

Sexual Violence Reporting

As part of their safe schools reporting requirements, districts and institute charter schools must report student sexual violence as part of the School Discipline and Attendance (SDA) data collection. Misconduct of a sexual nature that does not rise to the level of “sexual violence” (as defined below) may be reported in other categories as the district deems appropriate based on the specific facts, such as assault, detrimental behavior, or other violation of the local code of conduct.

Sexual violence may be reported as one of two different misconduct classifications: 1) sexual violence/battery (other than rape) or 2) rape or attempted rape. For each classification, districts and charter schools must report the total number of incidents along with the resulting action(s) taken. Report violations only in the most serious category that is applicable to the incident.

15	Sexual Violence/ Battery (other than Rape)	Acts of sexual violence on school grounds, in a school vehicle, or at a school activity or sanctioned event. Sexual Violence means a physical sexual act perpetrated against a person’s will or where a person is incapable of giving consent. Student was disciplined for sexual violence incident occurring on school grounds, in a school vehicle, or at a school activity or sanctioned event. <i>All incidents reported with a behavior code 15 must also be reported with a referral to law enforcement.</i>
16	Rape or Attempted Rape	Rape refers to forced sexual intercourse (vaginal, anal, or oral penetration). This includes penetration from a foreign object. Both male and female students can be victims of rape. Use this code when a student is disciplined for rape or attempted rape occurring on school grounds, in a school vehicle, or at a school activity or sanctioned event. <i>All incidents reported with a behavior code 16 must also be reported with a referral to law enforcement.</i>

For additional clarification, the state statutes are provided in the document ‘Behavior Statutes and Clarifications’, which is used for clarifying all behavior types reported. Below is the section that would be updated within this document.

Sexual Violence/Battery (other than rape): *(code 15)*

Definition:

Sexual Violence includes forcible touching, either directly or through clothing, of the genitals, anus, groin, breast, inner thigh, or buttocks for the purpose of sexual gratification. It includes all sexual contact perpetrated through use of force against a person’s will or where a person is incapable of giving consent unless that contact rises to the level of rape or attempted rape (code 16).

C.R.S. 18-3-404 Unlawful Sexual Contact:

- (1) Any actor who knowingly subjects a victim to any sexual contact commits unlawful sexual contact if:
 - (a) The actor knows that the victim does not consent; or
 - (b) The actor knows that the victim is incapable of appraising the nature of the victim's conduct; or

- (c) The victim is physically helpless and the actor knows that the victim is physically helpless and the victim has not consented; or
 - (d) The actor has substantially impaired the victim's power to appraise or control the victim's conduct by employing, without the victim's consent, any drug, intoxicant, or other means for the purpose of causing submission; or
 - (e) Repealed by [Laws 1990, H.B.90-1133, § 25, eff. July 1, 1990.](#)
 - (f) The victim is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the victim and uses this position of authority, unless incident to a lawful search, to coerce the victim to submit; or
 - (g) The actor engages in treatment or examination of a victim for other than bona fide medical purposes or in a manner substantially inconsistent with reasonable medical practices.
- (1.5) Any person who knowingly, with or without sexual contact, induces or coerces a child by any of the means set forth in [section 18-3-402](#) to expose intimate parts or to engage in any sexual contact, intrusion, or penetration with another person, for the purpose of the actor's own sexual gratification, commits unlawful sexual contact. For the purposes of this subsection (1.5), the term "child" means any person under the age of eighteen years.

Rape or Attempted Rape: *(code 16)*

Definition:

Rape refers to sexual penetration (vaginal, anal, or oral) undertaken without the victim's consent, whether through force, intimidation or threats. It includes penetration from a foreign object. Both male and female students can be victims of rape.

C.R.S. 18-3-402(1) Sexual Assault:

Any actor who knowingly inflicts sexual intrusion or sexual penetration on a victim commits sexual assault if:

- (a) The actor causes submission of the victim by means of sufficient consequence reasonably calculated to cause submission against the victim's will; or
- (b) The actor knows that the victim is incapable of appraising the nature of the victim's conduct; or
- (c) The actor knows that the victim submits erroneously, believing the actor to be the victim's spouse; or
- (d) At the time of the commission of the act, the victim is less than fifteen years of age and the actor is at least four years older than the victim and is not the spouse of the victim; or
- (e) At the time of the commission of the act, the victim is at least fifteen years of age but less than seventeen years of age and the actor is at least ten years older than the victim and is not the spouse of the victim; or
- (f) The victim is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the victim and uses this position of authority to coerce the victim to submit, unless the act is incident to a lawful search; or
- (g) The actor, while purporting to offer a medical service, engages in treatment or examination of a victim for other than a bona fide medical purpose or in a manner substantially inconsistent with reasonable medical practices; or
- (h) The victim is physically helpless and the actor knows the victim is physically helpless and the victim has not consented.