

Appendix F

Memorandum of Understanding (MOU) – Auraria Campus

MEMORANDUM OF UNDERSTANDING (MOU)

by and between

The Auraria Higher Education Center, Community College of Denver,
Metropolitan State University of Denver,
and the University of Colorado Denver

This is an MOU by and between the above listed organizations, hereinafter referred to collectively as the Auraria Campus Institutions.

BACKGROUND and RATIONALE

- Threat assessment and behavioral intervention teams have become an important and needed tool for learning institutions.
- The Auraria Campus Assessment and Response Team (CART) was created to allow the Auraria Campus Institutions to share information about students of concern in order to enhance the health and safety for the Auraria Campus.
- CART has identified several students of concern who have posed and continue to pose threats to the Auraria Campus (sexual assault, attempted murder, murder, kidnapping, assault, etc.).
- Several CART students have been adjudicated by their respective institutions and/or the courts and found responsible or guilty for violent and sexual offenses and have subsequently been suspended or expelled from their institution.
- Several of these students have then applied, been admitted, and enrolled at another Auraria Campus Institution and repeated the negative behaviors at their new institution and continue to pose a threat to the Auraria Campus.
- Currently, each Auraria Campus Institution includes language in their student codes of conduct that allow for exclusion from the Auraria Campus. However, once a student is granted admission at another Auraria Campus Institution the restriction is no longer enforceable, thus effectively overturning the initial decision of the conduct officer and allowing the student to be on campus.
- A new process that encourages additional sharing of information will allow for Auraria Campus restrictions to be honored by all Auraria Campus Institutions and empower the Auraria Police Department to

assist in the enforcement of this restriction.

- Such a policy is intended to help protect all Auraria Campus Institutions and the Auraria Campus community from individuals known to pose a threat or risk.

PURPOSE & SCOPE

The purpose of this MOU is to establish a formal agreement, including the adoption of required processes and procedures at each Auraria Campus Institution, that prohibits a student suspended, expelled, or otherwise removed for violent, concerning, or threatening behavior from one Auraria Campus Institution from enrolling at another during the term of the suspension, expulsion, or removal. Furthermore, this MOU establishes processes so that the Auraria Campus Institutions honor sanctions of suspension (including interim suspension) and expulsion imposed by other Auraria Campus Institutions when the sanction is imposed due to a student's violent or threatening behavior.

In particular, this MOU is intended to:

- Establish formal and agreed upon policies, procedures, and timelines for communicating when and why students are suspended, expelled, or otherwise removed for threatening and/or violent behavior.
- This policy will not impact the ability or autonomy of individual Auraria Campus Institutions or their conduct officers to make autonomous decisions concerning individual student conduct and sanctioning. Each Auraria Campus Institution shall retain its own processes and procedures.
- This MOU will only be used in situations where a student is suspended, expelled, or otherwise removed for threatening and/or violent behavior as defined above.
- Student privacy is an essential component of this process. All communications shall adhere to Family Educational Rights and Privacy Act (FERPA).

DEFINITIONS

For the purpose of this MOU *SUSPENSION* shall be defined as:

Suspension – A distinct period of time and/or the specification that a

student's relationship with an Auraria Campus Institution is severed temporarily, and the student must fulfill certain requirements before re-admission or re-enrollment will be considered. While suspended, the student is not allowed to attend classes, use campus facilities, or to participate in campus activities. Special conditions may be stipulated for reinstatement at the conclusion of the period of suspension.

Interim Suspension – Each Auraria Campus Institution shall have the authority to suspend on an interim basis, pending final disposition of the case, any student when, in the opinion of these officials, such a suspension is necessary to:

- a. Maintain order on the Auraria Campus;
- b. Stop interference in any manner with the public or private rights of others on Auraria Campus premises;
- c. Stop actions or potential actions that threaten the health or safety of any person; or
- d. Stop actions or potential actions that destroy or damage property on the Auraria Campus, or any Auraria Campus Institution location.

Interim suspension will also include excluding the student from the Auraria Campus. This exclusion begins immediately upon notice from the appropriate Auraria Campus Institution administrator. A conference with the conduct officer will be scheduled as soon as possible (usually within 10 calendar days) to determine how the case will continue and to begin the conduct process.

For the purpose of this MOU *EXPULSION* shall be defined as:

Expulsion – Permanent removal from an Auraria Campus Institution with no opportunity to return.

For the purpose of the MOU *STUDENT* shall be defined by each Auraria Campus Institution as determined by their process to hold an individual accountable through a Student Conduct or Administrative process that may result in suspension, expulsion, or removal from campus.

For the purpose of this MOU, *VIOLENT BEHAVIOR and THREATENING BEHAVIOR* s shall be defined as:

Violent Behavior Includes, but is not limited to:

- Any physical assault, with or without weapons.
- Behavior that a reasonable person would interpret as being potentially violent (e.g., throwing things, pounding on a desk or door, or destroying property).
- Specific threats to inflict harm (e.g., a threat to shoot a named individual), or use of any object to attack or intimidate another.

Threatening Behavior includes, but is not limited to:

- Physical actions short of actual contact/injury (e.g., moving closer aggressively, waving arms or fists, yelling in an aggressive or threatening manner).
- General oral or written threats to people or property (e.g., "you better watch your back" or "I'll get you"), including the use of any electronic means.
- Threats, even if made in a "joking" manner.
- Stalking behavior.

Implicit threats (e.g., "you'll be sorry" or "this isn't over yet").

MUTUAL COVENANTS and AGREEMENTS

IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:

In the instance when an Auraria Campus Institution determines that a student shall be excluded from the Auraria Campus as the result of being suspended, expelled, or otherwise removed for threatening and/or violent behavior, each Auraria Campus Institution shall:

- The Auraria Police Department and student conduct office at each Auraria Campus Institution shall be carbon copied on all letters/decisions regarding the suspension, expulsion, or removal of a student from one Auraria Campus Institution for violent, concerning,

or threatening behavior via a student conduct, legal, or other administrative process.

- This will ensure that the suspended or expelled student is aware that all Auraria Campus Institutions have received the information.
- A separate email communication shall be provided to the Office of Admissions, Office of the Registrar, and Student Conduct Office at each Auraria Campus Institution to create the needed hold/stops/indicators to prevent admission and enrollment. This shall be sent within three (3) days of the decision being made final (meaning no more appeal options remain) and shall include the following:
 - Full Name
 - Date of Birth
 - Address
 - Phone
 - Duration of suspension/expulsion/removal
 - A hold, stop, or negative service indicator shall be placed on these student files preventing admission, enrollment, or other matriculation to the Auraria Campus during the term of the suspension or removal. System level holds, stops, or negative service indicators shall be made at the discretion of each Auraria Campus Institution.
- In cases where a student is suspended for potentially violent or threatening behavior on an interim basis, or where a conduct process will be taking place at the end of the semester with the possible outcome of suspension, expulsion, or removal, the respective Student Conduct Office shall communicate immediately with the Auraria Police Department and the Office of Admissions, Office of the Registrar, and Student Conduct Office at each Auraria Campus Institution and a temporary hold, stop, or negative service indicator shall be placed on the students file preventing admission, enrollment, or other matriculation until the completion of the student conduct, administrative, or other process.

- The Chair of CART shall maintain a list of all students suspended, expelled, or otherwise removed for violent or threatening behavior through a student conduct, legal, or other administrative process.
 - This list shall include the timeframes/deadlines for suspension and removal, the Auraria Campus Institution initiating the suspension, and reason for suspension.
 - At each monthly CART meeting, additions to the list will be reviewed to ensure the above steps have been completed and holds have been placed at all Auraria Campus Institutions.
 - Students whose term of suspension or removal is expiring will also be discussed.

After each meeting the CART chair shall send a memo to the Office of Admissions, Office of the Registrar, and Student Conduct Office at each Auraria Campus Institution listing students cleared to have their holds, stop, or negative service indicator removed.
 - At the beginning of each semester the CART Chair shall work with the Auraria Campus Institutions to update all contact information for the appropriate staff members and offices.

RELATED LAWS and POLICIES

- The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99)]
- The Colorado Revised Statutes
- The Community College of Denver, Student Code of Conduct
- The Metropolitan State University of Denver, Student Code of Conduct
- The University of Colorado Denver, Student Code of Conduct

MOU EFFECTIVE DATE AND REVIEW DATE

This MOU shall be effective upon the signature of authorized officials. It shall be in force starting on August 15, 2013. The parties indicate agreement with this MOU by their signatures. This MOU may be terminated by any party with reasonable notice and shall be reviewed annually with the first review being completed no later than August 2014.

Signature Page

Memorandum of Agreement

Suspension and Expulsion Policy & Agreement

By signing this [MOA], all parties agree to all the terms and conditions contained herein and have executed and approved this [MOA] on the dates set forth below.

**METROPOLITAN STATE
UNIVERSITY OF DENVER**

**AURARIA HIGHER EDUCATION
CENTER**

By: _____
Stephen M. Jordan, Ph.D.,
President

By: _____
Barbara Weiske, Executive Vice
President for Administration

Dated: _____,
2013

Dated: _____,
2013

**COMMUNITY COLLEGE OF
DENVER**

**UNIVERSITY OF COLORADO
DENVER**

By _____
Cliff Richardson, Interim President

By: _____
Don Elliman, Chancellor

Dated: _____,
2013

Dated: _____,
2013