defense to a charge of sexual harassment. Conduct may occur within a consensual relationship or following termination of a consensual relationship that is unwelcome and meets the definition of sexual harassment under this policy or as defined by the University's Title IX policy. \*

The University's Consensual Relationship Policy prohibits faculty from entering into new consensual relationships with a student over whom they have any evaluative authority. The asymmetry of the faculty-student relationship means that any sexual relationship between a faculty member and a student is potentially exploitative. In the event of a charge of sexual harassment, the University will in general be unsympathetic to a defense based upon consent when the facts establish that a professional faculty-student, staff-student, or supervisor-employee power differential existed within the relationship.

\*For the definition of sexual harassment pursuant to Title IX of the Education Amendments Act of 1972, see the CSU Policy on Sexual Harassment. Sexual harassment is prohibited by both Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments Act of 1972, and by both this policy and the CSU Policy on Title IX Sexual Harassment. The Office of Equal Opportunity will explain the applicability of these laws and policies to parties involved in a complaint and grievance procedure involving sexual harassment.

: The person reported to have engaged in one or more acts that may constitute a violation of this policy, including discrimination, harassment, sexual harassment, or retaliation.

is any materially adverse action taken against an individual or someone associated with that individual because they have participated or may participate in a protected activity, such as making a complaint or report; serving as a witness; assisting in an investigation, grievance procedure, hearing, or related activity concerning an unlawful practice or violation of university policy; or opposing a discriminatory practice. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy or participating in the complaint processes under this policy. For there to be retaliation, there must be a causal connection between the protected activity and the materially adverse action. The University strictly prohibits retaliation. Depending upon the facts, examples of conduct that may be retaliation may include, but are not limited to demotion, denial of raise, termination, threats, harassment, and intimidation.

is harassment committed by an individual or persons not employed by or enrolled as students at the University such as a vendor, contractor, guest lecturer or other visitor to campus.

All University community members are prohibited from engaging in or assisting another's engagement in conduct prohibited by this policy. This includes, without limitation, students, employees (including faculty), affiliates, volunteers, visitors, and (where provided by law or contract) agents, contractors, subcontractors, and grantees of the University. The University's disciplinary response may be limited if the conduct is by a visitor or other third-party not subject to the University's jurisdiction. When alleged discrimination or harassment is by an individual or external entity (for example, an individual employed by an outside contractor, program provider, or internship provider) doing business with the University and it reasonably appears that a violation has occurred, the matter will be referred to the appropriate official or department for further action, which may include termination of the contract or relationship.

This policy applies to alleged discrimination or harassment that takes place on university property or at university-sponsored events, regardless of their location. This policy may also apply to alleged discrimination or harassment that occurs off university property and outside the context of a university employment or education program or activity but nevertheless has a continuing advyo

employment, living or academic environment. Depending upon the facts, examples of where such conduct may occur include, but are not limited to, study abroad programs, conferences, social gatherings and virtual spaces.

As a public institution of higher education, Colorado State University is required to follow the First Amendment to the U.S. Constitution, which broadly protects speech and expression from governmental interference. Depending on the facts, certain speech or expression may be protected by the First Amendment and, therefore, will not be actionable under this Policy.

The University recognizes the importance of confidentiality and privacy. Although the confidentiality of the information received and the privacy of the individuals involved cannot be guaranteed, they will be protected to the extent feasible and as permitted by law. Information received in connection with the reporting, investigation, and resolution of allegations will be treated as confidential and will only involve individuals whom the University determines are necessary to conduct an appropriate investigation, to provide assistance and resources to parties, to perform other appropriate university functions, or when the University is required to provide information under the law.

The expressed request of the complainant not to proceed with a complaint or investigation will be considered in the context of the University's legal obligation to act upon the allegations and the right of the responding party to be informed concerning the charge(s). The University will evaluate the request to determine whether the University can honor the request while still providing a safe and nondiscriminatory environment. A decision to proceed despite a complainant's request not to will be made on a case-by-case basis after an individualized review, and the complainant will be notified of the decision to proceed.

All individuals involved in the process should observe the same standard of discretion and respect for everyone involved in the process.

Any university community member or individual who is directly involved in, observes, or reasonably believes that discrimination or harassment may have occurred can submit a report to the Office of Equal Opportunity.

Anyone may report an incident of discrimination, harassment or sexual harassment as follows:

In person: Office of Equal Opportunity 101 Student Services Building Colorado State University Fort Collins, CO 80523

By telephone: 970-491-5836

By postal mail: Office of Equal Opportunity 0160 Campus Delivery Fort Collins, CO 80523-0160

By email: [oeo@colostate.edu](mailto:oeo@colostate.edu)

Office of the Ombuds 316 General Service Building Fort Collins, CO 80523  
Phone: (970) 491-1527

CSU has procedures addressing complaints of discrimination and harassment ("Procedures") to implement this policy and to provide for prompt and equitable informal resolutions, investigations, hearings and appeals for complaints of discrimination, harassment and sexual harassment. An individual may file a complaint addressing an instance or a pattern of instances if the last instance took place within the last 120 calendar days.

Colorado State University will employ the preponderance of the evidence standard.

The University, as a federal contractor, takes affirmative action to employ qualified women, racialized minorities, veterans, and individuals with disabilities. et al 5A bibibibibie

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