

University of Denver
Office of Equal Opportunity & Title IX

Comprehensive Discrimination and Harassment Procedure

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(Effective August 14, 2020)

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1. **Notice of NonDiscrimination and Statement of Compliance with Title IX**

A. Notice of NonDiscrimination

The University of Denver ("the University") is committed to affirmative action and equal opportunity. The University is committed to enforcing non-discrimination policies and making the University a non-discriminatory work and education environment in which all individuals are treated with respect and dignity.

The University provides equal opportunity in employment, educational activities, and other programs to all employees, students, and applicants. The University shall not discriminate against any person in the University's education or employment programs and activities on the basis of race, color, national origin, ancestry, age (40 and over), religion, creed, disability, sex, sexual orientation, gender identity, gender expression, marital status, pregnancy, military enlistment, veteran status, or genetic information.

B. Statement of Compliance with Title IX

Pursuant to Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-88, and its implementing regulations, 34 C.F.R. Part 106 ("Title IX"), the University does not discriminate on the basis of sex in its educational programs and activities that the University operates, including but not limited to admissions, employment, extracurricular activities, athletics, or other programs. The University will promptly and equitably respond to reports of discrimination and Sexual Harassment, prevent its recurrence, and address its effects on any individual or the community.

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performing substantially equal work, in jobs that require equal skill, effort, and responsibility under similar working conditions, in the same establishment. The University is also committed to the principle of pay equity, and expressly prohibits disparate pay on the basis of an employee's race, color, national origin, ancestry, age, religion, creed, disability, sex, sexual orientation, gender identity, gender expression, marital status, pregnancy, military enlistment, veteran status, or genetic information. The University prohibits pay discrimination based on sex, discriminatory pay practices based on sex, and sex discrimination affecting compensation.

2. Purpose

The Office of Equal Opportunity & Title IX established these Procedures to administer and enforce the University's Discrimination and Harassment Policy, and facilitate the University's compliance with applicable laws, including: Executive Order 11246; Title VI and Title VII of the Civil Rights Act of 1964; the Equal Pay Act of 1963; the Age Discrimination in Employment Act; Title IX of the Education Amendments of 1972; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), as amended by the Violence Against Women Reauthorization Act of 2013 ("VAWA"); the Age Discrimination Act of 1975; the Americans with Disabilities Act ("ADA") of 1990 and as amended by ADA Amendments Act of 2008; the Rehabilitation Act of 1973; the Vietnam Era Veterans' Readjustment Assistance Act ("VEVRAA") of 1974; Uniformed Services Employment and Reemployment Rights Act ("USERRA") of 1994; the Genetic Information Nondiscrimination Act ("GINA") of 2008; Colorado Anti-Discrimination Act ("CADA"); Colorado Sexual Orientation Employment Discrimination Act ("SOEDA"); Colorado Prevention of Sexual Misconduct on Higher Education Campuses; Denver Municipal Ordinances; and other applicable federal, state, and local anti-discrimination laws. The University policy and these Procedures are intended to comply with the requirements of these laws and applicable regulations.

Consistent with federal, state and local law, and the University's Discrimination and Harassment Policy, the University, through the Office of Equal Opportunity & Title IX, takes action to provide prompt and equitable resolution of reports of Prohibited Conduct, including:

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Respondent, and/or Witnesses, as appropriate and reasonably available.

S. University Premises

All land, buildings, facilities, or other property in the possession of or owned, used, operated or controlled by the University, including adjacent streets and sidewalks.

T. Witness(es)

A person asked to provide information or a statement under these Procedures.

U. Written Notice

Notice by email is an official form of delivery. Delivery via email will be sent to a student's or an employee's @du.edu email address. Notice may also be delivered in person or -6.196 0 Td()TN()-3.2 (l)-0.7 (p)-0.2 (c)5..8 (d)-0.7 (e

D. Sexual Harassment

Sexual Harassment is conduct on the basis of sex that satisfies one or more of the following:

1. Quid Pro Quo Sexual Harassment -- A University employee (including a faculty member) conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct; or
2. Hostile Environment Sexual Harassment -- Unwelcome conduct determined by a reasonable person to be sufficiently severe or pervasive to interfere with a person's work, academic performance, or participation in a University Education Program or Activity, such that a reasonable person would consider the environment intimidating, hostile or abusive.

E. Sexual Assault

Sexual assault is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault can occur between individuals of the same or different sexes and/or genders. Sexual Assault includes the following:

University is not bound by law enforcement's determination whether or not to prosecute a Respondent nor the

15. Advisors to student groups (including those who are not otherwise employees of the University; e.g. fraternity or sorority advisors). and
16. Any other administrator, faculty, or staff member.

C. Anonymous Reporting

Any individual other than a Responsible Employee can make a report without disclosing one's own name, identifying the Respondent, or requesting any action. Depending on the level of information available about the incident or the individuals involved, the University may not be able to fully respond or take further action in response to an anonymous report. Anonymous reports are referred to Division of Campus Safety or the Associate Vice Chancellor for review for appropriate action. The University will review all anonymous reports, and where

recurrence, and address its effects.

Information related to a report under these Procedures may be shared with those University employees who have a need to know in order to offer Supportive Measures, assist in the active response, review, investigation, or resolution of the report. Information regarding a report by a student or employee will not be shared with the Complainant's or Respondent's parents, guardians, or a third party unless permissible for a student under the Family Education Rights and Privacy Act (FERPA). The University will not release information, including the identity of the parties, from proceedings under the Procedures except as required or permitted by law or University policy.

Confidentiality means that a client or patient (including students, staff, and faculty) sharing information with a designated confidential campus or community professional can expect that the professional will only disclose such information with the individual's express written permission, unless there is a continuing threat of serious harm to the patient/client or to others, or there is a legal obligation to reveal such information (e.g. where there is suspected abuse or neglect of a minor). An individual can seek confidential assistance and support by speaking with specially designated confidential resources.

9. Initial Assessment, Intake, and Consolidation

A. Initial Assessment

When the Office of Equal Opportunity & Title IX receives a report of Prohibited Conduct, the Associate Vice Chancellor

proceed with the allegations related to violations of other University policies under the applicable procedures.

3. The Associate Vice Chancellor may also consolidate a single Complainant or multiple Complainants, a single Respondent or multiple Respondents, and allegations of conduct that is temporally or logically connected.
4. If Complaints involving multiple Complainants and/or multiple Respondents are consolidated, each Party will have access to all of the information being considered, including information provided by all involved Complainants, all involved Respondents, and all involved Witnesses.
5. The University will communicate the chosen course of action to the parties.
6. The decision to consolidate Complaints is not subject to appeal.

10. **Advisors and Support Persons**

Throughout the entire process, the Complainant and Respondent have the right to be assisted by one advisor of their choosing and one support person of their choosing.

Advisors or support persons

Complaint, either at the time the Supportive Measure is requested or at a later date.

- B. Supportive Measures are designed to restore or preserve equal access to the University's Education Program or Activity without unreasonably burdening the other Party. Supportive Measures are not punitive in nature and designed to protect the safety of all Parties or the University's educational environment, as well as to deter sexual harassment.
- C. Supportive Measures may include, but are not limited to:
 - 1. Counseling through the MySSP Student Support Program
 - 2. Extensions of deadlines or other course-related adjustments
 - 3. Modifications of work or class schedules
 - 4. Campus escort services
 - 5. Mutual restrictions on contact between the Parties
 - 6. Leaves of absence
 - 7. Change in student on-campus housing
 - 8. Any other remedy which can be tailored to the involved individuals to achieve the goals of these Procedures
 - 9. Increased security and monitoring of certain areas of the campus
- D. Upon receiving a report or allegation of Prohibited Conduct, the Associate Vice Chancellor will consult with other relevant University administrators to determine whether any Supportive Measures are appropriate to protect the safety, well-being, and continued access to educational and employment opportunities. The Associate Vice Chancellor will offer, or arrange that Supportive Measures are offered, to the Complainant and that the Complainant's wishes with respect to appropriate Supportive Measures are considered. In addition to the Complainant, the Respondent and other Witnesses may also receive Supportive Measures.

mission. The University will balance these interests by carefully considering the facts of each case.

- H. Supportive Measures do not include Disciplinary Actions or Outcomes. The University shall not impose Disciplinary Actions or Outcomes on a Respondent unless and until a determination regarding responsibility for Prohibited Conduct is made at the conclusion of the investigation.

12. Types of Resolutions

The Associate Vice Chancellor, in consultation with other University administrators as appropriate, is responsible for determining the appropriate means of resolution based on the circumstances of each report. The University may resolve reports in one of the following manners:

1. Inquiry
2. Informal Resolution
3. Formal investigation

In making the determination of what type of resolution will be used, the Associate Vice Chancellor may consider factors such as:

1. The nature, scope, and severity of the alleged Prohibited Conduct, including whether the reported Prohibited Conduct involved harassment, discrimination, or physical violence (with additional consideration for the use of a weapon);
2. Whether the incident involved a minor;
3. The respective roles of the Complainant and Respondent;
4. The risk posed to any individual or to the University community by not proceeding, including the risk of additional violence;
5. The degree of harm or the ramifications of the alleged Prohibited Conduct on the Complainant or University community;
6. Whether there have been other reports regarding alleged Prohibited Conduct by the Respondent;
7. Whether the report reveals a pattern of alleged Prohibited Conduct at a given location or by a particular group;
8. The Complainant's preferred means of resolution;
9. The Complainant's willingness to participate in the resolution process.

The Associate Vice Chancellor has the discretion and authority to determine that a report can be resolved through an inquiry process at the earliest stage after receiving a report. The Associate Vice Chancellor may initiate an inquiry to gather information and attempt to resolve the report. Following the inquiry, the Associate Vice Chancellor may refer the matter to the appropriate administrator and may suggest remedial action. The Associate Vice Chancellor also has the discretion to initiate a formal investigation where the inquiry cannot

Chancellor or Investigator will issue a determination letter to both parties indicating whether or not a Respondent was found responsible for Prohibited Conduct. The Associate Vice Chancellor will also send a copy of this letter to necessary administrators and supervisors. Where there is a determination of responsibility for Prohibited Conduct, the determination letter will contain information regarding the next steps for Disciplinary Action or Outcomes.

The Office of Equal Opportunity & Title IX may refer the final investigative report to University administrators for action pursuant to other applicable University policies and procedures, if appropriate.

K. Time Frames

1. The University will make a good faith effort to addTj-0.001 Tc 0.ivps

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the Office of Equal Opportunity & Title IX or any other University office does not extend or postpone the deadline for filing with external agencies.

Any individual who believes that they have been discriminated against under the laws and regulations identified in these procedures, to meet the strict procedural timelines and the ability of the EEOC to investigate the complaint and protect the individual's right to file a private lawsuit, should promptly contact:

Equal Employment Opportunity Commission
131 M Street, NE
Washington, DC 20507
(202) 663-4900
(202) 663-4494 (TTY)
(844) 234-5122 (ASL Video Phone)
info@eeoc.gov

Denver Field Office
950 17th Street
Suite 300
Denver, CO 80202
United States
(800) 669-4000
(800) 669-6820 (TTY)