



¹ These procedures were revised effective February 1, 2024 to address personnel changes in the Office of Equal Opportunity & Title IX.

The University of Denver prohibits discrimination on the basis of race, color, national origin, ancestry, age, religion, creed, disability, sex, sexual orientation, gender identity, gender expression, genetic information, marital status, pregnancy, veterans status, military enlistment and any other class of individuals protected from discrimination under federal, state, or local law, regulation, or ordinance in any of the University's educational programs and activities, and in the employment (including application for employment) and admissions (including application for admission) context, as required by Title IX of the Education Amendments of 1972; the Americans with Disabilities Act; Section 504 of the Rehabilitation Act of 1973; Title VI and VII of the Civil Rights Act of 1964; the Age Discrimination Act of 1975; the Age Discrimination in Employment Act of 1967; E

Denver CO 80208
[\(303\) 871-7016](tel:(303)871-7016)

Any person who believes the University as a federal contractor has violated nondiscrimination or affirmative action obligations may contact the Office of Federal Contract Compliance Programs (OFCCP) at

OFCCP
U.S. Department of Labor
200 Constitution Ave. NW
Washington, D.C. 20210
www.dol.gov
Telephone: [\(800\) 397-6251](tel:8003976251)
TTY: [\(202\) 693-133](tel:202693133)

Employees are not prohibited from discussing their salaries and/or compensation with other Employees and non-Employees. The University will not discharge, discipline, or in any other manner discriminate against Employees or applicants for employment because they have inquired about, discussed, or disclosed their own pay or the pay of another Employee or applicant. However, Employees who have access to the compensation information of other Employees or applicants for employment as a part of their essential job functions cannot disclose the pay of other Employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal Complaint or charge, (b) in furtherance of an inven

Prevention of Sexual Misconduct on Higher Education Campuses; Colorado Protecting Opportunities and Workers' Rights ("POWR") Act; Denver Municipal Ordinances

Contact Information for the United States Department of Education Office for Civil Rights is as follows:

Board of Trustees and/or Chancellor-approved University policies will prevail when a conflict exists between these Procedures and applicable Board of Trustees and/or Chancellor-approved University policies.

The Associate Vice Chancellor of Equal Opportunity & Title IX/Title IX Coordinator or their designee.

Any weekday Monday through Friday in which the University is in operation, including days when the University is in operation, but classes are not in session. For example, University holidays are not Business Days.

An individual who is alleged to have experienced conduct that could constitute Prohibited Conduct under the University's Discrimination and Harassment Policy. Complainant also refers to the University when it exercises the right to initiate a Complaint and proceed with a formal investigation, as necessary. Where groups of individuals initiate Complaints pursuant to these Procedures, the Associate Vice Chancellor has the discretion to determine the proper course of action whether to file a Complaint on behalf of the University or the individual Complainants.

A report or a complaint made to the Office of Equal Opportunity & Title IX that alleges Prohibited Conduct pursuant to these Procedures.

Any action levied by the University against an Employee found responsible for Prohibited Conduct under these Procedures.

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6. Intimate Partner Violence
7. Stalking

The individual or individuals designated by the Associate Vice Chancellor to be responsible for gathering evidence and drafting investigation reports.

The University statuses and educational opportunities, restrictions, and/or expectations for a Student found responsible for Prohibited Conduct.

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1. *Quid Pro Quo* Harassment (Employee-Student)
2. Sexual Harassment
 - a. Sexual Assault
 - b. Rape
 - c. Sodomy
 - d. Sexual Assault with an Object
 - e. Fondling
 - f. Incest
 - g. Statutory Rape
3. Domestic Violence
4. Dating Violence
5. Stalking

Race, color, national origin, ancestry, age, religion, creed, disability, sex, sexual orientation, gender identity, gender expression, marital status, pregnancy, genetic information, military enlistment, or veteran status.

A reasonable person under similar circumstances and with similar identities to the Complainant or Respondent.

The measures provided to a Complainant and/or the University Community following an Investigation pursuant

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If a report of Prohibited Conduct discloses a serious and immediate threat to the University community, the University's Department of Campus Safety will make a determination whether the Clery Act requires that the University issue a timely notification to protect the health or safety of the community. The notification will not include the Complainant's name. Pursuant to the Clery Act and VAWA, the Office of Equal Opportunity & Title IX will provide information regarding reported criminal incidents to the University's Clery and Compliance Coordinator for inclusion in the Daily Crime Log and in the University's Annual Security Report. The University may also share aggregate data about reports, Outcomes, and/or Disciplinary Action without including personally identifiable information.

The University encourages Complainants to contact local law enforcement to report incidents of Prohibited Conduct that may also be crimes under applicable state or federal criminal statutes. At the Complainant's request, the University will assist a Complainant in contacting local law enforcement and will cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process. The University encourages all individuals to seek assistance from a medical provider, as needed, and/or law enforcement immediately after an incident of Sexual Harassment, whether or not the individual plans to pursue criminal action. This facilitates preservation of evidence and a timely response by law enforcement and/or the University.

The University's definitions, burden of proof, and procedures differ from federal and state criminal law. The University is not bound by law enforcement's determination whether or not to prosecute a Respondent nor the outcome of any criminal prosecution. The University will independently determine under these Procedures whether Prohibited Conduct has occurred. The University may undertake any process under these Procedures prior to, simultaneously with, or following civil or criminal proceedings.

Responsible Employees are defined in the University's Reporting by University Employees on Disclosures Relating to the University's Discrimination and Harassment Policy. Responsible Employees will refer all reports of Prohibited Conduct to the Office of Equal Opportunity & Title IX to facilitate resolution pursuant to these Procedures. At any time, any person may report Prohibited Conduct, in person, by mail, by telephone, by electronic mail or other electronic submission to the Office of E2I8si Tw (al O)-2.1 (p)2.3 (p)13.1 (o)-6..7 (r)-1.3 ()-6.6 (n)1

<https://www.du.edu/equalopportunity/index.html>
Equalopportunity@du.edu or Marti.McCaleb@du.edu

Molly Hooker, Deputy Title IX Coordinator
University of Denver
Driscoll Center South, Suite 30
2050 E. Evans Avenue
Denver, CO 80208
(303) 871-7016

<https://www.du.edu/equalopportunity/index.html>
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Contacting the Office of Equal Opportunity & Title IX

Office of Equal Opportunity & Title IX
Driscoll Center South, Suite 30
2050 E. Evans Avenue
Denver, CO 80208
Phone: 303-871-7016
Equalopportunity@du.edu or TitleIX@du.edu
<https://www.du.edu/equalopportunity/>
Equal Opportunity [Online Report Form](#)

Individuals may also report Prohibited Conduct to other units identified below, each of which must promptly inform the Office of Equal Opportunity & Title IX:

Department of Campus Safety
University of Denver
2130 S. High St., MSC 6200
Denver, CO 80208
General Reports: 303-3D

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2055 E. Evans Avenue, Suite 3001
Denver, CO 80208
303-871-2150

srr@du.edu

<https://www.du.edu/Studentlife/Studentconduct/rightsresponsibilities.html>

Student Outreach & Support (SOS) Referral
University of Denver - Community Commons
2055 E. Evans Avenue, Suite 3100
Denver, CO 80208

SOS@du.edu

SOS Referral [Online Report Form](#)

Housing and Residential Education (HRE)

HRE staff including Resident Assistants (RAs), Graduate Resident Director (GRDs)

Dimond Family Residential Village

2020 S. High Street, #P112

Denver, CO 80208

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will still seek to provide Supportive Measures for a Complainant and take steps to end the Prohibited Conduct, prevent its recurrence, and address its effects.

The University also encourages the reporting of conduct occurring off University Premises including online or electronic conduct that oc rr(d)5.3 (i)2.8 (n)5.2 (th)5.3 et c(o)-378 (n)5.3 (t)10.9 ex(t)10.9 ((o)-3.6 fg)2.6 ()TJ0.410 g-0.

academic accommodations based on a disability, medical condition, or mental health condition, please see the Student Disability Services website.

The Office of Equal Opportunity & Title IX is not a confidential resource. For any report of Prohibited Conduct, the University will endeavor to respect and safeguard the privacy interests of all individuals involved balanced with the need for a careful assessment of the allegation and any necessary steps to eliminate the conduct, prevent its 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 or assist in the active response, review, investigation, or resolution of the report. Information regarding a report by a Student or Employee will not be

scope of Prohibited Conduct under the University's Discrimination and Harassment Policy, the Associate Vice Chancellor will, as appropriate, refer the matter to the applicable administrator or University unit, provide the Complainant with resources, and/or close the matter.

After the initial assessment, the Associate Vice Chancellor may request an intake meeting with the Complainant. The University will consider the Complainant's expressed preference for the manner of resolution while balancing the University's obligation to promote a safe and non-discriminatory environment for all members of the University community. The University may use information gathered during the intake process in an investigation.

related to any form of Prohibited Conduct, or has any history of violent behavior
Whether the Respondent has a history of failing to comply with any University No Contact Order, other University protective measures, and/or any judicial protective order
Whether Respondent has threatened to commit violence or any form of Prohibited Conduct
Whether the Prohibited Conduct involved multiple Respondents
Whether the Prohibited Conduct involved physical violence. Physical violence means exerting control over another person through the use of physical force. Examples of physical violence including hitting, punching, slapping, kicking, restraining, strangling, and

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 is not subject to appeal.

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 may not:

1. Be Witnesses;
2. Present information on behalf of any Party;
3. Submit documents on behalf of any Party;
4. Discuss any matter directly with University administrators or Investigator in the absence of the Party they are assisting;
5. Advocate, argue or otherwise represent any Party or position; or
6. O

- A. Supportive Measures are available regardless of whether the matter is reported to the University for purposes of initiating any formal grievance proceeding and before, after, and regardless of whether a Complaint is filed. A Complainant who requests Supportive Measures retains the right to file a 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 are designed to protect the safety of all Parties or the University's educational environment.
- C. Supportive Measures may include, but are not limited to
 - 1. Counseling through the TELUS Health Student Support Program
 - 2. Assistance in seeking academic assistance, e.g., including modified class schedules (including transfer to another section), permission to withdraw from and/or retake a class or attend a class via alternative means, and extension of assignment deadlines or other course-related adjustments
 - 3. Assistance in modifying University employment arrangements, including changes in work schedules, job assignments, work locations, and/or assigned parking
 - 4. Campus escort services and safety planning through Campus Safety
 - 5. Mutual restrictions on contact between the Parties
 - 6. Assistance in requesting leaves of absence
 - 7. Modifications to University housing arrangements, including immediate temporary relocation to alternative living quarters and/or permanent reassignment of University housing
 - 8. Assistance in arranging a meeting with law enforcement to discuss reporting or safety planning
 - 9. Assistance in modifying assigned parking
 - 10. Increased security and monitoring of certain areas of the campus
 - 11. Any other measure which can be tailored to the involved individuals to achieve the goals of these Procedures
- D. 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 to have offered,

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 (under 18);
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 an investigation or other means of resolution;
10. If the Complainant is unwilling to participate, whether the University possesses other means to obtain relevant evidence;
11. The University's ability to identify a Respondent;
12. The facts that are reasonably in dispute;
13. The affiliation that the Complainant, Respondent, and other involved person(s) have with the University;
14. The University's obligation to promote a safe and non-discriminatory environment; and
15. The University's obligation to satisfy any other legal or regulatory requirements.

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. The Associate Vice Chancellor may also initiate an administrative review as part of the inquiry. Upon initiation of an administrative review, the Associate Vice Chancellor will notify the head of the unit of the commencement and scope of the review.

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 resolve the concern or when the information gathered indicates that a formal investigation is necessary.

When the Associate Vice Chancellor initiates an inquiry, a Deputy Coordinator or Investigator may interview any Parties and/or Witnesses and gather evidence to determine the appropriate resolution necessary to prevent and correct any Prohibited Conduct under these Procedures. When the Associate Vice Chancellor determines that a concern will be handled through the inquiry process, the University will provide Complainant and Respondent, if known, with notice of the scope of the inquiry and a written resolution of the inquiry that includes a summary of the rationale for such resolution and any recommendations made.

Unlike in a formal investigation, the Complainant and Respondent do not have the right to review all information gathered through the course of an inquiry. The Associate Vice Chancellor has the discretion to

redact, remove, or summarize, including, but not limited to, personally identifiable information, personnel records, witness statements, and other evidence that the Associate Vice Chancellor determines would

5. That either Party may withdraw from the informal resolution process prior to agreeing to a resolution and resume the investigation.

After the Parties have engaged in an informal resolution process, reached a resolution, and the Associate Vice Chancellor has accepted the result of that process, the resolution is binding, and the Parties generally are precluded from resuming or restarting the Investigation related to the Complaint. No Party can appeal a binding resolution reached through the informal resolution process. However, the failure to complete the agreed terms of an informal resolution may result in the Office of Equal Opportunity & Title IX commencing or resuming a formal investigation and/or referral to the Office of Student Rights & Responsibilities or the Division of Human Resources & Inclusive Community.

Informal resolution will not result in Outcomes through the Outcome Council, but rather may take the form of education, coaching, mentoring, voluntary withdrawal, or other action steps that the Associate Vice Chancellor deems appropriate, in consultation with other University administrators as needed. For informal resolutions involving Students, the University division, department, unit, or office responsible for taking action pursuant to the informal resolution must inform the Office that such action has been taken.

Informal resolutions may result in mandatory requirements in the form of education, coaching, mentoring, or other action steps that the Associate Vice Chancellor deems appropriate, in consultation with the Employee's supervisor, the Division of Human Resources & Inclusive Community, and other University administrators. For informal resolutions involving mandatory requirements for University Employees, the Employee or the Employee's supervisor, as applicable, must inform the Office of Equal Opportunity & Title IX the Employee or the supervisor has completed the required action.

After an initial assessment, the Associate Vice Chancellor has the discretion to determine whether an investigation pursuant to these Procedures is appropriate and/or to refer the alleged Prohibited Conduct to other units for resolution pursuant to applicable policies and/or procedures.

All Complaints are presumed to be made in good faith, and all Complainants have the right to be taken seriously. A Respondent is presumed not responsible for alleged Prohibited Conduct unless and until a determination regarding responsibility for Prohibited Conduct is made at the conclusion of the investigation.

The Associate Vice Chancellor will designate an Investigator who may or may not be an Employee of the University. Any Investigator chosen to conduct the investigation must be impartial and free of any actual

to support this concern.

After the Associate Vice Chancellor decides to move forward with a formal investigation, the Office of Equal Opportunity & Title IX will notify all Parties (Complainant(s) and Respondent(s)) in writing that the Office has initiated an investigation. The Associate Vice Chancellor will also invite each Party to an informational meeting to review the process and the resources available to them throughout the process.

The notice letter will:

1. Identify the Complainant(s) and Respondent(s);
2. Provide a concise summary of the of the alleged Prohibited Conduct (including when and where it occurred, if known) and specify the date, time (if known), location and nature of the alleged Prohibited Conduct and any other relevant conduct;
3. Notify the Parties that an investigation has been initiated against the Respondent(s);
4. Identify the applicable Procedures;
5. Identify the assigned Investigator(s);
6. Inform the Parties how to challenge participat

form, and reliability of the information.

Witnesses must have observed the acts in question or have information relevant to the incident and cannot be participating solely to speak about an individual's character. The Investigator will review and has discretion to determine the necessity of interviewing potential Witnesses.

In general, a person's medical and counseling records are confidential unless that person voluntarily chooses to share a licensed health care professional's direct observations of that person's physical or mental health condition. Additionally, personnel records are generally confidential; however, the Investigator may review igio genitye

3. The type or nature of the conduct or communication, recognizing that conduct or communication that, at one time, was or is welcome between two or more individuals may become unwelcome to one or more of those individuals;
4. The duration of the conduct or communication;
5. The location where the conduct or communication occurred;
6. Whether the conduct or communication is threatening;
7. Whether any power differential exists between the individual alleged to have engaged in harassment and the individual alleging the harassment;
8. Any use of epithets, slurs, or other conduct or communication that is humiliating or degrading; and
9. Whether the conduct or communication reflects stereotypes about an individual or group or individuals in a protected class.

After each Party has been provided the opportunity to be interviewed and to identify potential Witnesses and other information, and the Investigator has completed Witness interviews and the gathering of evidence, the Investigator will prepare a preliminary report. The preliminary report will include, as applicable, the transcript or interview statement for Complainant, Respondent, and any witnesses, and either a copy or written summary of any other information that the Investigator, in their discretion deems relevant.

The Investigator will make a determination based on a Preponderance of the Evidence whether there is sufficient evidence to support a finding of responsibility for a violation of the [Discrimination and Harassment Policy](#) (and, where applicable, any other relevant policies). The Investigator will provide the full rationale for the findings, including an analysis of the available information, in the final investigative report. The Investigator's determination will be based solely on the evidence contained within the final investigative report. The

7. The University's failure to meet any of the time frames outlined within these Procedures, or to provide written notice of the extension of these time frames, shall not be grounds for

inform the parties simultaneously and in writing of any extensions of time. Disciplinary Action involving faculty is further subject to the [Policies and Procedures Relating to Faculty Appointment, Promotion and Tenure](#).

2. In determining Disciplinary Action, the decision-maker has the following objectives:
 - a. Promoting safety and protecting the University community;
 - b. Sanctioning individuals for engaging in Prohibited Conduct and deterring them from similar future behavior;
 - c. Ending Prohibited Conduct;
 - d. Taking steps reasonably calculated to prevent the future reoccurrence of the Prohibited Conduct;
 - e. Restoring the Complainant to their pre-deprivation status, to the extent practical and possible.

3. In determining Disciplinary Action, the decision-maker will consider whether the nature of the conduct at issue warrants removal from the University, either permanent (termination) or temporary (suspension). The decision-maker will also consider other factors including, but not limited to:
 - a. The nature of the Prohibited Conduct at issue,
 - b. The degree of physical violence (if any) associated with the Prohibited Conduct,
 - c. The impact of the Prohibited Conduct on the Complainant or University community, prior disciplinary history of the Respondent or relevant or related criminal convictions (if known) (shared only upon a finding of responsibility for the allegation),
 - d. Whetstablyh9.6 (m)1.5 (m)-9.3 (u)-0.8 (n)-0.a.3 -8 -1.217 Tj-((e)-.2 (in)2.2 (g)2.6 (,)-1 (b)2.3 (u)2.

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finding of responsibility requires convening of the Outcome Council and provide the final investigation report and all related materials to the Outcome Council. The Associate Vice Chancellor will notify the parties in writing when the final investigation r

1. Either Party may appeal a determination regarding responsibility and Outcomes as set forth below.
2. No other issue may be appealed.

A Party may only appeal on one or more of the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence not reasonably available at the time the

1. After receiving a timely written appeal, the Associate Vice Chancellor will notify the Parties in writing:
 - a. That the appeal was submitted;
 - b. The opportunity for the Party who did not submit an appeal to:
 - i.

5. Provide the University with accurate address and other contact information so that notifications are not unduly delayed.
6. Promptly open and read any communication from the Office of Equal Opportunity & Title IX,

impact of alcohol and illegal drug use; Consent; safe and positive options for bystander intervention; review of resources and reporting options available for Students, faculty and staff; and information about risk reduction. All incoming Students receive training on the University's policies and procedures, as well as prevention and awareness programming. During on-boarding and annually, Employees are required to undertake training on the University's policies and procedures, as well as prevention and awareness programming. The University's Office of Equal Opportunity & Title IX, the [Center for Advocacy, Prevention and Empowerment \(CAPE\)](#), and the [Department of Health Promotion](#) provide education and prevention programming and are willing to tailor programming to address specific campus needs and climate.

Pursuant to University's [Discrimination and Harassment Policy, Section 3.10.010](#), the University may, in its sole discretion, update these Procedures at any time for any reason, including as necessary to comply with applicable local, state, and federal laws and regulations and/or directives from relevant government agencies.