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January 7, 2016

Rebecca Chopp, Ph.D.
Office of the Chancellor
University of Denver
2199 S. University Boulevard
Denver, CO 80208

Dear Chancellor Chopp:

Thank you for the opportunity to assist the University of Denver (the University or DU) in conducting an external audit of the University's policies, procedures and practices related to sexual and gender-based harassment and violence under Title IX of the Education Amendments of 1972 (Title IX) and related authority, including the intersection of Title IX with the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (Clery Act) as amended by 304 of the Violence Against Women Reauthorization Act of 2013 (VAWA).

This letter serves as an addendum to our full report, submitted to the University on May 25, 2015. In our May report, we provided an overview of our professional background, outlined the scope of our engagement and detailed the evolving legal and regulatory requirements that govern the institutional response to sexual and gender-based harassment and violence. We also shared our observations about University practices during the 2015 academic year and provided detailed and specific recommendations for effective practices.

We were first engaged in July 2014. At the time, the University had recently passed a Board Approved Discrimination/Equal Opportunity Policy 3.10.0101 (effective June 6, 2014). This policy amended the previous Equal Opportunity/Sexual Harassment Policy (effective date September 10, 2013). As set forth in our report, we assisted Kathryn

¹ We recognize that domestic violence, dating violence and stalking are not exclusively forms of sex or gender-based harassment or violence, but for ease of reference in this report, sexual and gender-based harassment and violence should be read broadly to include conduct prohibited by Title IX and VAWA.

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Grove, then the Director of the Office of Equal Opportunities (OEO) and Title IX Coordinator, in drafting comprehensive procedures for the reporting, investigation and resolution of reports of sexual and gender-based harassment and violence. The procedures developed to: provide transparent and consistent information to University constituents; incorporate informed practices and responses; remove barriers to participation in University processes; provide fair and impartial investigative practices; comply with evolving federal law and guidance; and incorporate lessons learned from participant experiences, recent federal legislation, and national enforcement efforts by the U.S. Department of Education's Office for Civil Rights (OCR).

The Office of Equal Opportunity Procedures, implemented at the start of the 2014-2015 academic year, followed an evolving national model of a single, unified policy and procedures that apply to all University community members, including faculty, staff, students, Board of Trustee members, volunteers, contractors, guests and visitors of the University. Consistent with Title IX and VAWA, the policy extends to all University activities, both on and off-campus, and encompasses all forms of sexual and gender-based harassment, sexual assault, dating violence, domestic violence, stalking, retaliation and related forms of prohibited conduct. The unified Policy and Procedures include decentralized, streamlined and consistent messaging about institutional values, purpose, scope, note of nondiscrimination, applicable definitions of prohibited conduct, available resources, reporting options, the difference between confidential resources and reporting options, information about prevention and the prohibition on retaliation.

In the fall of 2014, we conducted our first-site campus visit, and over the course of the next several months, we continued to consult with University stakeholders supplement and inform our review of written materials. During the course of our engagement, we shared our preliminary observations and recommendations with the Chancellor, the Title IX Coordinator and General Counsel. We also provided ongoing advice and guidance to the University over the course of the 2014-2015 academic year. The University took immediate steps to implement our preliminary recommendations, including the initiation of a national search for a full-time, dedicated Title IX Coordinator to assume responsibility for the oversight of the University's Title IX compliance and administration of the University's OEO Policy and Procedures. On

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Although not an exhaustive list, key accomplishments in each of the functional areas of our recommendations include:

Policy and Procedures

- Solicitation of input from community stakeholders to identify community feedback and recommendations regarding the ~~2015~~ OEO Policy and Procedures.
- Revision of the ~~2014~~ 2015 OEO Procedures to incorporate evolving regulatory guidance, University experiences implementing the ~~2014~~ Procedures, and promising practices based on lessons learned from the national context
- Provision of supplemental resources, including resource handouts for student and employees that outline on and off-campus resources and flow charts that illustrate University procedures.

Dedicated Title IX Coordinator

- Appointment of a fulltime, dedicated Title IX Coordinator with attention to the provision of resources and a ~~refocused~~ focused portfolio.
- A shift in the reporting structure of the Title IX Coordinator so that ~~the~~ Title IX Coordinator now reports to the Vice Chancellor of Human Resources rather than the Director of the Equal Opportunity Office
- Restructuring of intake, referral and review processes to ensure that the Title IX Coordinator has effective oversight over all aspects of an effective Title IX response
- Additional consultation with Pepper Hamilton about the development of the University's Title IX responses and implementation of these recommendations.

Multi-disciplinary Team for Coordination of Information and Tasks

- Creation of a Gender Violence Threat Assessment Team to provide a coordinated multidisciplinary response under the leadership of the Title IX Coordinator to reports of sexual or gender-based harassment or violence that threaten campus safety
- Referral of all reports to a consistent review process to assess the appropriate steps to eliminate, prevent and address the underlying misconduct, and as

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Resources for Support and Advocacy

- Expanded staffing in the Center for Advocacy, Prevention and Empowerment (CAPE) to include an additional half-time advocate as of August 2015.
- Assumption by Title IX Coordinator of oversight and responsibility for interim measures.
- Separation of support and advocacy functions from investigative and adjudicative functions.

Oversight of Student Organizations

- Hiring an Assistant Director of Student Activities, Lauren Utley, to assist the Director with oversight of fraternities and sororities.
- Coordination with student life staff responsible for fraternities and sororities to assess needs and plan for voluntary training initiatives.

Education, Prevention and Training

- Mandated training programs for all employees as of May 2015.
- Designation of the Title IX Coordinator as the administrator with oversight responsibility for coordination and vetting of all University training and educational programming under Title IX, Clery and VAWA
- Regular coordination between Title IX Coordinator, CAPE Program Director and the Campus Safety Reporting and Compliance Officer to prioritize training needs by constituency and content and ensure a coordinated approach to education and training
- Introduction of Peer Educators through CAPE.
- Planning is underway to separate prevention education from victim services and move comprehensive prevention training under the Title IX Office.

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Campaign and Core Messaging

- Support of efforts by

Appendix A
Chart of University Efforts Taken in Response to Pepper Hamilton Recommendations

Policy and Procedures	Action Taken
<p>1. During the summer of 2015, in preparation for conclusion of the OCR investigation, review the current Discrimination/Equal Opportunity Policy and Equal Opportunity Procedures in light of: the October 14 VAWA Rules, which are implementable in July 2015; common elements of OCR resolution agreements released since the fall of 2014; and, the experiences of DU investigators, adjudicators and implementers.</p>	<p>The Office of Equal Opportunity Procedures for the 2015-2016 academic year was revised with an effective date of August 17, 2015. Key revisions include:</p> <ul style="list-style-type: none"> Revision of investigative procedures to include time frames for each component of the investigation to ensure that investigations will be completed in a prompt and fair manner, without compromising the opportunity of all individuals to be heard. The Title IX Coordinator has been removed from the appeal process to eliminate any potential conflict of interest. The appeals process for students and staff has been revised to provide both complainant and respondent with the same right of appeal to the Provost, Vice Chancellor or designee. The University has revised the retaliation definition to include a more expansive and accessible framing of potential forms of retaliation.
<p>2. Consider contacting complainants and respondents who intersected with the Equal Opportunity Office or the University's Title IX processes during 2014-2015 to provide them a voluntary opportunity to share any feedback,</p>	<p>This summer the Title IX Coordinator solicited input from the campus community to identify potential revisions to policy. The Title IX Coordinator met with</p>

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concerns or other relevant information about the experience.	stakeholders individually and in an interdisciplinary meeting.
3. Commit to conducting an annual review and assessment of Title IX policies, procedures, and practices to reflect and incorporate lessons learned from the current year and evolving law and guidance.	The Title IX Coordinator has committed to an annual review based on the Title IX Coordinator's guidance.

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<p>with the Discrimination/Equal Opportunity Policy and Equal Opportunity Procedures.</p>	<p>and the University's discrimination policy.</p> <p>The University completed website analysis in November 2015 to identify web pages with conflicting or inaccurate information about Title IX and Equal Opportunity policies and procedures.</p> <p>The Title IX Coordinator met with the CAPE Director and Campus Safety Officer to develop consistent messaging on reporting obligations, and clarity about confidential resources and reporting options.</p> <p>Web pages will be complete with consistent messaging in January 2016.</p>
<p>Dedicated Title IX Coordinator</p>	<p>Action Taken</p>
<ol style="list-style-type: none"> 1. Hire a full-time, dedicated Title IX Coordinator. 2. Ensure that the Title IX Coordinator has autonomy and control over key aspects of an effective Title IX response, including: central review of all reports of sexual and gender-based 	<p>On June 1, 2015, Jean McAllister began employment as a full-time and dedicated Title IX Coordinator.</p>

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3. Provide appropriate resources to support the T	investigative reports prior to their release to the parties.
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<p>2. Identify a coordinated multidisciplinary response team (Title IX Office) to provide support, resources and accommodations, to facilitate and document informed decisionmaking, and to integrate compliance requirements.</p>	<p>The Title IX Coordinator and the OEO meet weekly to review all active cases. The University General Counsel attends team meetings regularly to provide legal advice and answer questions.</p>
<p>3. Establish a routine meeting schedule (weekly or more frequently as needed) for the core Title IX response team to review active cases, and the broader Title IX implementing team should meet periodically to assess progress with recommendations, evaluate available supports, assess patterns and coordinate educational and programming efforts.</p>	<p>The Title IX Coordinator is adapting the ongoing Gender Equity Task Force to continue interdisciplinary planning and response. The first meeting is scheduled for January 2016.</p>
<p>4. Develop internal operating protocols for the Title IX team that funnel all information to a centralized multidisciplinary team for coordinated and consistent assessment, map the internal operating procedures and process workflow, build mechanisms for timely sharing of information, and outline the available institutional steps that may be taken following a report.</p>	
<p>5. Develop consistent protocols for application to critical decisions that identify who has the responsibility for making a determination, outline the applicable law and guidance, establish a list of key factors to consider, and maintain appropriate documentation of the factual foundation for each decision</p>	
<p>6. Review and standardize existing template communications for regular stages of the process to assure consistency, the use of trauma-informed language, adherence to policy requirements and compliance with federal law regarding required written communications.</p>	<p>The University has developed template notices and reports for consistent language and responses, including respectful and compassionate tone. These template forms are currently being reviewed for consistency and regular use.</p>
<p>7. Maintain appropriate documentation and records of all reports and steps taken to eliminate, prevent and address the effects of the prohibited conduct.</p>	<p>The Title IX Coordinator has taken steps to facilitate consistent documentation.</p>

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The University has purchased Time Matters software which will allow

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assessment of the safety of the individual and of reports to make outreach to the campus community can be made, and the Title IX Coordinator and/or Title IX team has sufficient information to determine the best course of action which may include an investigation or steps otherwise determine what occurred

complainants when the complainant is not the reporting party to hold information on [TJ280091(x)-10(0 12 3(om)-o[2(he)e- ha(har(et)-Vc)4(c)42 -0 0 lhe souta5571 TfntTJ Pagofethaetaxur rawhio,ac1 1urv2 Tw -v03 TwTc 0.0

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the delay provided in writing to the complainant and respondent.

investigation on at least a weekly basis

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	<p>of reports and complainants seeking support).</p>
<p>2. Examine the existing campus resources to ensure that appropriate services are available to campus and community members on an emergency and ongoing basis and to identify any gaps in services.</p>	<p>The University has revised the list of available campus and community resources available to prospective or active complainants and respondents both for students and for employees.</p> <p>The University has placed an increased emphasis on the difference between confidential resources and reporting options, and provided clarity about the difference between privacy and confidentiality.</p>
<p>3. Expand the staffing of CAPE to allow for ease of access during working and non-working hours, expanded direct advocacy services, and expanded education and prevention programming.</p>	<p>CAPE has hired an additional half time advocate (August 2015). Confidential advocates are available on an on-call basis for afterhours' response.</p>
<p>4. Provide a clear and routine pathway for evaluating and imposing reasonably available interim measures in order to facilitate more consistent and streamlined access to interim remedies and protective measures.</p>	<p>The Title IX Coordinator has assumed the responsibility for assessing and determining the appropriateness of reasonably available interim measures, documenting the process, and evaluating the effectiveness and impact of the interim measures. Where an interim protective measure may be appropriate because the nature of the reported conduct impacts the safety of the campus, (e.g., interim suspension, etc.) the Title IX Coordinator will convene the Gender Violence Threat Assessment Team to assist with the determination.</p>
<p>5. To ensure the integrity of the investigation, the responsibility for implementing support services and interim measures should be managed by a</p>	<p>The Title IX intake process has been restructured to separate intake from investigation. The Title IX</p>

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<p>individual who is not directly involved in the investigation of an allegation.</p>	<p>Coordinator meets with the parties to provide information about rights and resources, leaving the investigators to conduct investigations and make findings.</p>
<p>Oversight of Student Organizations</p>	<p>Action Taken</p>
<p>1. Institute mandatory training and education requirements for all fraternity and sorority members, and engage fraternity and sorority leaders as peer educators within the Greek system.</p>	<p>The Title IX Coordinator has met with student life staff responsible for fraternities and sororities, and plans to meet with the Greek Council.</p> <p>The University also plans to implement voluntary training.</p>
<p>2. Review the University's formal relationship with student organizations to assure that the University has the capacity to discipline, to take other remedial action, and to mandate appropriate training and educational programming.</p>	
<p>3. Consider reevaluating the process for formal recognition by the University</p>	
<p>4. Consider restructuring the advisor system of oversight.</p>	
<p>5. Evaluate rules regarding social events, parties, the use and dissemination of alcohol.</p>	
<p>Education, Prevention and Training</p>	<p>Action Taken</p>
<p>1. Designate one individual with oversight responsibility for coordination and vetting of all University training and educational programming related to and required by Title IX, Clery and VAWA;</p>	<p>The University has designated the Title IX Coordinator to be responsible for oversight of training and prevention efforts.</p> <p>Planning is underway to separate prevention education from victim services and move comprehensive prevention training under the Title IX Office. in.08</p>

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<p>responsibility for meeting those training needs in a coordinated and timely manner</p>	<p>Director of Compliance and Administration to identify training needs and plan delivery of training.</p>
<p>3. Prioritize training for the senior leadership team and supervisors</p>	<p>The Title IX Coordinator provided training for Administrative Council (all Deans and Vice Chancellors) and for Faculty Senate in October 2015.</p>
<p>4. Prioritize training for specific individual groups, including: athletes, fraternities and sororities, international students, and graduate students.</p>	<p>The University is planning required training for all graduate students, residential life staff (RDs and RAs) and select graduate student and employee groups.</p>
<p>5. Ensure that all education and training material are clearly written and reflect consistency with current law, guidance, policy, trauma-informed practices and fair and impartial processes</p>	<p>Through ongoing meetings and discussion, the CAPE Director, the Assistant Director of Compliance and Administration for Campus Safety and the Title IX Coordinator are working to ensure this consistency.</p>
<p>6. Consider creating an Education and Prevention Committee to ensure coordinated approach to</p>	

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<p>addressing the issues of domestic violence, dating violence, sexual assault and stalking.</p>	<p>incorporated information on all forms of gender-based violence and harassment including dating or domestic violence, stalking and sexual assault.</p>
<p>9. Provide integrated training to all employees, including tenure track professors and adjunct professors, which addresses reporting responsibilities for campus employees re: Clery (CSA), Title IX (Responsible Employee), mandatory child abuse reporting, and Colorado state law.</p>	<p>All employees, including tenured and adjunct professors, are required to take the online Title IX training outlining University non-discrimination policies, prohibited behaviors, Title IX reporting requirements and an overview of the process for resolution of concerns. The University has also been providing training to campus partners, including Campus Safety, Campus Life, Pioneers Care, Housing and Residential Life and others to ensure that they each understand their responsibility to provide any reports to the Title IX Coordinator.</p>
<p>10. Provide dedicated training for faculty members which should be incorporated through dedicated in-person trainings that seek to reinforce centralized reporting</p>	<p>The Faculty Senate was trained in October 2015. The Title IX Coordinator is working with individual graduate schools and undergraduate programs to provide training to faculty and staff, including graduate research and teaching assistants.</p>
<p>11. Review existing training programs to assure that they encompass the expanded scope of content under the Title IX Q & A and VAWA.</p>	<p>The University has placed an increased focus on outreach and education through mandatory online training for employees (pursuant to the new requirements of VAWA), creation of new department literature/media about the investigative process, and in-person outreach at campus events.</p>

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<p>12. Consider the use of potential (contractual, by merit increase, by evaluation, by computer logs, or meeting professional standards or curriculum requirements).</p>	<p>As of late May 2015, all employees are required to take time training.</p>
<p>13. Develop a campaign to reflect DU's core messaging and values</p>	<p>This will begin with the release of this Addendum and the Report in Winter 2016.</p>
<p>14. Consider using student leaders and developing paid peer educator positions.</p>	<p>CAPE has hired 7 student Peer Educators.</p>

Student leaders carried out a post campaign to increase awareness of genderbased violence, resources and reporting options and generate compassionate support for victim-survivors in Fall 2015.

The Undergraduate Student Government passed an initiative in Fall 2015 requiring all leaders of student organizations to complete the B.O.S.S. training. This training was completed in October 2015.

