

SEXUAL MISCONDUCT ADVISORY COMMITTEE

2026 REPORT AND RECOMMENDATIONS

**as submitted to the Education Committees of the Senate and House of Representatives of the
Colorado General Assembly**

January 15, 2026

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EXECUTIVE SUMMARY

The Colorado Department of Higher Education (CDHE) Sexual Misconduct Advisory Committee (Advisory Committee) was created by Senate Bill 19-007 (C.R.S. §§ 23-5-146 et seq.) as a resource for the Colorado General Assembly and Colorado Institutes of Higher Education (IHE) to promote and sustain safe, non-discriminatory education environments and ensure fair and equitable adjudication processes for sexual misconduct cases. The Advisory Committee – comprised of IHE representatives, advocates, and Title IX experts – has met regularly since January 2020 to discuss ongoing changes to federal Title IX rules and regulations, best practices, and recommendations related to preventing and addressing campus sexual misconduct. As a result, the Advisory Committee has submitted six reports containing thirty-two recommendations in total to the General Assembly Education Committees and IHEs across the state.

This seventh report follows the Advisory Committee's previous reports in providing an overview of the federal Title IX landscape and recent court rulings, practical issues identified by Title IX Coordinators and IHE staff from across Colorado, and opportunities to improve response to and prevention of campus sexual misconduct. The Advisory Committee provides the following recommendations to the Education Committees of the Colorado General Assembly and IHEs, with deeper discussion and context contained in the subsequent sections of this report:

Recommendation: *Understand and adapt to a changing legal landscape while maintaining a commitment to addressing sexual misconduct.*

Recommendation: *Establish a support network and remove barriers for collaboration amongst Title IX Coordinators.*

Recommendation: *Monitor and address barriers to reporting.*

Recommendation: *Review and improve timely warning emails in compliance with the Jeanne Clery Campus Safety Act.*

Recommendation: *Remove barriers to accessing medical forensic exams.*

Recommendation: *Invest in prevention through K-12 sexual health education.*

Finally, the Advisory Committee wishes to express its continued appreciation to CDHE Executive Director Dr. Angie Paccione, Chief Student Success & Academic Affairs Officer Carl Einhaus, and

former Senior Director of Student Success and P-12 Alignment Dr. Liliana Diaz Solodukhin for their considerable support of the work of the Advisory Committee and commitment to the safety and support of all students and campus communities in Colorado.

BACKGROUND

History of the Colorado Sexual Misconduct Advisory Committee

In response to shifting federal Title IX rules and regulations and the widespread problem of sexual misconduct at Institutes of Higher Education (IHEs) across the country and in Colorado, the Colorado General Assembly passed Senate Bill 19-007 (codified as C.R.S. §§ 23-5-146 et seq.) and, in doing so, created the Sexual Misconduct Advisory Committee (Advisory Committee).¹ Since 2020, the Advisory Committee has provided timely analysis, best practices, and recommendations to the Education Committees of the Colorado General Assembly and to Colorado IHEs, particularly in responding to reports of sexual misconduct and implementing Title IX regulations.

Through its annual reports, the Advisory Committee has provided thirty-two recommendations. Its First Report aimed to guide IHEs in navigating new Title IX regulations in 2020. The Report also identified further issues for consideration by the Education Committees, including funding/resources, adjudicative timeframes, confidential victim advocates and advisor role, cross-examination and children, and impacts of implicit bias. The Advisory Committee then submitted its Second Report in 2021, with a focus on IHE's response to sexual misconduct occurring outside the jurisdiction of Title IX and further steps the state can take to support IHEs in their response to sexual misconduct. The Advisory Committee's Third Report, in 2022, focused primarily on the Title IX hearing process and implications of recent court decisions. The subsequent Fourth Report, in 2023, made recommendations for faculty and staff sexual misconduct cases; training and expertise of advisors and hearing decision makers; awareness of and access to retroactive remedial measures or accommodations; support for sexual misconduct

¹ SB 19-007 required the Colorado Department of Higher Education to create an Advisory Committee to respond to the new federal rules at that time and make recommendations to the General Assembly and Institutions of Higher Education (See C.R.S. § 23-5-147). SB 19-007 required the Advisory Committee to consist of three IHE representatives; two IHE Title IX Coordinators; three persons who are representatives of organizations that advocate on behalf of or provide services to victims of sexual misconduct; an attorney who has experience representing victims of sexual misconduct at IHEs; an attorney who has experience representing persons accused of sexual misconduct at IHEs; and a person with experience providing trauma-informed care. See C.R.S. § 23-5-147(4)(a). SB 19-007 also requires IHEs to:

- Adopt sexual misconduct policies with required components not otherwise in conflict with applicable Title IX law (C.R.S. § 23-5-146(2)(a)(3));
- Provide information to students on how to receive support regarding sexual misconduct (C.R.S. § 23-5-146(4));
- Promote awareness and prevention of sexual misconduct and applicable policy and distribute policy (C.R.S. § 23-5-146(5));
- Offer training (C.R.S. § 23-5-146(6)); and
- Provide to CDHE each year a copy of its sexual misconduct policy; a statement on how the Institution is informing students, promoting awareness and prevention and training; and any updates/changes to the information (C.R.S. §§ 23-5-146 (7) and (8)).

response and prevention at under-resourced IHEs; and training and education at the secondary level. The following year, the Advisory Committee submitted its Fifth Report while new proposed federal regulations were still in development. That report addressed new legal developments and the need for IHEs to prepare for impending changes to Title IX regulations. The Advisory Committee provided its Sixth Report in 2025 after the issuance and subsequent vacating of the 2024 Title IX regulations. That report highlighted the importance of training, networking among Title IX Coordinators, and prevention efforts.

Summary of Advisory Committee Work in 2025

In 2025, the Advisory Committee² focused its discussions on the shifting federal landscape of Title IX enforcement and changes at the U.S. Department of Education. Following several years of work planning for and responding to anticipated and enacted changes to Title IX regulations, the Advisory Committee was now able to consider opportunities and challenges with the current implementation and enforcement of Title IX at Colorado IHEs. Additionally, the Advisory Committee spent considerable time on issues of privacy and confidentiality for students, as well as access to care and reporting.

In order to develop practical and relevant recommendations, the Advisory Committee seeks feedback and the direct experience of Title IX professionals from Colorado IHEs. Through its engagement with Title IX Coordinators, the Advisory Committee has identified a gap in support and a common experience of isolation among Title IX Coordinators. To provide an opportunity to build community and to hear about the challenges and successes of Title IX work across the state, the Advisory Committee continued to host an annual virtual convening for Colorado IHE Title IX Coordinators. These discussions and insights from both the Advisory Committee and Title IX and IHE staff informed the issues and recommendations contained within this report.

² The current members as of the date of this 2026 Report are as follows:

- Ana Guevara, Director of Title IX, Adams State University;
- Jessica Ladd-Webert, Senior Director of Trauma Response and Office of Victim Assistance, University of Colorado Boulder;
- Mary Nero, Associate General Counsel, Colorado Community College System;
- Elizabeth Newman, Director of Public Policy, Colorado Coalition Against Sexual Assault (**Co-Chair**);
- Kathryn Polidoro, Compliance & Equity Officer, University of Colorado (**Co-Chair**);
- Matt Ricke, University Ombuds, Colorado State University
- Shelby Serena, Director of Civil Rights Compliance & Title IX Coordinator, Colorado State University Pueblo
- Cari Simon, Attorney/Managing Legal Counsel Boulder, The Fierberg National Law Group;
- Emily Tofte Nestaval, Executive Director, Rocky Mountain Victim Law Center; and
- Rachael Williams, Director of Advocacy Services, Center for Advocacy, Prevention, & Empowerment (CAPE), University of Denver.

CURRENT ISSUES AND RECOMMENDATIONS

Changing Legal Landscapes

Federal and state requirements for how IHE's respond to reports of sexual misconduct have changed over time. The past year has brought regulatory changes to Title IX, as well as multiple executive orders and changes at the administrative agencies that enforce Title IX. IHEs should remain aware:

- In January 2025, the 2024 Title IX Regulations were vacated by a federal district court. *State of Tennessee v. Cardona* (Civil Action No. 2: 24-072-DCR). The 2020 Title IX Regulations (34 C.F.R. 106) currently govern IHE's response to sexual misconduct that occurs within an institution's activities or programs and are being enforced by the U.S. Department of Education's Office for Civil Rights (OCR). *Dear Colleague Letter, February 4, 2025*.
- In February 2025, OCR issued a new Case Processing Manual, reiterating its continued enforcement of Title IX and outlining its process for that enforcement, including:
 - Receiving complaints made by individuals against educational institutions;
 - Conducting compliance reviews of institutions;
 - Conducting directed investigations of institutions, in the absence of an individual complaint;
 - Monitoring of resolution agreements;
 - Initiation of administrative proceedings to suspend, terminate, or refuse federal funding; and
 - Referrals of cases to the U.S. Department of Justice.

See Office of Civil Rights, Case Processing Manual, February 19, 2025.

Recommendation: *Understand and Adapt to a Changing Legal Landscape While Maintaining a Commitment to Addressing Sexual Misconduct.*

It remains important that IHEs continue their commitment to take sexual misconduct seriously, maintaining up to date and clear policies. In light of the changing landscape, the Advisory Committee makes the following recommendations:

- Students, faculty, and staff wellbeing are paramount. Therefore, IHEs should continue to prohibit and respond to sexual misconduct whether it occurs on or off campus, offering

support resources, reporting options, grievance procedures, and adaptable resolutions when appropriate. Institutional responses should comply with both federal and state rules.

- Tracking and anticipating change is important. IHEs should continue to ensure that key staff receive regular training to keep informed of policy changes. Review of institutional policy and procedures, and updates as necessary, should be conducted regularly.

Students and employees may have questions about what protections and obligations exist. IHEs should engage with community members, especially those most impacted by sexual misconduct, to share information about their policies, support resources, and options for reporting.

Insights from Statewide Title IX Coordinators

The Advisory Committee convened Title IX Coordinators at IHEs across Colorado on November 20, 2025. Participants were invited to discuss challenges, opportunities, trends, and emerging issues observed by their offices. More than 25 Title IX Coordinators and Deputy Coordinators attended the discussion, in addition to many members of the Advisory Committee. Participants shared the following issues:

- Elements of the grievance procedures required by current federal regulations, particularly cross examination at live hearing processes, impact complainants' decisions to report, sometimes chilling the decision to file formal complaints. This can limit the IHE's ability to effectively address sexual misconduct allegations.
- IHEs are experiencing resource constraints:
 - Budgets to provide for the internal or external costs of sexual misconduct investigations and live hearings are often limited, and the costs reported for conducting a hearing can vary widely.
 - Additionally, IHEs have limited access to affordable, quality training (especially live and/or in-person training).
 - Many IHE Title IX offices are staffed by a single employee, who may bear other civil rights compliance responsibilities in addition to Title IX.
- The live hearing process takes significant time, staffing, and financial resources, which can delay or hinder an institution's ability to address conduct or remedy harassment. For example, a student party may have completed their education before the process concludes. This may be more common in two-year institutions.

- Parties to sexual misconduct cases reflect emerging populations in higher education, including older first-year incoming students, as well as neurodivergent and transgender or non-binary individuals. Complaint processes can be particularly difficult to navigate and do not allow for much flexibility to accommodate individual needs.
- Despite these challenges, Participants shared many examples of successful sexual misconduct prevention and education programming that have been offered to groups including students, athletics, student organizations, and Greek life.

These systemic challenges may hinder IHE's capacity to both prevent sexual misconduct through education and respond promptly to incidents, directly impacting student safety and well-being. Title IX Coordinators identified several resources that they felt would be most helpful to their work.

Recommendation: Establish a Support Network and Remove Barriers for Collaboration Amongst Title IX Coordinators

The above needs as identified by Colorado's Title IX Coordinators informed the Advisory Committee's recommendations for supporting Title IX Offices at IHEs across the State.

- The General Assembly should consider directing the Colorado Department of Higher Education (CDHE) to establish opportunities for collaboration among Title IX Coordinators statewide with support from the Advisory Committee, including regular in-person or virtual meetings and establishing email distribution lists or other shared communication spaces. It is the Committee's recommendation that attendance and participation in general meetings be limited to Title IX Coordinators to promote candid discussions, with periodic opportunities to bring in additional stakeholders.
- The Advisory Committee recommends the General Assembly direct CDHE and the Department of Law to help mitigate the effect of existing barriers to collaboration across IHEs, such as limited financial resources, insurance and liability concerns, and inconsistent information. This may include:
 - Providing low or no-cost training statewide;
 - Creating frameworks to share personnel, such as investigators, hearing officers, and advisors; or maintaining a list of trained and qualified vendors; and
 - Providing guidance on liability and insurance coverage for shared personnel.

- IHEs should collaborate with each other to bring quality and affordable, live and in-person training within the State.

Identifying and Reducing Barriers to Reporting

The Advisory Committee recognizes that student reporting of sexual misconduct in educational settings remains far too low. Given the importance of removing barriers to reporting to keep educational communities safe, the Advisory Committee highlights a recent legal development that directly addresses these concerns.

In the recent Colorado Supreme Court decision, *Hushen v. Gonzales*, our state’s highest court emphasized the need to limit barriers to reporting sexual harassment in educational settings. In that case, two high school students and their mothers reported sexual harassment by a fellow student to their school district. Pursuant to its Title IX obligations, the school district conducted a Title IX disciplinary process. *Hushen v. Gonzales*, 2025 CO 37. The respondent student later sued the reporting students and their mothers for defamation and other state-based tort claims, based on statements they made during the Title IX process.

The Court held that: “any statements made during the [School] District’s Title IX proceeding are protected by absolute privilege and cannot be used as the basis for a civil lawsuit against the participant who made those statements.” *Id.* at ¶ 36 In reaching its decision, the Court repeatedly emphasized the concern that the threat of civil litigation could “discourage victimized students from reporting harassment,” and that students could be deterred from participation in a process “designed to protect victims of misconduct.” *Id.* at ¶¶ 33, 37

Recommendation: *Monitoring and Addressing Barriers to Reporting*

The Advisory Committee is aware that multiple factors deter students from reporting sexual harassment and related misconduct. By proactively identifying and addressing those barriers, IHEs can better effectuate the goals of Title IX: ensuring equal access to education by preventing sexual harassment, addressing misconduct when it occurs, and keeping students and educational communities safe. Accordingly, the Advisory Committee recommends:

- Administrators responsible for responding to sexual misconduct at IHEs should be aware of the protections recognized in *Hushen v. Gonzales* and communicate to individuals participating in Title IX grievance proceedings about related concerns.

- IHEs should monitor and assess all barriers to reporting, including institutional, procedural, cultural, and informational barriers.
- IHEs should take affirmative steps to reduce barriers to reporting in order to encourage reporting and ensure that institutional processes function as intended.

Improving Timely Warnings

Advisory Committee members identified challenges related to compliance with components of the Jeanne Clery Campus Safety Act (“Clery Act”) and their impact on survivors and the campus community. Specifically, members shared challenges surrounding Timely Warnings and drafting them in a manner that is inclusive of accessible, effective prevention information. Pursuant to the Clery Act, Timely Warnings are required to include prevention tips to aid in the prevention of the specific type of crime from which the message results. The Clery Handbook does not proscribe the specific prevention tips to be included and the [Clery Center](#) suggests the prevention tips “avoid blaming the victim.” The [Clery Center](#) also suggests prevention tips include information related to avoiding perpetrating crime, as well as tips for bystanders to use to intervene.

Recommendation: Review and Improve Timely Warning Emails in Compliance with the Jeanne Clery Campus Safety Act

The Advisory Committee makes the following recommendations to assist IHEs to balance thorough and meaningful compliance with the Clery Act’s requirements with attention to the impact of such warnings on the community.

- IHEs should consider proactively educating the community on Timely Warnings, including developing webpages and materials with information and resource listings.
- IHEs should gather multi-disciplinary groups of administrators and stakeholders to review their Clery Process and Timely Warning templates on a regular basis. Such groups should include not only a Title IX Coordinator and Clery Coordinator, but also campus prevention educators and victim advocates and/or trauma-specific counselors, as collaboration between these roles is essential.
 - IHEs could include students in their multidisciplinary groups, or alternatively conduct focus groups with students, to garner feedback on the language and tone of Timely Warnings.

- Develop templates, including prevention tips, for use in Timely Warnings concerning sexual violence. These templates should be trauma-informed and culturally-responsive and IHEs should ensure that prevention tips are tailored to the existing safety concern and not victim-blaming. Careful review of the warning should be conducted to protect the privacy of the individuals involved in the underlying incident.
- While it is important for prevention tips to be tailored to individual IHEs and reviewed by institutional stakeholders, some examples of trauma-informed tips include:
 - Learn to identify sexual assault (exploitation, etc.) - Consent is never implied by the way someone is dressed or because they are drinking or alone.
 - A person who does not want to consent to sexual activity is not required to resist.
 - Commit to never leaving friends behind and make a plan before going out for how to reconnect if your group gets separated.
 - Look out for others and help de-escalate potentially harmful situations. *(Could include or link to bystander intervention tips from campus prevention website.)*
 - Sexual assault is often committed by familiar people in seemingly non-threatening circumstances.
 - Support individuals who have experienced sexual assault or other trauma by helping them access resources for support or reporting. *(Linking to your campus confidential support resources as well as your Title IX offices.)*

IHE Collaborations and SANE Partnerships

In 2015, Colorado House Bill 15-1220 was introduced and subsequently signed into law. This bill was intended to fill a gap in necessary services, namely the provision of emergency medical services – including access to a Sexual Assault Nurse Examiner (SANE) – for victims of sexual assault. The bill, which was codified as C.R.S. § 23-5-143, added multiple requirements for IHEs that impact their sexual assault response protocols. In summary, the law requires that:

- Each IHE must have a memorandum of understanding (MOU) with a nearby medical facility that offers SANE or similar medical forensic exam services (MFEs),³ ensuring the facility can provide both medical care and evidence collection;
- The MOU must cover referring patients and helping with transportation to the SANE facility, although students may be responsible for transportation costs;

³ Sexual Assault Nurse Exam and Medical Forensic Exam are used interchangeably throughout this section.

- IHEs must provide online information about accessing MFEs, including the partner facility, transportation options, and clarifying that an exam does not require participation in a law enforcement investigation; and
- IHEs must have a sexual assault policy detailing how campus health staff (if these services are offered by the institution) will provide resources and referrals, including required biennial sexual assault response training for health staff by a SANE and a trained advocate (the policy must also include a plan to connect victims with confidential advocates).

The Advisory Committee reminds IHEs of their statutory requirements pursuant to this law. As an evidence-informed practice, connecting sexual assault survivors with specialized services, particularly SANE programs, is crucial because it provides compassionate, immediate, and comprehensive care, reduces re-traumatization by minimizing retelling the story, ensures proper evidence collection (SANE exams), and links survivors to crucial physical, emotional, and legal support, fostering healing and justice in a trauma-informed environment.

Recommendation: *Remove Barriers to Accessing Medical Forensic Exams*

The Advisory Committee makes the following recommendations to assist IHEs in promoting access to MFEs for those in their community who need them:

- The Advisory Committee recommends that IHEs maintain policies that incorporate information about referrals to their local Victim Advocacy Programs. Policies and referral information should be kept in easily accessible locations online and in print at key campus locations (e.g., Title IX Offices, health centers, counseling services, student affairs offices, campus security/law enforcement, Clery Campus Security Authorities).
 - That information should be reviewed and updated regularly. MOUs with advocacy programs should also be reviewed for updates at least annually.
- IHEs should support on-campus victim advocacy services. Offering an on-campus victim advocacy service will ensure that survivors receive information, resources, and confidential holistic support before, during, and after MFE services, and that they understand the rights afforded to them under Colorado and federal law. Providing services on-campus – whether through a campus-supported advocacy program or bringing in outside victim advocacy services via an MOU – reduces barriers to accessing services. Additionally, advocacy services may increase support by alleviating financial and transportation barriers for the survivor.

- When on-campus resources are not available, the Advisory Committee recommends establishing an MOU or policy with a local victim services agency or, at minimum, publishing contact information and making referrals to a national or local community-based organization that can provide necessary support services to the survivor.
- Offering multiple MFE options (e.g., both on- and off-campus options) provides survivors a choice to seek support where it works best for them. Therefore, the Advisory Committee recommends that the Colorado General Assembly consider ways to increase resources and support for MFE programs throughout the state. With that support, IHEs may offer as many MFE services, information, and necessary products to the survivor as possible on the campus. This may require completing and maintaining MOUs with multiple SANE programs.
- The Advisory Committee recognizes that many IHEs may not have the resources or infrastructure to offer on-campus MFEs. The Committee recommends that IHEs provide transportation to local hospitals with SANE programs. This might include establishing a specific fund to cover transportation expenses or utilizing campus partners, such as campus safety personnel, to provide transportation.
- IHEs should consider ways to increase accessibility of their materials and services. For example:
 - Physical spaces and digital information must meet accessibility requirements for individuals with disabilities (e.g., physical accessibility in compliance with the Americans with Disabilities Act; website and digital content accessibility in compliance with Colorado HB21-1110).
 - Services and resources should be culturally responsive, available in a survivor's target language (and/or via live translation services), and developed with a trauma-informed lens in order to promote the most comprehensive care.

Earlier Education and Training

Preventing sexual misconduct in the first place remains a critical issue of concern for the Advisory Committee, as noted in previous reports. Comprehensive sexual education in middle and high school can play a critical role in preventing sexual misconduct at IHEs.⁴ Colorado has taken several

⁴ Santelli JS, Grilo SA, Choo T-H, Diaz G, Walsh K, Wall M, et al. (2018) Does sex education before college protect students from sexual assault in college? PLoS ONE 13(11): e0205951.

steps to address earlier education for students in the state. Colorado law, under C.R.S. 25-44-101, mandates that sex education offered by a school or district must be comprehensive, medically accurate, age appropriate, and inclusive. The passage of Senate Bill 23-296, which was codified as C.R.S. § 22-1-143, required K-12 public and charter schools to inform students of their rights under Title IX and respond to and address the impacts of harassment and discrimination on students.

Despite these efforts, there remains a gap in knowledge of healthy sexuality and relationship skills among students entering higher education. Although IHEs continue to provide training and education on communication skills, creating healthy relationships, and understanding consent, an earlier and more robust education effort would help reduce the high prevalence of sexual misconduct in higher education.

Recommendation: Invest in Prevention through K-12 Sexual Health Education

The Advisory Committee makes the following recommendations to improve the prevention of sexual misconduct in higher education:

- The Advisory Committee recommends the General Assembly protect existing funds for the Department of Public Health and Environment's Comprehensive Human Sexuality Education grant program to support K-12 schools in implementing accurate and effective sexual health education.
- Further, the General Assembly should seek to expand existing prevention education through increased resources for K-12 schools and youth sexual violence prevention programming.

CONCLUSION

Despite confusion and frequent changes, Title IX remains in effect to protect equal access to educational opportunities. Further, state and campus policies bolster student safety and fair processes. The Advisory Committee remains a resource to IHEs, the General Assembly, and the state to support efforts that address and prevent campus sexual misconduct. As outlined in the sections above, the Advisory Committee submits these additional recommendations identified in this report to the Education Committees of the Senate and House of Representatives pursuant to C.R.S. § 23-5-147(6)(a) and to be distributed to IHEs across the state. The Advisory Committee

encourages Colorado's campus community and legislative leaders to adopt these recommendations, where practicable.

APPENDIX: RELEVANT 2025 STATE LEGISLATIVE CHANGES

In 2025, the Colorado General Assembly enacted a number of new laws that directly impact the work of addressing and preventing sexual misconduct on campus. The summaries below offer a snapshot of legislative changes IHEs should be aware of:

House Bill 25-1138: Protect Victims in Civil Sex Misconduct Suits

This law expands Colorado’s civil rape shield law to eliminate harmful biases and stereotypes survivors often face in the civil legal process. Mirroring changes to the criminal rape shield law passed in HB24-1072, HB25-1138 restricts evidence related to a survivor’s clothing, hair, appearance, or sexual history with the defendant as proof of consent, credibility, or extent of harm in civil sexual assault cases.

House Bill 25-1168: Housing Protections for Victim-Survivors

HB25-1168 improves housing protections for survivors of stalking, sexual violence, and domestic violence. This law grants existing eviction protections to survivors of sexual violence and stalking. Additionally, the law expands the types of documentation allowable for eviction and lease-break protections to include a letter from a third party, such as an advocate or therapist, or a self-attestation document. The law also requires landlords to offer survivors a repayment plan before evicting them for getting behind on rent, and allows survivors to take reasonable safety measures—including changing locks or installing cameras—without landlord interference or retaliation.

House Bill 25-1185: Child Conceived from Sex Assault Court Proceedings Survivors of rape-related pregnancies have not been able to successfully petition the courts to terminate their assailant’s parental rights, despite having the right to do so for over 10 years. This law requires the State Court Administrator to develop a form to create a clear path for survivors to access this established process. Additionally, HB25-1185 eliminates the requirement for mandatory counseling, court fees, and child support for survivors who choose to relinquish (or voluntarily waive) their parental rights for a child conceived from sexual assault.

Senate Bill 25-288: Intimate Digital Depictions Criminal & Civil Actions

SB25-288 addresses the rising misuse of artificial intelligence (AI) to create sexual deepfakes of adults, teens, and children. Building upon the groundwork laid in SB24-011, this law creates both civil and criminal accountability for a person who discloses or threatens to disclose a sexual image that has been created, altered, or produced by generative AI, image editing

software, or computer-generated means. It also updates Colorado's child sexual exploitation material (CSEM, or child pornography) statute (CRS 18-6-403) to include CSEM that has been digitally created, altered, or produced.

Colorado Sexual Assault Evidence Kit Backlog and Kit Tracking System

In January 2025, news broke of a significant backlog of DNA evidence testing, including of sexual assault evidence kits (SAKs), at the Colorado Bureau of Investigations (CBI). In February, CBI released a new dashboard dedicated to tracking the agency's progress and set a goal to process SAKs within 90 days by the spring of 2027.

Additionally, the General Assembly passed three bills to address the backlog:

- SB25-170 provided funding to speed up the testing of SAKs through external labs and requires CBI to report its progress to the general assembly every 30 days.
- HB 25-1275 increases lab integrity by requiring lab employees to report misconduct and crime labs to investigate wrongdoing.
- SB25-304 creates a permanent sexual assault forensic medical evidence review board within the Attorney General's Office to identify issues and recommendations regarding survivors' experiences in medical, law enforcement, and criminal-legal systems and requires increased communication and transparency to survivors and the public on SAK processing times.

In July 2025, Colorado's Sexual Assault Kit Tracking System (COSAK Track), established through House Bill 23-1199, launched to give survivors a way to track the location and status of their SAK as it moves through the system and provide statewide SAK data for the first time.

APPENDIX: COMPLETE LIST OF RECOMMENDATIONS SUBMITTED BY THE SEXUAL MISCONDUCT ADVISORY COMMITTEE

First Report Recommendations (2020)

Recommendation 1: Adjudicate and provide supportive measures regarding incidents of sexual misconduct outside of the designated Title IX jurisdiction.

Recommendation 2: Complete disciplinary proceedings regardless of whether the respondent de-enrolls, quits, graduates, retires or otherwise leaves the institution.

Recommendation 3: Adjudicate and provide supportive measures even where complainant may not be participating or attempting to participate in programs or activities based on status of the respondent and an analysis of the safety and impact of the conduct on the educational or employment environment.

Recommendation 4: Define institution's relationship with all students to ensure clarity regarding Title IX jurisdiction.

Recommendation 5: Ensure that policies (either in one policy or multiple policies) cover non-Title IX sexual misconduct that falls outside the definition of Title IX sexual harassment.

Recommendation 6: Consider multiple options for informal resolution to maximize and promote agency for complainants and respondents but ensure expertise, experience and subject matter knowledge before offering any type of informal resolution, particularly for sexual violence, intimate partner violence (dating and domestic violence) and stalking.

Recommendation 7: Provide on and off-campus resources and supportive measures for non-Title IX cases for students and employees.

Recommendation 8: Provide complainants with the contact information for confidential victim advocates pursuant to C.R.S. § 23-5-146(4).

Recommendation 9: For violations of Title IX and other forms of sexual misconduct (non-Title IX sexual misconduct) refer students and/or employees to the same sanctioning authorities.

Recommendation 10: Train students and employees pursuant to C.R.S. §§ 23-5-146(5) and (6) for both Title IX and non-Title IX cases.

Recommendation 11: Train any individual designated as responsible for investigating or adjudicating complaints under the institution's Title IX and non-Title IX sexual misconduct policy (or policies) pursuant C.R.S. §§ 23-5-146(5) and (6).

Recommendation 12: Provide documents explaining rights to entire grievance process and supportive measures for all parties.

Recommendation 13: Provide a case management document.

Recommendation 14: Ensure accessible and reliable technological support and space requirements.

Recommendation 15: Implement procedural/decorum rules and prohibit abusive, misleading, confusing and harassing questioning to ensure a fair process for all participants.

Second Report Recommendations (2021)

Recommendation 16: IHEs continue to address all forms of sexual misconduct - whether identified as Title IX or not (See First Report, Recommendations Nos. 1,3, 5, 7, 9,10, and 12) and provide support services/accommodations to victims of sexual assault, again whether in Title IX or not (First Report, Recommendation No. 7).

Recommendation 17: Education Committees identify means to include participation of K-12 stakeholders in state advisory role to address and respond to sexual misconduct.

Recommendation 18: CDHE should cover the following issues for the 2021 Summit: IHE responses to new rules (including but not limited to barriers to participation, role of advisors, resource guides and regional center), implicit bias and education/prevention. The Advisory Committee also recommends inviting participation of K-12 stakeholders to the 2021 Summit.

Third Report Recommendations (2022)

Recommendation 19: Following the Cardona decision, remove the exclusionary rule for witnesses and parties in Title IX and non-Title IX sexual misconduct hearings.

Recommendation 20: Review IHE policies, procedures, and practices to ensure the reliability of party and witness statements gathered during an investigation of Title IX and non-Title IX sexual misconduct cases to promote fair and equitable resolution by IHE decision-maker.

Recommendation 21: Convene IHEs and relevant stakeholders in summer 2022 to discuss the potential need and viability of a “state center” to provide technical guidance and facilitation if needed for the adjudication of Title IX and non-Title IX cases.

Fourth Report Recommendations (2023)

Recommendation 22: Improve consistency in policies and procedures, within an IHE for faculty and staff respondents.

Recommendation 23: Improve consistency with advisors and hearing decision makers related to staffing/training/experience.

Recommendation 24: Improve awareness and provide better guidance using accessible language for retroactive remedial measures or accommodations.

Recommendation 25: Create equitably funded state grants to support sexual misconduct response and prevention efforts at under-resourced IHEs.

Recommendation 26: Urge training/education at the secondary level.

Fifth Report Recommendations (2024)

Recommendation 27: Ensure that the Counterman v. Colorado decision does not impact enforcement of Title IX stalking cases.

Recommendation 28: Prepare for the release of new Title IX Regulations, which may be effective for the 2024-2025 School Year.

Sixth Report Recommendations (2025)

Recommendation 29: Require completion of annual training, commensurate to resources for an institution, for all campus communities to prevent and respond to sexual misconduct.

Recommendation 30: Establish regular Title IX Coordinators meetings.

Recommendation 31: Anticipate and address how Artificial Intelligence (AI) can be used to cause harm or interfere with Title IX proceedings.

Recommendation 32: Support more prevention efforts.

Seventh Report Recommendations (2026)

Recommendation 33: Understand and adapt to a changing legal landscape while maintaining a commitment to addressing sexual misconduct.

Recommendation 35: Establish a support network and remove barriers for collaboration amongst Title IX Coordinators.

Recommendation 34: Monitor and address barriers to reporting.

Recommendation 36: Review and Improve Timely Warning Emails in Compliance with the Jeanne Clery Campus Safety Act.

Recommendation 37: Remove barriers to accessing medical forensic exams.

Recommendation 38: Invest in prevention through K-12 sexual health education.