Annual Campus Security & Fire Safety Report 2018

Department of Campus Safety
2130 S. High St Denver, CO 80208
The University of Denver’s (DU) Annual Campus Security and Fire Safety Report is published each year to provide crime and fire statistics and information on safety and security related services offered by the university, in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

This report is prepared by DU’s Department of Campus Safety with data and information provided by Campus Safety, the Office of Student Rights and Responsibilities, the Office of Title IX, the Office of Equal Opportunity, Housing and Residential Education, the Health and Counseling Center, the Office of Emergency Preparedness & Fire Safety, other DU departments and campus security authorities, as well as in cooperation with the Denver Police Department. Each department or entity provides crime statistics and/or updated information on its educational efforts and programs to comply with required acts, including the Jeanne Clery Act. The report summarizes university and campus safety and security programs and contains policies and procedures designed to enhance personal safety at the University of Denver.

Campus crime, arrest and referral statistics include those reported to DU Campus Safety, Denver Police and campus security authorities (as defined by federal law). While licensed professional counselor, when deemed appropriate, may encourage victims to permit reporting of statistical information about crimes committed against them for inclusion in these statistics, none have been specifically reported here.

The 2018 Annual Campus Security and Fire Safety Report is posted on the University of Denver’s (DU) Department of Campus Safety website du.edu/campussafety/reports/index.html in PDF format. Fire, crime and disciplinary referral statistics are included at the end of the report. Printed copies are available at the DU Campus Safety Center (2130 S. High St., Denver, CO).

For more information regarding campus safety or to request a paper copy of the report, contact DU Campus Safety at 303. 871.2334, or e-mail the Clery Coordinator or write to the department at 2130 S. High St., Denver, CO, 80208-6200.

MESSAGE FROM THE DU CAMPUS SAFETY DIRECTOR

The University of Denver (DU) engages in educational efforts to enhance security. DU and its Department of Campus Safety are committed to an integrated philosophy of awareness, education, prevention and service. The University provides information on crimes and crime prevention through various outreach initiatives that include direct programming with students and activities coordinated by Campus Safety.

Newly enrolled students learn about living in the campus community during “Discoveries”, the undergraduate student orientation program. Topics include personal safety, crime reporting, emergency procedures, respect for others, alcohol, consent and sexual assault. The Annual Campus Security and Fire Safety Report is produced by the Department of Campus Safety in collaboration with multiple departments on campus as well as in cooperation with the Denver Police Department, the local law enforcement agency that provides services to DU properties within their jurisdiction. The purpose of this report is to inform the DU Community of crimes that occur on campus, prevention programming, policies related to safety on campus, and resources available to victims of crime.

The Department of Campus Safety seeks internal and external partnerships to promote and maintain a safe, secure environment conducive to learning, living and working at the University of Denver. Campus Safety, often in conjunction with other University departments, provides the DU community with information and educational opportunities in an effort to foster a safer campus environment while encouraging members to be responsible for their own security and that of others.

Don Enloe,
Director of Campus Safety
University of Denver
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THE UNIVERSITY OF DENVER’S DEPARTMENT OF CAMPUS SAFETY

The University of Denver’s (DU) Department of Campus Safety operates 24 hours a day, 365 a year. DU Campus Safety’s authorized strength is 48 total full-time personnel: 31 Campus Safety Officers (CSO), which can also serve as the department’s communication’s officers during a shift, 5 administrative personnel, 9 communications personnel, 2 technical services personnel and 1 part-time clerical/support personnel. The primary jurisdiction of DU Campus Safety officers is limited to the buildings and property owned and/or controlled by the University of Denver.

DU Campus Safety Officers conduct preventative patrols within their jurisdictional boundaries. Additionally, DU Campus Safety Officers provide building and property security, basic first responder services, conduct preliminary safety escorts and respond to calls for service by the campus community. If university students commit minor offenses involving university rules and regulations, DU Campus Safety Officers may refer the students to the Office of Student Rights and Responsibilities for possible disciplinary action.

DU Campus Safety Officers may take reports to assist outside agencies, including, but not limited to the following situations: at the direct request of an agency, if DU Campus Safety Officers encounter a serious criminal offense while on-patrol, or if DU Campus Safety Officers have begun a preliminary investigation or contributed to an investigation that is later determined to be under the jurisdiction of another entity.

The University of Denver’s (DU) Department of Campus Safety strives to maintain a professional and cooperative relationship with the Denver Police Department (DPD), which is the law enforcement agency that provides services to DU properties within their jurisdiction. When a crime occurs within the campus community, DU Campus Safety serves as the University’s primary liaison with law enforcement officials. Members of the DU community are encouraged to immediately report suspicious circumstances and crimes occurring on campus to DU Campus Safety. DU Campus Safety in turn coordinates with the DPD to determine an appropriate response.

DU Campus Safety Officers are non-commissioned/non-sworn officers licensed by the City and County of Denver. All Officers must maintain a valid Denver Merchant Guard License. DU Campus Safety Officers are not armed and do not make arrests; however, they may detain individuals within their jurisdiction for disposition by Denver Police if they have viewed a criminal act or reasonably believe that an individual has violated a city ordinance, or a state or federal law. Denver Police officers, however, have the jurisdictional and legal authority to make the final determination regarding violations of law, as well as the disposition of detained persons. Conversely, the DPD regularly informs DU Campus Safety when it investigates a crime or complaint involving student conduct at off-campus locations. The University of Denver does not systematically monitor criminal activity in which students or student organizations engage off campus. However, Campus Safety routinely cooperates with the DPD and other outside police agencies in the investigation of, and response to, this type of activity when it is brought to the University’s attention.

The University of Denver’s Department of Campus Safety and the Denver Police Department have a Memorandum of Understanding (MOU) that serves as the operational framework for their ongoing and cooperative public safety efforts.
The University of Denver campus is wholly located within the statutory boundaries of the City and County of Denver, Colorado. The Denver Police Department has primary jurisdiction and responsibility for handling police related events occurring at the University as follows:

1. Crimes of violence resulting in significant injury or death, including actual and attempted homicides, rape, and sexual assaults, robberies, serious assaults, such as first degree assaults and those involving the use or implied use of a weapon, suicides, suspicious or unattended deaths and industrial accidents. Serious bodily injuries are defined as those injuries requiring hospitalization and/or significant medical treatment and include in-progress and late reported crimes. The DCS will immediately refer any such crimes to the DPD for investigation.

2. Missing person cases. The DCS will report missing person cases to the DPD immediately so that a DPD officer may be dispatched to handle the investigation.

3. All controlled dangerous substance violations. The DCS will immediately refer such matters to the DPD for investigation and action.

In cases where the members of the DCS have detained or initiated criminal process (i.e. criminal investigation detention and/or peace/protective order), they will notify the DPD of their actions in a timely fashion. Copies of all documents or reports relating to the matter will be provided to the appropriate DPD representative in a timely manner.

In every case where an apprehension and/or detention of a suspect is made by a member of the DCS staff, the detainee will be transferred to the responding DPD officer as quickly as practical. Summons or arrest is at the discretion of the responding DPD officer. The prosecuting attorney may subpoena the appropriate DCS staff as witnesses for trial. Arrangements for the suspect’s transport will be made through the DPD Communications Section with the knowledge of the on-duty DPD Patrol Supervisor.

Patterns of crime developing within the University community will be reported by the Director of Campus Safety to the DPD Communications Center as soon as practical or any time an on-duty supervisor of the DCS feels that a case or situation exceeds their ability to safely, effectively and appropriately handle or investigate a matter/case, it should be referred to the DPD at that time.

The DCS supervisor will contact the DPD Communications Center and discuss the situation with the officer(s) that are dispatched for the call. Care should be taken to involve the DPD at the earliest possible opportunity to reduce confusion and duplication of effort while maximizing the integrity of the crime scene and preliminary investigation. If this should occur, the on-duty DCS supervisor will ensure that all staff members complete detailed reports to be provided to the DPD investigator at the earliest possible opportunity.

Crimes involving suspects from outside the campus community create unique challenges for DCS staff. Accordingly, cases potentially involving suspects from outside the University community will immediately be referred to the DPD for investigation at the earliest opportunity.

In the event a crime occurs on-campus and is reported to both DPD and DU Campus Safety, investigations may be assigned and completed by both agencies. As in all matters, Campus Safety works collaboratively with DPD to investigate crimes occurring on campus. Assuming criminal charges have or may result, Campus Safety will always defer to DPD’s authority in an effort to maintain evidentiary integrity and the best possible outcome. In these cases, Campus Safety’s investigation will be coordinated with, or completed immediately subsequent to, the DPD investigation.
CLERY ACT COMPLIANCE

In 1998, the federal government passed the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, or the Clery Act. This law requires colleges and universities receiving federal funding to:

- Publish an annual report disclosing campus security policies and three years of selected crime and fire statistics.
- Make timely warnings to the campus community about crimes that pose a serious or ongoing threat.
- Keep a public crime log.
- Uphold basic rights to victims of sexual assault.
- Make accurate crime statistics available to the U.S. Department of Education, which centrally collects and disseminates campus crime statistics at the national level.
- Face possible fines from the U.S. Department of Education when schools fail to comply with the Clery Act.

The purpose of the Clery Act is to provide current and prospective students and employees with accurate, complete and timely information about campus safety so that they can make informed decisions. The University of Denver’s Department of Campus Safety publishes the Annual Campus Security and Fire Safety Report in compliance with the Clery Act, and also offers it as a resource guide, directing readers to campus safety and security services and providing crime prevention and personal safety guidance and strategies.

This report also includes information and policy statements regarding campus security and safety, for example, crime prevention and security awareness, fire safety, alcohol and substance abuse, sexual assault prevention, response and resources, procedures for reporting a crime, and emergency and evacuation policies and procedures, as well as other matters of importance to the campus community.

DEVELOPMENT OF THE ANNUAL CAMPUS SECURITY AND FIRE REPORT

The Annual Campus Security and Fire Safety Report is published on the University of Denver’s Department of Campus Safety (DU Campus Safety) web site annually. Statistics for the current calendar year will appear in the report for the following year.

Crime statistics include certain categories of crimes and disciplinary referrals required for disclosure under the Clery Act which occurred on campus (including all residential facilities); in certain off-campus buildings or property owned or controlled by the University of Denver; and on public property within or immediately adjacent to and accessible from the campus.

Campus crime, arrest and disciplinary referral statistics include those reported to DU Campus Safety, campus security authorities (as defined by federal law) and law enforcement authorities within whose jurisdiction DU properties reside.

DU Campus Safety discloses all incidents reported to the department that fall into any of the required reporting classifications as a statistic in the annual report. Fire statistics, are also provided by DU Campus Safety, to include those which occur in student residential facilities.

DU Campus Safety’s Clery Coordinator is responsible for collecting and compiling crime and fire statistics and for developing and publishing the annual report. In addition to crime and fire statistics, program and policy statement are collected from the Office of Student Rights and Responsibilities, the Office of Title IX, the Office of Equal Opportunity, Housing and Residential Education, the Health and Counseling Center, and the Office of Emergency Preparedness & Fire Safety are included in this report.

The Annual Campus Security and Fire Safety Report is released by October 1 of each year, in compliance the Clery Act. The report may be viewed on DU Campus Safety’s website du.edu/campussafety/reports/index.html. To request a paper copy of the report, contact DU Campus Safety at 303-871-2334, or e-mail the Clery Coordinator or write to the department at 2130 S. High St., Denver, CO, 80208-6200. Printed copies are available at the DU Campus Safety Center (2130 S. High St., Denver, CO).

Notification Process

By October 1 of each year, all DU employees and enrolled students receive an e-mail notification regarding the content and availability of the Annual Campus Security and Fire Safety Report. The e-mail provides information regarding how to access the report as well as a direct link to the report.

An electronic notice is distributed via e-mail to:
- All employees
- All students (currently enrolled and those who have applied by October 1)

Notification is also posted in the following locations:
- Human Resources (for prospective employees)
- A link to the report is provided on the Human Resources website and is embedded in all available job listings.
- Admissions website (for prospective students):
- A link to the report is provided on the Admissions website and is provided to prospective
students via an auto-response e-mail generated when an application is submitted electronically (undergraduate, graduate and law school submissions).

- Prospective students may also receive the notification as part of an informational packet.

**Annual Security Report**

Each year, Campus Safety prepares the Annual Security and Fire Safety Report, in cooperation with the Denver Police Department, Student Rights and Responsibilities, Housing and Residential Education, the Health and Counseling Center and other DU departments. Each department or entity provides crime statistics and/or updated information on its educational efforts and programs to comply with required acts, including the Clery Act.

Campus crime, arrest and referral statistics include those reported to DU Campus Safety, Denver Police and campus security authorities.

While licensed professional counselors—when deemed appropriate—may encourage victims to permit reporting of statistical information about crimes committed against them for inclusion in these statistics, none have been specifically reported here.

Annual notifications are made to all enrolled students and DU employees by Oct 1 that provide the website to access this report. E-mail notifications are made to all students and employees. The report is available on the Campus Safety website: [du.edu/campussafety/reports](http://du.edu/campussafety/reports). Printed copies of the Annual Security and Fire Safety Report are available at the Campus Safety Center located at 2130 S. High St.

For crime definitions visit: [du.edu/campussafety/reports/index.html](http://du.edu/campussafety/reports/index.html)

**Notes**

Reported crimes may involve individuals not associated in any way with the University of Denver.

**Locations:** Pursuant to reporting requirements mandated by the federal government, offense locations have been delineated into the following areas: On Campus; Non-Campus; Public Property; and, as a sub category location on campus, On-Campus Residential. For public property reporting, the following campus parameters were defined (see definitions on right):

**University Park Campus:** (North) Buchtel Boulevard; (East) South Columbine Street; (South) East Harvard Avenue; (West) South Williams Street (see map on next page)

**Statistical Data:** Reports are sometimes completed by both the Denver Police Department and DU Campus Safety regarding the same incident. Although this data has been reviewed in an effort to avoid double reporting, some replication may exist. Pertinent statistical data are also obtained from other entities with “campus security authority” as defined by the Clery Act.
Definitions

**Campus Security Authority:** Defined in part, as “—A member of a campus police department or a campus security department of an institution.

— Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department.
— Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
— An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.”

**On Campus:** (1) Any building or property owned or controlled by any institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in section (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes.

**Non-Campus Building or Property:** (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Public Property:** All public property, including thoroughfares, streets, sidewalks and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.

**On-Campus Residential:** Dormitories or other residential facilities for students on campus (we have included all fraternities and sororities).

**Hate Crimes:** Per federal requirement, “institutions must include by geographic location and by category of prejudice, any of the (above reported) offenses, and any other crime involving bodily injury reported to local police agencies or to a campus security authority, that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias.” The categories of bias include: Race, Gender, Gender Identity, Religion, Sexual Orientation, Ethnicity, National Origin and Disability.

**Proceedings:** Refers to those courses of action taken in response to reports of alleged policy violation(s) as described in the Student Rights and Responsibilities Policies & Procedures, the Equal Opportunity & Title IX Procedures, or the Employee Handbook.

**Result:** Refers to “Outcomes” for students and “Corrective Actions” for faculty and staff as outlined in either the Student Rights and Responsibilities Policies & Procedures, the Equal Opportunity & Title IX Procedures, or the Employee Handbook.

**Clery Associated Records**

The Clery Coordinator is the custodian for all Clery-associated records. These records include the crime log, available to the public on the DU Campus Safety website and in paper copy format at the Department of Campus Safety Center, as well as Clery-reportable crime and fire statistics which are provided to the public and the Department of Education annually, for the current and prior two years. The institution is required to keep Clery-associated records for seven years.
Confidentiality of Victims/Survivors

The Clery Coordinator collects and compiles statistical data from several sources, including the following entities: DU Campus Safety, the Office of Student Rights and Responsibilities, the Office of Title IX, the Office of Equal Opportunity, Housing and Residential Education, the Health and Counseling Center, and the Office of Emergency Preparedness & Fire Safety, other campus security authorities, and those law enforcement agencies within whose jurisdiction DU owned or leased buildings or properties reside or that provide services to lodging where students stay when traveling for study abroad programs and school sanctioned activities.

The data, when recorded and compiled by the Clery Coordinator for the purposes of Clery reporting, contains information relevant to and necessary for Clery reporting requirements only, in specific: date, location and crime.

When collecting and compiling statistics, the Clery Coordinator does not require any identifying information about a victim, as such information is not required for Clery statistical disclosure.

Crime Statistics Reporting Policies and Procedures

The University of Denver’s (DU) Department of Campus Safety (DU Campus Safety) is responsible for gathering statistics for criminal activity on and near campus, identifying reportable crimes and delivering reports of this data annually. The Clery Act requires reports be disseminated to the U.S. Department of Education and delivered to members of the campus community. Annually, all Clery-reportable crimes are reported directly to the Department of Education via an online survey. Each year by October 1, these same statistics are provided to the campus community.

Compiled data and statistics are reported in different formats and categories depending upon legal requirements of each report. The Clery Act requires its statistics to be reported from a wide geographic area (e.g., crimes that occur on public property adjacent to the campus and at off-campus student organization properties are Clery-reportable). The Clery Act also requires reports of arrests for drug, alcohol and weapons offenses and student disciplinary referrals. The University of Denver provides the option of confidential and anonymous reporting and while these statistics may not be reportable per local, state, or federal law enforcement guidelines, they are potentially Clery-reportable.

Throughout the year, DU Campus Safety collects and records Clery crimes occurring on campus, in adjacent public areas, at other DU owned and leased properties, and potentially other off-campus locations. These crimes are reported to DU Campus Safety via the public; the Office of Student Rights and Responsibilities; the Title IX Coordinator; and other campus security authorities. DU Campus Safety collects, compiles and records disciplinary referrals from the Office of Student Rights and Responsibilities monthly.

DU Campus Safety sends a written request for Clery crimes reported in the previous calendar year to the Denver Police Department, which is the law enforcement agency that provides services to DU properties within their jurisdictions. When criminal activity occurs outside of the jurisdiction of DU (e.g., a student organization located off campus), the local law enforcement agency follows its own
procedures to create a police report for each incident. This agency will then, upon the request of DU Campus Safety, submit its statistics. When this data is received, it is reviewed, particularly to ensure that there are no duplications in reporting efforts between DU Campus Safety and outside reporting agencies. Although every effort is made to avoid duplication of reports received from outside police agencies, campus security authorities and other reporting entities, an individual incident potentially could be reported to us, and thus counted as a statistic, more than once. DU Campus Safety also requests statistics from law enforcement agencies that provide services to lodging where students stay when traveling for study abroad programs and school sanctioned activities.

VAWA (Violence Against Women Act) regulations now require an institution to report to the Department of Education, and disclose in its annual security report statistics, the number of crime reports that were “unfounded” (false or baseless) and subsequently withheld from its crime statistics during each of the three most recent calendar years. Institutions may only exclude a reported crime after a full investigation. Only sworn or commissioned law enforcement personnel can make a formal determination that the report was false or baseless when made and that the crime report was therefore “unfounded.” Crime reports can be properly determined to be false only if the evidence from a complete and thorough investigation establishes that the crime reported was not, in fact, completed or attempted in any manner. Crime reports can only be determined to be baseless if the allegations reported did not meet the elements of the offense or were improperly classified as crimes in the first place.

Those crimes determined to be unfounded, and subsequently not disclosed as a crime statistic, would be listed below each crime table by calendar year shown in the associated table. DU Campus Safety is a non-commissioned security entity and thus, does not have the legal authority to “unfound” reported crimes. When a crime is reported, individual reports may be forwarded to other department or campus units and/or agencies for follow up. In most cases, the report is forwarded to the Office of Student Rights and Responsibilities for adjudication through the campus’s disciplinary referral process.
# 2017 University Park
## Reports to Campus Safety, Denver Police & Other Campus Safety Authorities

### Crime/Offenses

<table>
<thead>
<tr>
<th>Crimes</th>
<th>On-Campus</th>
<th>Non-Campus Buildings &amp; Property</th>
<th>Public Property</th>
<th>Totals</th>
<th>On-Campus Residential Only</th>
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</thead>
<tbody>
<tr>
<td>Murder &amp; Non-Negligent Manslaughter</td>
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<td>0</td>
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</table>

### Liquor, Drug @ Weapons Violations

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<thead>
<tr>
<th></th>
<th>On Campus</th>
<th>Non-Campus Buildings &amp; Property</th>
<th>Public Property</th>
<th>Totals</th>
<th>On-Campus Residential Only</th>
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<td>Liquor Law Arrest</td>
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<td>Illegal Weapons Disciplinary Referrals</td>
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</tbody>
</table>

In 2017, there was one reported Hate Crime that took place on public property adjacent to the University's campus. This incident was reported as Vandalism. The Denver Police department and Campus Safety received several reports of bias motivated vandalism. The vandalism included KKK and swastikas etched into the side of at least two vehicles. One of the vehicles was determined to be parked on the street adjacent to the University Campus.
2016 University Park
Reports to Campus Safety, Denver Police & Other Campus Safety Authorities

Crime/Offenses

<table>
<thead>
<tr>
<th>Crimes</th>
<th>On-Campus</th>
<th>Non-Campus Buildings &amp; Property</th>
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<th>On-Campus Residential Only</th>
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<td>Murder &amp; Non-Negligent Manslaughter</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Negligent Manslaughter</td>
<td>0</td>
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<tr>
<td>Sexual Assault</td>
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<td>24</td>
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<td>1</td>
<td>21</td>
<td>14</td>
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<tr>
<td>Forcible Fondling</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>3</td>
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<tr>
<td>Domestic Violence</td>
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<td>1</td>
<td>3</td>
<td>0</td>
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Liquor, Drug @ Weapons Violations

<table>
<thead>
<tr>
<th>Violations</th>
<th>On Campus</th>
<th>Non-Campus Buildings &amp; Property</th>
<th>Public Property</th>
<th>Totals</th>
<th>On-Campus Residential Only</th>
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<td>Illegal Weapons Disciplinary Referrals</td>
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<td>0</td>
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</tr>
</tbody>
</table>

In 2016 there was one on-campus simple assault reported that was characterized by ethnicity bias. There was one suspect and one victim. The victim reported that while walking on campus, she was approached by the suspect who made statements regarding her ethnicity. The suspect then struck the victim in the face near her right eye. The suspect’s actions were intentionally directed toward the victim, which indicated the crime was based off of the suspect’s bias.
2015 University Park
Reports to Campus Safety, Denver Police & Other Campus Safety Authorities

Crime/Offenses

<table>
<thead>
<tr>
<th>Crimes</th>
<th>On-Campus</th>
<th>Non-Campus Buildings &amp; Property</th>
<th>Public Property</th>
<th>Totals</th>
<th>On-Campus Residential Only</th>
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<tr>
<td>Rape</td>
<td>7</td>
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<td>0</td>
<td>8</td>
<td>6</td>
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<tr>
<td>Forcible Fondling</td>
<td>5</td>
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<td>2</td>
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<td>3</td>
</tr>
<tr>
<td>Incest</td>
<td>0</td>
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<td>0</td>
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</tr>
<tr>
<td>Statutory Rape</td>
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<td>Dating Violence</td>
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<td>Domestic Violence</td>
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<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Stalking</td>
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<td>0</td>
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<td>0</td>
</tr>
<tr>
<td>Robbery</td>
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<tr>
<td>Burglary</td>
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<tr>
<td>Motor Theft</td>
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Liquor, Drug @ Weapons Violations

<table>
<thead>
<tr>
<th>Liquor Law Arrest</th>
<th>On Campus</th>
<th>Non-Campus Buildings &amp; Property</th>
<th>Public Property</th>
<th>Totals</th>
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<td>2</td>
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</tr>
</tbody>
</table>

In 2015 there was one on-campus (intimidation) incident that was reported and characterized by racial bias. There were two individuals involved in the case, with one being listed as a suspect. The incident took place in a classroom setting on campus while class was in session. During a debate, the suspect became angry at another student (the victim) and verbally threatened to cause bodily harm to the victim. During the course of the argument, the suspect began shouting racial slurs at the victim. The two individuals were of different race. The suspect’s actions were intentionally directed toward the victim, which indicated the suspect’s bias.
**Reporting Life-Threatening Emergencies – (911 and DU Campus Safety)**

In case of a life-threatening emergency, make the following

**TWO calls:** 911*
DU Campus Safety at 303.871.3000 (1-3000)

*911 Operators will assist in directing the necessary response from city emergency services, i.e., police, fire, and paramedics. Be prepared to give the operator information about the emergency, including, but not limited to:

- Your name, location and phone number for verification
- The nature of the emergency (i.e., crime, fire, medical)
- A description of suspicious person(s) or vehicle(s) involved (if applicable)
- If a medical or first aid call, determine if the victim is conscious and breathing

For additional 9-1-1 system information, visit [denvergov.org](http://denvergov.org).

While the Department of Campus Safety is staffed 24 hours a day, year-round, by trained professionals employed to serve the University Community in life threatening emergencies, or when immediate police, fire or medical assistance is needed, **please dial 911 first.** This will activate the appropriate emergency response from Denver’s emergency response system.

Additionally, if the emergency call is made from a DU phone, it will be reflected in the DU Campus Safety’s dispatch center. A DU Campus Safety Officer will respond immediately to the location from where the emergency call was made. If circumstances permit, also call the DU Campus Safety emergency phone line 303.871.3000 (1-3000) and inform the dispatch center of your emergency. This will help the responding Campus Safety Officer(s) understand the nature of the emergency prior to their arrival.

Outdoor direct-access telephone, referred to as “Blue-Light” emergency phones (E-Phones), are located throughout the campus for students and employees to use for reporting crime and requesting assistance. When you pick up an E-Phone, you are immediately connected to the DU Campus Safety Dispatch Center at 303.871.3000 (1-3000). If you plan to spend time on campus, please become familiar with the appearance and locations of these phones. The department will

For additional E-Phone Information and the most current locations, visit: [du.edu/campussafety/crimeprevention/index.html](http://du.edu/campussafety/crimeprevention/index.html)

In response to an emergency call, the Campus Safety Communication Technicians (Dispatchers) will take the information, send a Campus Safety Officer, and if applicable, contact emergency personnel from other agencies (i.e. police, fire and/or paramedics). If necessary, the Campus Safety Officer will complete a report after any necessary action is taken.

**Reporting Non-Emergencies to DU Campus Safety- Crimes of a non-emergent nature or non-life threatening urgent situations may be reported to DU Campus Safety by calling the non-emergency phone line, 303.871.2334 (1-2334).** In addition, the following crime reporting methods may also be utilized:
REPORTING A CRIME OR SUSPECTED CRIMINAL ACTIVITY

Campus community members are strongly encouraged to report all criminal incidents, suspicious persons and activities, and emergency situations immediately to DU Campus Safety. Any suspicious activity observed in campus parking lots, around vehicles, or inside of residence halls or buildings should be reported to DU Campus Safety at 303.871.2334, unless a life-threatening situation occurs, then call 9-1-1.

Campus community members, students, employees, and guests should report all crimes and criminal behavior in a timely manner. Prompt reporting aids in providing timely warning notices to the community when appropriate, may aid in the prevention of similar crimes and may assist in the investigation and apprehension of the perpetrator(s).

Reporting crimes is necessary to ensure inclusion in the University of Denver’s annual crime statistics. DU Campus Safety encourages accurate and prompt reporting of all criminal offenses, including when the victim of a crime elects to report, or when the victim is unable to make a report, to ensure that all crimes are included in the institutions Clery Act statistics.

Crime Awareness

Students and employees should be aware of crime in order to take necessary precautions to avoid becoming a victim. DU Campus Safety may utilize one or more of the following methods to inform the campus community of crimes that occur on or near campus:
The campus crime log can be viewed online at DU Campus Safety Website, du.edu/campussafety/reports/index.html. A printed copy of the campus crime log is available at the DU Campus Safety Center during normal business hours.

Evaluate the need for additional emergency phones at the request of groups on campus. Intermittent and ongoing campus construction may impact the availability and placement of emergency phones.

Report in person- You may make a report at the DU Campus Safety Center, 2130 S. High St., Denver, located at the corner of Evans Avenue and High Street. Normal business hours are 8:00 a.m – 4:30 p.m., Monday-Friday (excluding holidays). After hours, contacted DU Campus Safety non-emergency line at 303.871.2334 (1-2334) and let the dispatch center know you would like to come to the Campus Safety Center to make a report, so that an officer can meet you at this location.

Campus Safety Tip-Line: DU Campus Safety operates an anonymous tip-line, available at 303.871.3130 (1-3130) for campus community members to report any safety or security hazards on-campus.

Reporting Crimes to Other Campus Security Authorities- DU Campus Safety personnel are considered “Campus Security Authorities” under definitions outlined by the Clery Act. However, other members of the campus community could also be designated “Campus Security Authorities”. These “campus security authorities” are defined as “officials of the institution who have significant responsibility for student and campus activities”.

At the University of Denver, this includes, but is not limited to, graduate resident directors, resident assistants and resident directors, additional staff members of Housing and Residential Education, the
Office of Equal Opportunity, the Office of Title IX, the Office of Student Rights and Responsibilities, DU Campus Safety personnel, Student Club Advisors, Athletics and, under certain circumstances, university faculty members. These Campus Security Authorities (CSAs) are directed to formally report to DU Campus Safety specified criminal incident that are reported to them or that have occurred within the institution's campus geography or in association with, official university sanctioned events and/or activities. Campus Security Authority Reports are completed by other defined Campus Security Authorities and submitted to DU Campus Safety's Clery Coordinator for collection, evaluation and inclusion in appropriate statistical reports when applicable.

**Reporting Sexual Assault, Dating Violence, Domestic Violence and Stalking**

When a sexual assault, dating violence, domestic violence or stalking occurs, it is imperative that the victim/survivor file a report as soon as possible with the University's Department of Campus Safety, 303-871-3000 (1-3000), or the Denver Police Department, (9-1-1 emergency) (720.913.2000 Non-Emergency). Preserving any physical evidence is necessary for successful investigation, arrest, and prosecution of the perpetrator(s) and may be helpful in obtaining a protective order.

A victim/survivor may elect, or decline, to notify campus police or local law enforcement. If the victim/survivor chooses to file a police report, the institution can assist with the process. After an assault, the university may facilitate interim remedies in a victim/survivor’s living, academic, work, and/or transportation situations or provide other protective measures, if those changes are requested by the victim/survivor and reasonably available. Interim remedies will be provided regardless of whether the victim/survivor chooses to share specific information about the incident, report the matter to campus police or local law enforcement, or participate in the university’s administrative process, and regardless of whether the offense occurred on or off campus. For more information, assistance, and reporting options, contact:

- The Office Equal Opportunity & Title IX at 303.871-7481.
- The Center for Advocacy, Prevention and Empowerment (CAPE) at 303.871.3853
- DU Campus Safety at 303.871.3000 (emergency) 303-871-2334 (non-emergency)

Victims/survivors of sexual assault, dating violence, domestic violence and stalking have the right to file a Title IX claim. Any member of the DU community who has questions about Title IX or wishes to report a concern is invited to contact a Title IX Coordinator.

- Title IX Coordinator, Office of Equal Opportunity & Title IX, 541-346-312

For detailed information and guidance regarding how to report sexual assault, dating violence, domestic violence and stalking, please see the Appendix in this report or visit: [du.edu/equalopportunity/titleix/index.html](http://du.edu/equalopportunity/titleix/index.html)
**Required Reporters**

All DU employees are required to report to the Office of Title IX, 303.871.7481, if they have credible information that discrimination or discriminatory harassment, including sexual harassment, sexual assault, dating violence, domestic violence or stalking, is occurring or has recently occurred.

**Reporting a Crime – Additional Crime Reporting Information**

Criminal incidents occurring to all DU facilities and property or to DU employees or students at non-campus locations controlled by DU, including study abroad programs and away trip lodging, should be reported to the local law enforcement agency where the crime occurs. These incidents should also be reported to DU Campus Safety in a timely manner to provide any needed support services, perform follow-up, and allow for proper notifications and reporting of crimes, including Clery crime alerts and disclosure of Clery crime statistics, if applicable.

Campus Safety specified criminal incidents that are reported to them or that have occurred at, or in association with, officially sanctioned events and/or activities. A “campus security authority” is defined as “an official of the institution who has significant responsibility for student and campus activities.” At DU, this includes but is not limited to, graduate resident directors, staff members of Housing and Residential Education, the Office of Equal Opportunity, athletics coaches, Campus Safety staff members, student club advisors and, under certain circumstances, faculty. These reports are in turn recorded and statistically reported by Campus Safety when appropriate. For additional information regarding The Clery Act, visit: securityoncampus.org.

**Reporting Resource Contact Information**

The following is a list of university departments where students and employees should report crimes:

**Department of Campus Safety**

du.edu/campussafety
303.871.3000 (Emergencies)
303.871.2334 (Non-Emergencies)
Evans Parking Structure
2130 S. High St.

**Office of Student Rights and Responsibilities**

du.edu/studentlife/studentconduct
303.871.4504
Driscoll Student Center North
2055 E. Evans Ave

**Office of Student Life**

du.edu/studentlife
303.871.4232
Driscoll Student Center North
2055 E. Evans Ave
Housing and Residential Education
[du.edu/housing/index.html](http://du.edu/housing/index.html)
303.871.2246
Nagal Hall
2194 S. High St.

Health and Counseling Center
[du.edu/health-and-counseling-center](http://du.edu/health-and-counseling-center)
Richie Center
2240 E. Buechtel Blvd
1981 S. University
303.871.2205

The Ombuds Office
[du.edu/ombuds/](http://du.edu/ombuds/)
Academic Offices Annex, 2400 S. Gaylord St. 303.871.4712

Reporting Sexual Assault, Harassment, Relationship Violence (Dating and Domestic Violence) and Stalking:

Department of Campus Safety
[du.edu/campussafety](http://du.edu/campussafety)
303.871.3000 (Emergencies)
303.871.2334 (Non-Emergencies)
Evans Parking Structure
2130 S. High St.

Office of Equal Opportunity & Title IX – Title IX Coordinator
[du.edu/equalopportunity/titleix](http://du.edu/equalopportunity/titleix)
303.871.7016
Mary Reed Building – 4th Floor
2199 S. University Blvd.

Center for Advocacy, Prevention, and Empowerment
[du.edu/health-and-counseling-center/cape](http://du.edu/health-and-counseling-center/cape)
2240 E. Buechtel Blvd
2201 E. Asbury
303.871.3853
(Daytime Advocacy)
303.871.2205 (After Hours)
Additional Reporting Options

Members of the University community are strongly encouraged to report all criminal activity immediately to Campus Safety. Formal reports of this nature are documented, investigated and referred for disposition.

Confidential Reporting of Crimes

We recognize that in certain situations, individuals who are victims of crime may not wish to disclose certain details or their identities. The persons with whom you may discuss all of this with, with complete confidentiality, are the licensed counselors at the Health and Counseling Center, the Center for Advocacy, Prevention, and Empowerment (CAPE) and the Pastoral Counselors. If you wish only for confidential support and counseling services, please contact a counselor. An on-call counselor may be reached after hours by dialing 303.871.2205 (1-2205).

Reporting Options:

Victims of offenses committed by DU students have several reporting options. These include: 1) reporting to the police for criminal action, 2) filing a civil lawsuit against the suspect and 3) reporting to campus officials, such as Campus Safety, Student Rights and Responsibilities, the Office of Equal Opportunity & Title IX, and Housing and Residential Education for University sanctions to be considered. You may pursue these options simultaneously, or any one of them separately.

Reporting a crime and cooperating with a law enforcement investigation are necessary for criminal prosecution of a crime, but are not required for University sanctions to be brought against a student found responsible through the Student Rights and Responsibilities process.

If you are the victim of a crime, you may want to proceed with reporting to both law enforcement and to University officials, or you may want to report only at the University level. That choice is yours. Questions regarding these processes may be answered by calling Campus Safety, Student Rights and Responsibilities, the Denver Police Department or other resources listed in this report.

In other situations, if a crime occurred that impacts the campus and its community and you wish to be made aware of the available on- and off- campus resources, have the campus warned and/or have the offense included in statistical data, you may report to other campus security authorities or service providers. Keep in mind that reports of this nature may not be fully investigated. Further, while every effort will be made to keep identifying information confidential, confidentiality cannot be guaranteed with reports to anyone on campus other than licensed counselors at the Health and Counseling Center, advocates at the Center for Advocacy, Prevention, and Empowerment.

CAPE

The Center for Advocacy, Prevention and Empowerment (CAPE) supports survivor healing by providing advocacy and support for victims of gender violence (sexual assault, relationship violence, stalking and sexual harassment). A CAPE advocate can provide support and assist survivors, and any family or friends, with the physical, psychological, judicial and/or legal aftermath resulting from gender-based violence. All CAPE services are confidential and free of charge. CAPE is located in the HCC-Asbury building. For support or more information, contact the Coordinator of CAPE Advocacy Services, Kayla Ham, 303.871.3853. For after-hours crisis and support contact the Counselor on Call, 303.871.2205.

CAPE does provide de-identified information for Clery statistics. Identifying information or details of the incident are NOT shared. For questions or concerns regarding this, please contact CAPE.

If you would like general information regarding confidential crime reporting, feel free to contact Campus Safety, CAPE, the Health and Counseling Center and/or Student Rights and Responsibilities.
VICTIMS OF GENDER-BASED VIOLENCE (SEXUAL ASSAULT, RELATIONSHIP VIOLENCE, AND STALKING)
If you are a victim of sexual assault, dating violence or stalking, the University has a variety of resources and options that are available to you.

FOR EMERGENCY ASSISTANCE
RELATED TO AN IMMEDIATE THREAT, PERSONAL SAFETY, OR MEDICAL EMERGENCY, CALL 911, followed by Campus Safety at 303.871.3000.

CONFIDENTIAL RESOURCES
These resources offer strictly confidential services. These resources are not required to report your information to anyone. Except in rare, extreme circumstances, nothing will be shared without a person's explicit permission.

DU CENTER FOR ADVOCACY, PREVENTION, AND EMPOWERMENT (CAPE)
Program Coordinator: Kayla Ham, LMSW
Daytime Advocacy Services: 303-871-3853
After House Crisis: 303-871-3853
Email: CAPE@du.edu
HCC Asbury building, 1981 South University Blvd.

CAPE supports survivor healing by providing advocacy and support for victims of sexual violence, stalking, sexual harassment and relationship violence. All services are confidential and free of charge.

DU HEALTH AND COUNSELING CENTER (HCC)
303-871-2205: Anytime

Counseling: Provides individual or couples counseling; typically up to 10 sessions for academic year for students and up to six sessions per academic year for staff and faculty; Crisis services (in-person or over the phone) are free.

Medical: Provides full STI testing to include gonorrhea, chlamydia, syphilis, hepatitis and rapid HIV testing, with results available in 15 minutes. Plan B and certain antibiotics available onsite. For non-emergency situations, medical staff can prescribe any medications required. The HCC also offers hepatitis and HPV vaccination when appropriate.

The Blue Bench
Denver’s comprehensive sexual assault support and prevention center.
Sexual Assault Hotline: 303.322.7273
thestfulbench.org

Safehouse Denver
Denver, CO 303.318.9989 (available 24/7)
safehouse-denver.org
Shelter, 24-hour crisis line, individual and group counseling, community referrals, same-sex relationship support services for women, Spanish-speaking services.
REPORTING RESOURCES

Persons listed as reporting resources have a responsibility for campus community safety or for directly addressing violations of University policy or the Honor Code. They are also responsible for ensuring that victims receive support and assistance regardless of whom their assailants are. They will always respect your personal information and will only share your information with DU administrators who need to know, so they can address the problem.

Denver Police Department

SANE Exam (Forensic Sexual Assault Exam)
SANE exams can be done anonymously (without making a report to law enforcement) and evidence will be kept for two years while a victim decides whether to proceed with a report. SANE exams can also be done as a part of a report to law enforcement. DU can assist with resources to transport a victim to a SANE exam. To receive assistance in obtaining a SANE exam, call CAPE during business hours, 303.871.3853 (confidential resource): The Counselor on Call after normal business hours, 303.871.2205 (confidential resource); or notify a Resistant Assistant (not confidential). A SANE exam can be accessed through:

Denver Health Medical Center
777 Bannock Street, Denver, CO 80204
Main: 303.436.6000
SANE Program: 303.602.3007

Porter Adventist Hospital
2525 South Downing Street, Denver, CO 80210
Main: 303.778.1955
SANE Program: 303.430.2648

Office of Equal Opportunity & Title IX
No time limit for reporting
Interim Title IX Coordinator: Molly Hooker
303.871.7016 or
[https://www.du.edu/equalopportunity/titleix/](https://www.du.edu/equalopportunity/titleix/) and select the ‘Submit a Report’ button.

Speak With Faculty or Staff
University faculty and staff (including housing and residential education staff) are Responsible Employees under Title IX and are required to refer any concerns related to gender-based violence to the Title IX Office

Civil Protection Orders
You can request a temporary restraining order if there has been harm, the threat of harm or an act of violence. The Protection Order Courtroom is located in Denver’s City and County Building at 1437 Bannock Street, Courtroom 170. Phone: 720.865.7275
[https://www.denverda.org/protection-restraining-orders/](https://www.denverda.org/protection-restraining-orders/)

Campus Safety
Emergency: 303.871.3000 • Non-emergency: 303.871.2334
Personal escort while on campus (Campus Safety will walk you to your on-campus location): 303.871.2234
Campus Safety Anonymous Tip Line: 303.871.3130
[https://www.du.edu/campussafety/index.html](https://www.du.edu/campussafety/index.html)
PROCEDURES FOR ACCURATE AND PROMPT CRIME REPORTING

Campus Community members, students, employees and guests should report all crimes and criminal behavior to DU Campus Safety in a timely manner. Prompt reporting aids in providing timely warning notices to the community when appropriate, may aid in the prevention of similar crimes and assists in the investigation and apprehension of the perpetrator(s).

Reporting crimes is necessary to ensure inclusion in annual crime statistics. DU Campus Safety encourages accurate and prompt crime reporting when the victim of the crime elects to report or when the victim is unable to make a report, to ensure that all crimes are included in the institution’s Clery Act statistics.

When a crime is reported to DU Campus Safety, a Campus Safety Officer will respond, complete a preliminary investigation, and coordinate further action with the Denver Police Department, if appropriate (or at the request of the victim). In most cases, an offense report is completed. Additional investigation may be assigned as necessary. If assistance is required from other departments with the campus community or external agencies, DU Campus Safety will contact the appropriate entity.

If a student is identified as a suspect, the report will be forwarded to the Office of Student Rights and Responsibilities for processing and disposition. A report made by DU Campus Safety may also result in follow-up contact by DU Campus Safety investigators or other personnel from other DU departments. When a sexual assault, incident of relationship violence (dating or domestic violence) or stalking is reported on campus first to DU Campus Safety, the Office of Title IX will be contacted and the information shared with the Title IX Coordinator.

The Office of Title IX handles all investigations that involved sexual misconduct, harassment and discrimination. If a sexual assault should occur, any DU Campus Safety personnel on scene will offer the victim/survivor a wide variety of services and resource information. The University of Denver has access to sexual assault support services available to assist a victim twenty-four hours a day.

ANONYMOUS REPORTING OPTIONS

A student may make an anonymous report, which allows the report to be made without the identity of the reporter being known. In such a case, the report will not be confidential in that the information will be distributed, but will be anonymous since the identity of the reporter will not be known.

A victim/survivor of a crime who does not wish to pursue action within the criminal justice system or through the University of Denver, or who has chosen to pursue confidential reporting options, should consider making an anonymous report. The purpose of an anonymous report is to comply with a victim/survivor’s wish to keep the matter confidential, while taking steps to ensure the future safety of those involved and others. Additionally, with such information, the university can keep accurate records of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, alert the campus community to potential danger and use the information to inform, guide and improve education, prevention and awareness efforts.

Anonymous reports are counted and disclosed to the Department of Education in the annual crimes
statistics for the institution and are listed in the crime statistics tables at the end of this report. The University of Denver has three methods to report anonymously:

1. **Equal Opportunity and Title IX Report Form**

   This form may be used to anonymously report sexual harassment, discrimination and gender based violence, which includes sexual assault, relationship violence (dating or domestic violence) and stalking. To the extent a submitted form provides specific and individually identifiable information, the university will conduct a follow up investigation consistent with its legal obligations. (See appendix at the end of this document for complete Office of Equal Opportunities & Title IX policies and procedures)

   All university employees, with the exception of those employees with a narrowly defined and legally recognized privilege, have a duty to report any incidents involving sexual harassment, sexual assault, relationship violence, (dating or domestic violence) and stalking. The university is obligated to investigate those reports it receives. The identity of sexual assault, relationship violence (dating or domestic violence) and stalking victims/survivors may be protected if such incidents are reported anonymously. Anonymous report forms are available at: du.edu/equalopportunity/resources/index.html

2. **DU Campus Safety Anonymous Tip Line DU**

   Campus safety operates an anonymous tip line, 303.871.3130, to allow persons to anonymously report safety and security related information and concerns to DU Campus Safety about criminal incidents or suspicious behavior on campus other than sexual assault, relationship violence (dating or domestic violence) and stalking. (Also referred to as Gender Based Violence).

**DU Policy – Equal Opportunity and Title IX Procedures**

With the exception of Responsible Employees, managers, and supervisors, any individual may make an anonymous report concerning an act of harassment or discrimination under the University’s policies, including a report of sexual harassment, sexual violence or relationship violence. A report can be made 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, anonymous reporting may impact the University’s ability to respond to take further action.

**CONFIDENTIAL REPORTING POLICIES:**

As a result of the negotiated rulemaking process, which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus “Pastoral Counselors” and Campus “Professional Counselors,” when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics. The aforementioned committee defines counselors as:

**Pastoral Counselor**

An employee of an institution who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.
Professional Counselor

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification.

Other persons who have significant responsibility for campus and student activities and counsel or advise students and employees are not exempt from reporting, even if the counseling is confidential.

University personnel identified as professional or pastoral counselors are encouraged to inform students and employees they are counseling, if and when they deem appropriate, of the option to report disclosed crimes to the DU Campus safety for inclusion into the annual disclosure of crime statistics. However, there are no procedures or policies, which require pastoral or licensed professional counselors (as defined by the Clery Act) to report crimes reported to them on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

CONFIDENTIAL REPORTING OPTIONS:
If a student reports an incident of sexual misconduct to a designated confidential office, the person to whom the reporter speaks will not share that information with anyone else unless legally required or as requested by the person making the report. If the person making the report chooses to identify himself or herself, or is known to the person to whom the report is made, then the report will be confidential but not anonymous.

Students and employees who wish to seek counsel and/or resources without informing law enforcement or triggering a duty to investigate by the university have options that are more confidential, while still complying with federal and state law. Confidential reporting options include the following:

On-Campus Confidential Reporting Office

DU Center for Advocacy, Prevention and Empowerment (CAPE), Gender Based Harassment and Gender Based Violence Support Services Kayla.ham@du.edu
Located in the Health and Counseling Center, 303.871.3853 (Daytime), or 303.871.2205 outside of M-F, 8-4:30pm business hours.

C.A.P.E. supports students who experienced any form of harassment and gender-based violence, including sexual assault, relationship violence (dating or domestic violence), sexual or gender-based harassment, and stalking.
C.A.P.E. is staffed by both licensed professional counselors and non-licensed advocates. C.A.P.E. staff members are committed to providing a comprehensive and integrated response to students who have experienced any form of gender based harassment or gender based violence as describe above. All services are confidential, with only non-identifying data being reported to the DU Campus Safety for statistical purposes required by the Clery Act.
C.A.P.E. assists students in reporting the incident in a specific manner to the Title IX Coordinator. Students who receive counseling are informed of this practice. Students are also provided with procedures for reporting the incident to law enforcement and/or the university, only if they choose to do so.
C.A.P.E. provided the following service:

- A safe and confidential place to discuss the incident.
- Education about options for moving forward and resources available to help you do so.
- Education about safety planning, including how to get a civil order of protection (legal) or a no-contact order (university).
- Support and information about how to navigate the university, medical, criminal and/or legal systems.
- An advocate can accompany you to the hospital following an assault in order to receive a medical evaluation and/or for a Sexual Assault Nurse Examiner (SANE) forensic exam, which is used to collect evidence should you decide to pursue a criminal investigation.
- Help reporting an incident to the Title IX Office (including having an advocate accompany you for the investigative process).
- Help reporting an incident to the Denver Police Department and other law enforcement agencies (including having an advocate accompany you to the police department).
- Assistance with arranging for academic accommodations following an incident.
- Referrals for trauma-related individual and/or group counseling options.
- Skill building for healthy relationships.
- Access to the CAPE Gender Resource Library.
- Facilitation of trainings.

The goal is to ensure that all students who report to the university are met with a caring and compassionate response and are provided with access to all available resources, support, and accommodations required by law.

**Religious and Spiritual Life (University Chaplin)**
Driscoll Student Center, South, 2050 E. Evan Avenue 303.871.4488
The University provides pastoral counseling services to students and employees. The University Chaplin serves as a resource for students and employees, providing a safe and confidential place to discuss an incident and receive guidance and additional resources.

**DU Health and Counseling Center (HCC)**
Ritchie Wellness Center, 2240 E Buchtel Blvd, 3N
Daytime: 303-871-2205 (if urgent, ask for counselor of the day)

**Counseling** - Provides individual or couples counseling; typically, up to 10 sessions for academic year for students and up to 6 sessions per academic year for staff and faculty; **Crisis services (in-person or over the phone) are free.**

**Medical** - Provides full STI testing to include gonorrhea, chlamydia, syphilis, hepatitis and rapid HIV testing, with results available in 15 minutes. Plan B and certain antibiotics available onsite. For non-emergency situations, medical staff can prescribe any medications required. The HCC also offers hepatitis and HPV vaccination when appropriate.
The Health and Counseling Center (HCC) offers licensed counselling services to students, faculty and staff. The staff serves as a resource for students and employees, providing a safe and confidential place to discuss an incident and receive guidance and additional resources.

**ADDITIONAL RESOURCES:**

**The Blue Bench**  
[http://thebluebench.org/](http://thebluebench.org/)  
The Blue Bench Denver’s comprehensive sexual assault support and prevention center. Sexual Assault Hotline: 303.322.7273

**Safehouse Denver**  
Denver, CO 303-318-9989  
(available 24/7)  
*Shelter, 24-hour crisis line, individual and group counseling, community referrals, same sex relationship support services for women, Spanish-speaking services*

**Denver Police Department**  
(Emergency) 911  
(Non-Emergency) 720.913.2000  
[denvergov.org/police](http://denvergov.org/police)

**SANE Exam (Forensic Sexual Assault Exam)**  
SANE Exams can be done anonymously (without making a report to law enforcement) and evidence will be kept for two years while a victim decides whether they want to proceed with a report. SANE exams can also be done as a part of a report to law enforcement. DU can assist with resources to transport a victim to a SANE exam. A SANE exam can be accessed through:

**Denver Health Medical Center**  
777 Bannock Street  
Denver, CO 80204  
Main: 303-436-6000  
SANE Program: 303-602-3007

**Porter Adventist Hospital**  
2525 South Downing Street  
Denver, CO 80210  
Main: 303-778-1955  
SANE Program: 303-430-2648

**Speak with Faculty or Staff**  
University faculty and staff (including housing and residential education staff) are Responsible Employees under Title IX and are required to refer any concerns related to gender based violence to the Title IX Office.

**Civil Protection Orders**  
You can request a temporary restraining order if there has been harm, the threat of harm, or an act of violence. The Protection Order Courtroom is located in Denver’s City and County Building at 1437
WHAT HAPPENS IF I REPORT?

If gender-based violence is reported to Campus Safety, responding officers will ensure that you are informed of the confidential resources and reporting options available to you, both on and off campus. Campus Safety can connect you with a CAPE advocate or an on-call counselor if you wish to talk with a confidential resource immediately. In cases of sexual assault, they will offer information about how to access a forensic sexual assault exam (SANE exam.) Campus Safety can also assist with immediate safety concerns including no contact orders on campus and referrals to appropriate campus administrators to assist with safe housing or other immediate needs.

With the exceptions of Responsible Employees, managers and supervisors, any individual may make an anonymous report concerning an act of harassment or discrimination under these policies, including a report of sexual harassment, sexual violence or relationship violence.

All reports of gender-based discrimination, harassment or violence will be forwarded to Title IX. The Title IX Coordinator will reach out to all victims, regardless of where the victimization took place, and who the offender is, through email, attaching written material on resources, copies of DU Policies and Procedures, including a victim’s rights and options.

A report can be made 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, anonymous reporting may impact the University’s ability to respond or take further action. Where there is sufficient information, the University will ensure that anonymous reports are reviewed and included for compliance with the Clery Act.

All reports of gender-based discrimination, harassment or violence will be forwarded to Title IX. The Title IX Coordinator will reach out to all victims, regardless of where the victimization took place, and who the offender is, through email, attaching written material on resources, copies of DU Policies and Procedures, including a victim’s rights and options.

The Title IX Coordinator will offer assistance with getting immediate needs met, information about interim measures available to victims and offer to meet to review the investigation process with the victim and options for participation in a formal Title IX investigation or reporting to law enforcement. Although the University encourages formal reporting to both the Office of Title IX and law enforcement (when criminal behavior is involved), students are not required to participate in University investigations or report to local law enforcement. A victim’s decision not to move forward with a University Title IX investigation or not to report to law enforcement does not impact their ability to utilize all the support and resources available through DU. If the victim wishes to move forward, the investigation will be initiated by a referral to one (in cases of gender-based violence, both) of the University’s independent civil rights investigators.
Emergency Guide: Faculty & Staff Red Folder

The Faculty and Staff Red Folder (Red Folder) was created in an effort to consolidate emergency/support information for use when working with distressed students. The purpose of the Red Folder is to help you to recognize some of the signs of students in distress, be supportive of their needs and facilitate referrals to the appropriate resources on campus, as well as increasing your awareness of Pioneers CARE.

How to use the Red Folder
When a student in distress has been identified, the Quick Referral Guide provides a simplified overview of the University of Denver student support offices. The Stoplight System gives detailed support information and indicates whether an issue is beyond a faculty or staff member’s ability to provide support. This Red Folder also provides important information about The Family Education Rights and Privacy Act (FERPA), the reporting requirements for Title IX and information on sexual assault resources. You can access the Red Folder at: https://www.du.edu/studentlife/studentsupport/media/documents/red-folder-online.pdf
<table>
<thead>
<tr>
<th>CONTACT</th>
<th>PHONE NUMBER</th>
<th>LOCATION</th>
<th>HOURS</th>
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</thead>
<tbody>
<tr>
<td>Emergency</td>
<td>911</td>
<td></td>
<td>24 hours a day, 7 days a week</td>
</tr>
<tr>
<td>Emergency/Crisis</td>
<td>303.871.3000 (1-3000)</td>
<td>Access emergency resources through Campus Safety 24 hours a day, including a counselor on call</td>
<td>24 hours a day, 7 days a week</td>
</tr>
<tr>
<td>Campus Safety Non-Emergency/Resources</td>
<td>303.871.2334 (1-2334)</td>
<td>(for information on prevention programs and training)</td>
<td>Mon-Fri 8 a.m.-4:30 p.m.</td>
</tr>
<tr>
<td>Denver Police Department Victim Assistance Unit</td>
<td>720.913.6035</td>
<td></td>
<td>24 hours a day, 7 days a week</td>
</tr>
<tr>
<td>Coordinator, CAPE</td>
<td>303.871.3853 (1-3853)</td>
<td>HCC Asbury</td>
<td>Appointments available Mon-Fri 8 a.m.-5 p.m.</td>
</tr>
<tr>
<td>Student Rights and Responsibilities</td>
<td>303.871.3111 (1-3111)</td>
<td>Driscoll Student Center North, Campus Life Suite</td>
<td>Mon-Fri 8 a.m.-4:30 p.m.</td>
</tr>
<tr>
<td>On-Call Counselor</td>
<td>303.871.2205 (1-2205)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Victim Services Coordinator</td>
<td>303.871.3019 (1-3019)</td>
<td>Campus Safety</td>
<td>24 hours a day, 7 days a week</td>
</tr>
<tr>
<td>Title IX Office</td>
<td>303.871.7016 (1-7016)</td>
<td>Mary Reed Bldg, 4th floor</td>
<td>Mon-Fri 8 a.m.-4:30 p.m.</td>
</tr>
<tr>
<td>Pioneers CARE</td>
<td>303.871.2400 (1-2400)</td>
<td>Online referral at: <a href="carereport.du.edu">carereport.du.edu</a></td>
<td></td>
</tr>
</tbody>
</table>
OFFICE OF EMERGENCY PREPAREDNESS & FIRE SAFETY

The Department of Campus Safety’s Office of Emergency Preparedness & Fire Safety develops, communicates and trains on the University’s emergency policies, strategies, plans and procedures. The Office of Emergency Preparedness works closely with departments and offices to design, train and exercise emergency response and continuity of operation plans. This office educates students, faculty and staff on mitigation, preparedness, response and recovery strategies. The office assesses the University’s preparedness for natural, epidemic and human caused emergencies while working collaboratively with representatives from the City and County of Denver and other local, regional, state and federal agencies on emergency planning. To find more information on what to do in case of emergency visit: https://www.du.edu/emergency/index.html

The University’s Emergency Management Framework and the Critical Incident Management Board approved Policy (2.50.040) details the processes and functions for the University to prevent, plan for and respond to events that become critical incidents. Critical incidents are defined as events that may impact the life safety, financial condition, property and reputation of the University.

As a portion of the Emergency Management Framework, the University has an Emergency Management Plan managed by the Department of Campus Safety. The plan outlines the appropriate response strategy for a variety of critical incidents and the organizational hierarchy to be utilized by the University during response and recovery. Campus Safety then identifies and trains Emergency Response Teams in each building on the Plan.

The Emergency Management Plan is tested throughout the year. Unannounced evacuation drills are completed quarterly for the residence halls and Greek housing (fall, winter and spring). The Ricks Center and Fisher Early Learning Center will undergo 3 drills per quarter: an evacuation drill, a lockdown drill, and a tornado drill, and annually for all other buildings. Prior to these drills being carried out, evacuation procedures are communicated to residents and occupants of buildings via Housing and Residential Educations staff, Student Life staff, and/or Emergency Response Teams. In addition, planned, announced tabletop exercises and drills are completed with individual units, groups of units, and external agencies on a regular basis. Following all drills and exercises, a report, post-exercise improvement plan or corrective action plan is completed documenting the details and outcomes of the exercise.

CRISIS COMMUNICATION

In an actual emergency, the DU community will be notified in various ways.

Emergency Notifications

DUMaintains a variety of communication tools involving both low-tech and high-tech devices. We may utilize these types of notification or others as the incident warrants. They include but are not limited to:

- Broadcast email through emergency notification or webmail
- Broadcast voice and text messaging (DU Alert)
- Local media
- Social media

Campus Safety routinely notifies the University community of critical incidents by broadcasting Campus Safety Alerts. These alerts inform community members of the nature of the possible imminent threat and the manner in which to report similar crimes, and they provide prevention tips to avoid being similarly victimized. In certain situations, a campus-wide email alert is also sent. Additionally, Campus Safety maintains a daily crime log that is available for review at https://www.du.edu/campussafety/
DU Alert

The University uses DU Alert, an emergency notification system, to disseminate emergency information quickly to the entire campus. The system is managed by the Department of Campus Safety and is activated upon confirmation of a significant emergency or dangerous situation. To avoid unnecessary panic, notifications are only sent once confirmed by Campus Safety dispatchers through reports from Campus Safety personnel, emergency response agencies, and/or reports from community members. Campus Safety officers have the authority to send an emergency message.

Once the decision to send a message is made, dispatchers will send it to the entire community unless targeted communications are necessary. The system is capable of sending messages to recipients based on on-campus living assignment, but this capability is only used in situations affecting only one Greek house or residence hall. In most cases the messages sent by Campus Safety dispatchers are template messages developed by the Office of Emergency Preparedness & Fire Safety. The system is only used for emergency notifications and snow closures and will not be used if the message will jeopardize the safety of the University community. Ongoing communication will be determined by the Incident Commander in conjunction with the Division of Communications and Marketing. The system is tested three times a year (once during each academic quarter, excluding summer). To sign up to receive DU Alerts visit: https://www.du.edu/emergency/notification/signup

During University emergencies, follow https://twitter.com/uofdenver, for the latest updates and information as it becomes available. You do not need to have a Twitter account to get updates here.

Timely Warning/Campus Safety Alert Policy

If a situation arises on or off campus that Campus Safety deems an ongoing or continuing threat, a campus-wide timely warning/Campus Safety alert may be issued through the DU email system to active email addresses. Additionally, the alert will be posted at: https://www.du.edu/campussafety/

Depending on the circumstances of the crime, Campus Safety may post a copy of the notice at the front desk of each residence hall, and/or at the doorway to each campus building, as well as deliver copies to each fraternity and sorority house.

Typically, circumstances that warrant alerts and warnings are crimes reported to Campus Safety, other campus security authorities and/or the Denver Police Department (DPD). Campus Safety has requested that DPD inform DU when crimes are committed on or near campus that might pose potential or ongoing threats to the DU community. This will assist DU in determining the need for a timely warning/Campus Safety Alert.

Individuals with information they believe warrants a timely warning/Campus Safety Alert should report it to Campus Safety at 303.871.3000 (1-3000) or in person at the Campus Safety Center located at: 2130 S. High St. on the southwest corner of the Evans Parking Structure.
DPD Relationship, Campus Safety Officers’ Authority

Campus Safety strives to maintain a professional and cooperative relationship with the Denver Police Department (DPD). When a crime occurs within the campus community, Campus Safety serves as the University’s primary liaison with law enforcement officials. Members of the DU community are encouraged to immediately report suspicious circumstances and crimes occurring on campus to Campus Safety (see Reporting Crime on page 2). Campus Safety in turn coordinates with the DPD to determine an appropriate response.

Campus Safety Officers are licensed by the City and County of Denver. Officers may detain individuals for disposition by Denver Police if they have viewed a criminal act or reasonably believe that an individual has violated a city ordinance, or a state or federal law.

Denver Police officers make the final determination regarding violations of law, as well as the disposition of detained persons. Conversely, the DPD regularly informs Campus Safety when it investigates a crime or complaint involving student conduct at off-campus locations.

The University of Denver does not systematically monitor criminal activity in which students or student organizations engage off campus. However, Campus Safety routinely cooperates with the DPD and other outside police agencies in the investigation of, and response to, this type of activity when it is brought to the University’s attention.

In the event a crime occurs on campus and is reported to both DPD and Campus Safety, investigations may be assigned and completed by both agencies. As in all matters, Campus Safety works collaboratively with DPD to investigate crimes occurring on campus. Assuming criminal charges have or may result, Campus Safety will always defer to DPD’s authority in an effort to maintain evidentiary integrity and the best possible outcome. In these cases, Campus Safety’s investigation will be coordinated with, or completed immediately subsequent to, the DPD investigation.
Crime Prevention & Education Programs:
The Department of Campus Safety employs a full-time crime-prevention officer who regularly presents crime awareness, prevention and victim services materials on campus. Individual or group presentations may be arranged by contacting the Sergeant of Community Partnerships at 303.871.6803 or by submitting an inquiry at: https://www.du.edu/campussafety/contact-us/index.html

Active Shooter
Recent tragedies are a sobering reminder that we should all be prepared in case the unthinkable should happen on the University of Denver campus. For this reason, the University provides training to students, faculty and staff in an effort to prepare you to respond effectively in an emergency situation involving an active shooter. The “Active Shooter Preparedness” training video portrays situations that could occur if a gunman is on campus. The video also provides safety techniques that may be useful in an active shooter situation. We encourage University community members to view this video by logging into Canvas at: https://canvas.du.edu/login/ldap or viewing on the Office of Emergency Preparedness webpage: https://www.du.edu/emergency/

Bystander Intervention Training
Health Promotion, a department of the Health and Counseling Center, offers the Bystander Intervention Training: “Be a B.O.S.S.: How to Harness Your Power to Prevent Violence.” This workshop focuses on the issue of leadership on DU’s campus and teaches practical bystander intervention skills for students to use in order to prevent violence from happening in our community. To “Be a B.O.S.S.,” individuals must: 1) Be aware, 2) Observe the situation, 3) Size up their options and 4) Speak up and act. This interactive training provides participants with the tools to know when and how to “Be a B.O.S.S.” and helps participants gain the confidence to take action when it is needed, particularly around the issue of preventing sexual violence.

Rape Aggression Defense (RAD)
RAD for women is a self-defense class offered throughout the United States and Canada, primarily on college campuses. The program is designed to develop and enhance self-defense options so they become viable for people being attacked. According to RAD, 90 percent of self-defense is risk awareness and avoidance. Participants will have the opportunity to raise their awareness of aggressive behavior, recognize how aggressive behavior impacts their lives, learn steps to avoid aggressive behavior, consider how they can be a part of reducing aggression and violence, and practice hands-on self-defense skills to resist and escape aggressive behavior directed toward them. This program is designed to empower participants to make safer choices when confronted with aggressive behavior. For additional information, visit: https://www.du.edu/campussafety/classes/index.html

Introduction to Self-Defense
Campus Safety is offering a 90 minute introductory class on self-defense for students, faculty and staff. Check https://www.du.edu/campussafety/classes/index.html for class times or get a group of five (5) or more and email campussafety@du.edu for your own group class. This would be a great class if you are getting ready to study abroad or would like to get some hands on experience with self-defense techniques.

Walking Escorts
Students, faculty and staff can request a Campus Safety Officer as a walking escort to or from any location on campus, 24 hours a day, 7 days a week by calling 303.871.2334. Campus Safety Officers can be identified by their uniforms.
Alcohol & Cannabis Educational Groups & Individual Assessments

The University of Denver promotes a healthy and safe educational, professional, and residential community where alcohol does not interfere with individual performance, personal success, public safety or the integrity of the learning environment. The University’s policies uphold state and federal laws regarding alcohol and other substances and maintain institutional compliance with the federal Drug-Free Schools and Communities Act. In addition, the University’s Alcohol and Other Drug Abuse Prevention Program emphasizes the University’s commitment to:

1. Empowering students and employees with the information and skills needed to adopt healthy and safe behaviors; providing early intervention, support, and referral services to students and employees suffering from substance abuse disorders.
2. Defining expectations for conduct with respect to the use of alcohol and other drugs and instituting response strategies that emphasize individual well-being, community safety, and the integrity of the learning environment.
3. Responding to repeated and serious policy violations in a manner that supports individual success while maintaining the safety and well-being of the campus community; creating a campus environment that supports the values of the University and reflects those values to the public.

To this end, the University maintains a comprehensive breadth of evidence-based and theory-driven programs and services that concurrently impact the individual, interpersonal, community and societal factors that influence these behaviors. These include mandatory online alcohol education for incoming students; training programs for targeted student mentors/leaders to assist them in disseminating information regarding alcohol and other drug effects to their peers; numerous educational programs sponsored by the Health and Counseling Center (HCC), Office of Student Engagement, Campus Safety, Housing and Residential Education, and other campus entities; frequent substance-free social events; educational materials for parents and families; and the regular distribution of policy and educational information via campus-wide events, information tables, and campus newsletters.

In accordance with the Drug-Free Schools and Communities Act, the University annually disseminates an annual distribution of written materials to all students and employees describing standards of conduct related to illicit drugs and alcohol; a description of the health risks associated with the use of illicit drugs and the abuse of alcohol; a description of applicable legal sanctions under local, state or federal law; a description of applicable counseling, treatment or rehabilitation programs; and a clear statement of the disciplinary sanctions that the institution will impose on students and employees. The institution also conducts biennial reviews of its drug prevention program to determine effectiveness, implement necessary changes, and ensure that disciplinary sanctions are consistently enforced.

Additionally, the campus offers the following services for students and employees who are at risk for experiencing or causing issues as a result of the personal use of alcohol or other drugs:

**e-CHUG and e-TOKE**
These anonymous online assessments provide users with personalized feedback regarding their individual drinking and cannabis use patterns, experiences and risk factors. They are accessible via the Health and Counseling Center website.

**BASICS: Brief Alcohol Screening and Intervention for College Students**
**CASICS: Cannabis Abuse Screening and Intervention for College Students**
BASICS and CASICS are available to students who are referred through the DU Student Conduct Process or those who wish to voluntarily engage in a more in-depth assessment. This is an empirically supported two-session intervention led by a HCC mental health professional and designed to motivate behavior change by enhancing...
discrepancy between goals/values and abusive substance use, to challenge faulty normative beliefs, and to increase skills supportive of responsible use.

Primary Care Screening
The AUDIT-C is administered to HCC patients as part of the check-in process for primary care appointments. This brief screening tool is intended to identify those individuals engaging in high-risk alcohol use or abuse. Primary care providers initiate a brief conversation with those students who are identified as high-risk, offering normative feedback, an explanation of the health impacts of their behaviors, and an opportunity to speak with a mental health professional about their use.

Evaluation and Treatment Services
The counseling unit of the Health and Counseling Center offers voluntary, short-term alcohol and other drug abuse evaluation and treatment services. For those students desiring treatment of an identified substance-use problem, short-term counseling sessions are offered. For students whose substance abuse problems require intensive AOD services, referrals to community resources are provided.

Employee Assistance Program (EAP)
In recognition of the fact that alcohol, drug and other personal problems can affect the quality of an employee’s life at home and performance on the job, DU provides an Employee Assistance Program to all appointed employees. Confidential and free EAP counseling services are offered through the University of Denver’s Health and Counseling Center.

Referral Networks
The HCC maintains a referral network of local treatment facilities for individuals who require a higher level of care to address substance dependence. These include inpatient and intensive day-treatment facilities that allow for medical monitoring, a more controlled environment, and significantly greater frequency of therapeutic contact (individual and group).
PROPERTY REGISTRATION/SECURITY
Bicycle theft prevention program

Bicycles stored and/or used on campus must be registered with DU’s Parking and Transportation Services. This service is free and available online at https://duparking.t2hosted.com/cmn/auth_ext.aspx. This registration will aid in the recovery of lost, abandoned or stolen bicycles.

Campus Safety is committed to the security of bicycles at DU, therefore, all bicycles parked on University property must be secured to an approved bicycle rack with a locking mechanism able to deter a bicycle thief. Bicycles must be secured in a manner in which the bicycle frame and front wheel (if possible) is secured to a bicycle rack. DU mandates the use of a “U-Lock. Cables, lightweight chains and ordinary padlocks are no deterrent to a bicycle thief.

Bicycles that are observed to be unsecured or improperly locked shall be either booted with a Campus Safety U-Lock (when possible) or impounded. Parking & Mobility Services impounds unsecured/improperly secured bicycles for safekeeping throughout the year.

Parking and Transportation Services releases impounded bicycles during normal business hours. Bicycles that are unclaimed are held for a period of at least 90 days, then are sold at public auction to the highest bidder.

For additional information about bicycle policies, visit: https://www.du.edu/campussafety/policies/index.html

Theft Prevention Tips:
NEVER LEAVE YOUR LAPTOP UNATTENDED
- Consider the purchase of a locking device for your laptop to secure the equipment when left unattended.
- Consider the purchase of insurance for your laptop.
- SAFEWARE insurance agency provides insurance for laptop computers. Call 1.800.800.1492 (or visit online at www.safeware.com) to begin coverage immediately. Coverage includes loss from theft, fire and damage from natural or accidental causes.
- Consider the purchase of a theft-recovery service for your laptop. Computrace® LoJack® for Laptops by Absolute® Software is a software-based theft-recovery service. For more information visit: https://www.absolute.com/en/products
- Back up important data daily.
- While on campus, report suspicious activity to Campus Safety immediately by calling 303.871.3000 (1-3000).
CAMPUS FACILITIES — SECURITY AND ACCESS

Normal office operating hours for the University of Denver are 8 a.m. - 4:30 p.m., Monday through Friday. Administrative buildings are typically secured from 5 p.m. to 7 a.m. on weekdays, and 24 hours a day on weekends unless special arrangements are coordinated through the building’s access coordinator or the Department of Campus Safety (for non-C-Cure buildings) at 303.871.2334 (1-2334). Classroom buildings are typically secured from 10 p.m. to 7 a.m., Monday through Saturday and 24 hours on Sunday.

Some student services buildings such as student centers, libraries and computer labs are open extended hours and staffed during their hours of operation. Depending on the building and its requirements, physical security mechanisms including locks and keys, card-entry systems, and/or electronic alarms on doors and windows are in place as well as closed-circuit security camera systems maintained by Campus Safety.

Residence Halls

Residence Halls require DU ID card swipe access 24 hours a day and only residents may access the buildings at night. Non-DU guests are required to check in at the desk with their DU host. The front desks are staffed 24 hours a day. On-campus apartment buildings are generally accessible only by residents with keys, and they are typically locked 24 hours a day. Outside phones may be available for visitors to contact residents for entry. To report safety or security concerns such as broken lights, doors or windows, contact the Campus Safety non-emergency number at 303.871.2334 (1-2234).

Missing Students Policy

Members of the University community who believe that a student residing in on-campus housing is missing should immediately contact Campus Safety at 303.871.2334 (1-2334). They may also notify the student’s Resident Assistant, Resident Director, Graduate Resident Director or the residence hall’s Desk Assistant. Those who suspect a student living in a fraternity or sorority may be missing should contact Campus Safety or the Director or Assistant Director of Campus Activities. Once notified of a potentially missing student, Campus Safety will initiate an investigation to determine the student’s status. Methods employed by Campus Safety to determine if a student is missing may include, but are not limited to: attempting to contact the missing student utilizing phone and email contact information they have provided the University, retrieving their ID photo from the Pioneer Card office, checking their class schedule and attempting to contact them in class, contacting their parents, their roommate, friends, etc. Should Campus Safety’s investigation determine that the student is in fact missing, and has been missing for more than 24 hours, the Denver Police Department and the student’s designated missing person emergency contact will be notified. If the missing student is under the age of 18 and is not an emancipated individual, Campus Safety will notify the student’s parent or legal guardian immediately after the student has been determined to be missing more than 24 hours.

Students living in on-campus housing are directed to designate a missing-person contact. All students may designate a missing-person contact online when designating other emergency contacts. This person is distinct from other emergency contacts, although students may opt to have their missing-person contact the same as other emergency contacts. In the event the student is suspected to be missing, the University will contact that individual.
POLICIES:

Discrimination
The University of Denver strives to create and maintain a community in which people are treated with dignity, decency and respect. The environment of the University should be characterized by mutual trust, freedom of inquiry and expression, and the absence of intimidation, oppression and exploitation. People in this community should be able to work and learn in a safe, yet stimulating atmosphere. The accomplishment of this goal is essential to the academic mission of the University. Therefore, the University will not tolerate unlawful discrimination, sexual misconduct or harassment of any kind.

Title IX
The University prohibits discrimination on the bases of sex, including sexual misconduct, in its educational programs and activities. The University is committed to the complying with the Title IX of the Education Amendment Act of 1972 and ensuring that the University’s education programs and activities are operated in a manner consistent with the applicable federal law, regulations and provisions.

Equal Opportunity
It is the policy and practice of the University to provide equal opportunity in employment, educational activities, and other programs to all employees, students, and applicants. No person shall be discriminated against in any condition of employment or opportunity because of race, color, national origin, age, religion, disability, sex, sexual orientation, gender identity, gender expression, marital status, genetic information or veteran status.

The University of Denver takes complaints of discrimination, harassment and sexual misconduct very seriously. Individuals who believe that they have been discriminated against, harassed or impacted by an act of gender-based violence are encouraged to share concerns with the Office of Title IX of the Office of Equal Opportunity. To assess the allegations, as well as addressing and preventing inappropriate conduct, the offices reviews all complaints of discrimination, harassment, or sexual misconduct. These reviews are based on the Equal Opportunity/Sexual Harassment University Policy (3.10.010) and apply to students and employees. The full policy can be viewed at: https://www.du.edu/equalopportunity/policies_procedures/index-1.html

The following is a list of prohibited conduct pursuant to this policy and the specifics of each prohibition can be found at: https://www.du.edu/equalopportunity/policies_procedures/index-1.html

- Discrimination
- Harassment
- Sexual harassment
- Stalking
- Physical misconduct
- Bullying & hazing
- Non-consensual sexual contact
- Non-consensual sexual Penetration
- Sexual exploitation
- Relationship Violence
- Failure to inform a supervisor of a consensual relationship with a Student or Supervisee
- Retaliation
- Groundless and malicious complaints
- Obstruction
For purposes of these procedures, the University defines consent as: Individuals who choose to engage in sexual activity of any type with another individual must first obtain clear consent. Consent must be clear, knowing and voluntary. Consent is active, not passive. Consent can be given by words or action as long as those words or actions create mutually understandable, clear permission regarding willingness to engage in sexual activity (and the conditions thereof).

The University is committed to ensuring that all concerns referred to the Office of Equal Opportunity & Title IX, are reviewed and addressed appropriately and that there is consistent application of the policy to all individuals. Options for addressing concerns are designed to allow the University to respond promptly and equitably to eliminate discrimination, harassment or gender-based violence, prevent its recurrence, and eliminate its effects.

Methods for addressing specific concerns include Alternative Resolution (in cases other than gender-based violence) and Investigations. Alternative Resolutions are designed to address concerns in an informal manner, without a conduct finding for a particular student. They are appropriate when educational interventions or skill building are appropriate.

The University investigative process is designed to be a prompt, fair and equitable fact-based determination regarding whether a University policy has been violated. The time frame for resolution will depend on the availability of witnesses, and volume of information provided by the parties, as well as other considerations. The University will strive to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness. Trained civil rights investigators, independent of the outreach process and of the disciplinary process conduct these investigations.

Investigations may be conducted with a particular victim of a prohibited behavior serving as complainant (after a sufficiency review of the complaint by the Office of Equal Opportunity & Title IX) or with the University initiating and serving as complainant.

University-initiated investigations may occur when there is an ongoing threat to the University community or a pattern of violations when individual complainants do not want to serve as complainants. Both parties are allowed to have a support person and/or advisor of their choice present through any part of the process. Both parties are notified simultaneously, by email, of any finding or movement throughout stages of the process including any appeal and final decision. Both parties are allowed to submit witnesses and evidence in addition to their own statements and to review all available evidence and respond prior to the investigation being completed. Decisions are made by a preponderance of evidence standard.

When a determination of responsibility for violation of University policy is found as a result of an investigation both parties will be notified simultaneously by email of the finding and both will be given an opportunity to review the full final report. The matter will be referred to the appropriate disciplinary authority for determination of outcomes or corrective action. In the case of students, the matter will be referred to Student Conduct to convene an Outcomes Council, a trained group of University administrators and faculty, to determine appropriate outcomes, usually within 5 business days. In the case of staff or faculty, the matter will be referred to the appropriate supervisory authority, who, in consultation with Employee Relations, will determine appropriate disciplinary action, usually within 10 business days.

Possible outcomes, depending on the severity and nature of the prohibited conduct include:

- Written assignments
- Worksheets
- Programs and activities
- Interventions (counseling or treatment programs)
- Restrictions
- Referrals to other processes (coaching or mediation)
- Warning
- Student conduct probation
- Deferred suspension
- Suspension
- Dismissal

Additionally, corrective actions for employees may include:
- Any of the educational or intervention processes described above
- Written statement of expectations
- Written corrective action
- Suspension with or without pay
- Termination of employment

Complainants and respondents in the investigative process have the right to appeal the findings of the investigation (for appropriate reasons) and the outcomes or disciplinary action imposed. Appeals are made through the appropriate University process as outlined in the procedures. Procedures, disciplinary actions, outcomes and appeals related to complaints of discrimination, harassment or sexual misconduct can be found at: [https://www.du.edu/equalopportunity/policies_procedures/index-1.html](https://www.du.edu/equalopportunity/policies_procedures/index-1.html)

The Center for Advocacy, Prevention and Empowerment (CAPE) supports survivor healing by providing advocacy and support for victims of gender violence (sexual assault, relationship violence, stalking and sexual harassment). A CAPE Advocate can provide support and assist survivors and any family or friends, with the physical, psychological, judicial and/or legal aftermath resulting from gender-based violence. All CAPE services are confidential and free of charge. CAPE is located in the HCC-Asbury building. For support or more information, contact the Coordinator of CAPE Advocacy Services, Kayla Ham, 303.871.2205.

The Coordinator of Gender Violence Prevention and Education offers primary prevention, bystander intervention programming information and skills training. For more information, contact Andy Thyrring, andrea.thyrring@du.edu, 303.871.7442. Campus Safety and Title IX are also available to offer prevention materials and to conduct group educational presentations at residence halls and Greek houses, and to other student and employee groups.
DU ALCOHOL AND ILLEGAL DRUG POLICIES

The mission of the University of Denver is to promote learning by engaging students, advancing scholarly inquiry, cultivating critical thought and creating knowledge. To foster an environment in which this mission can be realized, certain expectations must be placed upon each member of the University community. These expectations are non-negotiable and are monitored diligently. Individuals have the right to their own beliefs and values, but they share a responsibility to accept the consequences for failing to live up to the standards of the institution.

All students bear a responsibility to understand the policies governing their behavior as set out in the Honor Code. The University's policies on alcohol and drugs are defined below; however, all students should be familiar with the entire code. More information, including the complete text of the Honor Code, as upheld by the Student Rights and Responsibilities Policies, can be found at the Student Rights and Responsibilities website: https://www.du.edu/studentlife/studentconduct/rightsresponsibilities

Action taken by the University through the Student Rights and Responsibilities Process to address student misconduct is not intended to replace or conflict with other lawful means of accountability, including, but not limited to, criminal charges and/or civil action. Regardless of whether formal criminal charges are filed over alleged behavior, the University may pursue disciplinary action under this code as deemed appropriate. Such action normally is not deferred or postponed solely due to concurrent criminal or civil proceedings, nor is the reduction or dismissal of criminal charges taken as reason to defer disciplinary action.

Repeat policy violations result in increased levels of disciplinary action. For example, a student placed on Student Conduct probation for possession of cannabis may risk suspension for any further violation of policy.

Additionally, any outcomes imposed as a result of disciplinary action are mandatory and must be completed if the student expects to continue his/her education. Disclaimer: Student Rights and Responsibilities reserves the right to modify these guidelines as warranted by individual cases.

Additional outcomes may be imposed by University departments, such as Fraternity & Sorority Life, athletics, etc., or as determined in the Honor Code and/or relevant University standards.

Alcohol Misuse

Violations of this policy include, but are not limited to:
- Possession and/or use of alcohol except as expressly permitted by law or University policy. Alcoholic beverages may not be used by or possessed by any person under the legal drinking age (i.e., 21 years of age in the US).
- Manufacture and/or distribution of alcohol except as expressly permitted by law or University policy. Alcoholic beverages may not be distributed to any person under the legal drinking age (i.e., 21 years of age in the US).
- Intoxication to the point of endangering one’s own health or safety regardless of age.
- Any act which causes a person to consume alcohol without his/her effective consent.
- Any possession or use on University premises of paraphernalia used to facilitate the rapid consumption of alcohol. This includes but is not limited to beer bongs or similar items.
- Any violation of these Student Conduct Policies while intoxicated regardless of age.

When a student is found responsible for violating this policy, in response to previous incidents of this nature, the University may typically take the following actions:
**Violation 1:** The student receives a written warning and an additional educational outcome.

**Violation 2:** The student receives University probation for a minimum of two academic terms, as well as additional educational outcomes.

**Violation 3:** The student receives suspension from the University for a minimum of one academic term, as well as additional educational outcomes.

**Violation 4:** The student is dismissed from the University.

*Note: When a student engages in behavior involving alcohol that puts themselves, or others at risk, typically a first violation will result in Student Conduct Probation. This includes, but is not limited to, a student being transported to Denver Cares or the hospital due to his/her intoxication level.*

**Drug Misuse**

Violations of this policy include, but are not limited to:

- Possession and/or use of any Federally Illegal Drug, or any possession or use of any prescription drug or other controlled substance except under the direction of a licensed physician. Marijuana, including Medical Marijuana, is prohibited on campus in all circumstances.

- Manufacture and/or distribution of any Federally Illegal Drug, prescription drugs, or other controlled substance is prohibited, including Cannabis in any form.

- Being under the influence of any federally illegal drug, prescription or non-prescription drug, or other controlled substance to the point of endangering one’s own health or safety regardless of age.

- Any possession or use on University premises of paraphernalia used to facilitate the use of any federally illegal drug or other controlled substance in violation of this policy regardless of age. This includes but is not limited to marijuana pipes, bongs and scales or other measuring devices.

- Any act that causes a person to ingest any federally illegal drug, prescription drug, or other controlled substance without their effective consent.

- Any violation of these Student Conduct Policies while under the influence of any federally illegal drug, prescription drug, or other controlled substance in violation of this policy regardless of age.

When a student is found responsible for violating this policy, in response to previous incidents of this nature, the University may typically take the actions below.

**For the possession and/or use of illegal drugs:**

**Violation 1:** The student receives Student Conduct Probation for a minimum of two academic terms, as well as additional educational outcomes.

**Violation 2:** The student receives suspension from the University for a minimum of one academic term, as well as additional educational outcomes.

**Violation 3:** The student is dismissed from the University.

**For the manufacture, distribution and/or sale of illegal drugs:**

**Violation 1:** The student receives suspension from the University for a minimum of one academic term, as well as additional educational outcomes.

**Violation 2:** The student is dismissed from the University.
EMPLOYEE DRUG/ALCOHOL POLICY

Drug Policy
The University of Denver is committed to a drug-free workplace and prohibits the unlawful manufacture, distribution, dispensing, possession or use of controlled substances by employees, students, subcontractors, consultants and visitors. It is the University’s policy to maintain a drug-free workplace and to comply with all reporting and other obligations as imposed and amended by the Drug-Free Workplace Act of 1990 (Pub.L. 100-690-FAR 52.223-6) and the Drug-Free Schools and Communities Act of 1986.

Procedures:
Anyone with concerns about the unlawful manufacture, distribution, dispensing, possession or use of controlled substances should immediately contact one of the following resources for assistance:

- The Employee Assistance Program for referrals on treatment and related issues
- Campus Safety to report incidents of illegal activity
- The Department of Human Resources for assistance on the disciplinary process or policy-related issues

If an employee’s supervisor has reasonable grounds to believe that the employee has violated this policy (based on observation by the supervisor or by others whom the supervisor deems reliable), the employee may be required to leave the workplace immediately. The University may, but is not obligated to, provide transportation to the employee’s destination.

The University reserves the right to discipline employees found to be in violation of this policy or violation of applicable laws related to the unlawful manufacture, distribution, dispensing, possession or use of controlled substances. Disciplinary action may include immediate termination of an employee. The selection of a disciplinary action for any particular case is at the University’s sole discretion.

Alcohol Policy
The University of Denver prohibits the consumption or possession of unsealed alcoholic beverages on University property or during the discharge of University duties (whether or not on University property), except in those areas or during those events licensed to serve such beverages. Although moderate consumption with meals or during social events is not prohibited, the University does not encourage the consumption of alcoholic beverages during working hours. Individuals are prohibited from reporting to work under the influence of alcohol.

The University discourages the consumption of alcoholic beverages during work hours or during the discharge of University duties (whether or not on University premises). Although moderate consumption with meals or during social events is not prohibited, individuals must not report to work under the influence of alcohol.

Procedures
If an employee’s supervisor has reasonable grounds to believe that the employee is under the influence of alcohol while at work (based on observation by the supervisor or by others whom the supervisor deems reliable), the employee may be required to leave the workplace immediately. The University may, but is not obligated to, provide transportation to the employee’s destination.

To the extent permitted by law, the University may require any employee to submit to a blood alcohol test administered by University-designated laboratories or physicians. If the test indicates that the employee has a blood alcohol level of .05 or higher, the employee is considered to be under the influence. Refusal to consent to an alcohol test may result in disciplinary action. A written admission of being under the influence of alcohol may be allowed in lieu of testing.
The University reserves the right to discipline employees found to be in violation of this policy or in violation of applicable laws related to the possession or consumption of alcoholic beverages. Disciplinary action may include immediate termination of an employee. The selection of a disciplinary action for any particular case is at the University’s sole discretion.

VIOLATIONS OF HONOR CODE:
Parental Notification Policy
The University considers student conduct records to be part of a student’s educational record, and as such the University complies with all applicable legislation, including, but not limited to, the Family Educational Rights and Privacy Act (FERPA). Further, the University’s primary relationship is with its students, and not with their parents or guardians.

However, the University recognizes that parents or guardians maintain an interest in their students’ behavior while at college, and can play a positive role in preventing further misconduct. Therefore, the University may notify the parents or guardians of any student under the age of 21 whose current enrollment ends due to suspension or dismissal. The University also reserves the right to notify the parents or guardians of any dependent under the age of 21 who has been found responsible for violating any drug or alcohol policies. Notification may be deferred at the discretion of the Director of Student Rights and Responsibilities.

This notification is intended as a means to encourage communication between students and their parents or guardians to provide the greatest level of support for the student. Regardless of whether notification has occurred, the University’s priority and obligation is to correspond and otherwise conduct business directly with students, and not through parents, guardians, or any other third party.

Public Notification Policy
The University recognizes the shared interest of the greater community in the resolution of Student Conduct Cases. Student Rights and Responsibilities will update their website on an annual basis with statistics on the Student Conduct Process. These statistics may include the number of students found responsible for violating each of the Student Conduct Policies, as well as a summary of the outcomes assigned in the Student Conduct Process.

STUDENT INFORMATION RIGHTS AND POLICIES
For information on privacy of education records and access to information, visit: https://www.du.edu/registrar/privacy/index
FACTS ABOUT GENDER-BASED VIOLENCE AND DU’S RESPONSES

Sexual assault is the umbrella term used to describe sexual contact that occurs without consent. Even when someone known to the victim perpetrates a sexual assault, it is a crime. Being assaulted is never the victim’s fault. Nothing a victim does, says or wears gives anyone the right to assault them, sexually or otherwise. National studies have shown that the first few weeks of a first-year student’s school year are the most vulnerable time for sexual assault. Acknowledging this, the University of Denver offers sexual assault prevention, awareness and education programs, including a required web-based training prior to arriving at campus for beginning undergraduate students, training about sexual assault awareness and prevention, and reporting options during the Discoveries Orientation, and throughout the year. Many graduate programs provide specific information on Title IX and CAPE prevention training to all incoming graduate students. They are offered to complete a web-based prevention training program in the 2018-19 academic year.

All University faculty and staff are required to complete Title IX training that addresses DU’s gender violence, harassment and discrimination policy, identification, prevention, and their requirements as mandatory reporters. This training for faculty and staff is introduced in employee orientation meetings, and is facilitated during either live or online training sessions. It encourages employees to connect those reporting misconduct with the appropriate campus resources. This training is also available to be facilitated on request by the Coordinator of Gender Violence Prevention and Education, or Title IX.

For students, the Coordinator of Gender Violence Prevention and Education conducts training about gender-based violence, consent, and bystander intervention strategies. Title IX and Campus Safety often collaborate to provide prevention materials and to conduct group education presentations for any University programs, residence halls, Greek houses, classes and any other student and employee groups. The University will take whatever measures it deems necessary to protect the safety, security and/or integrity of any member(s) of its community or the University community as a whole. A complainant or respondent may request separation or other protection, or the University may choose to impose interim measures at its discretion to ensure the safety of all parties, the broader University community, and/or the integrity of the investigative and/or resolution process. Such measures may include, but are not limited to:

- Access to counseling services and assistance in setting up contact with an on-call counselor or initial appointments, both on and off campus
- Imposition of a campus “No-Contact Order”
- Rescheduling of exams and assignments
- Providing alternative course completion options
- Change in class schedule, including the ability to drop a course without penalty or to transfer sections
- Change in work schedule or job assignment
- Change in a student’s campus housing
- Assistance from University support staff in completing housing relocation
- Limiting access to certain University facilities or activities pending resolution of the matter
- Voluntary leave of absence
- Providing an escort to assure safe movement between classes and activities
- Arranging for medical services
- Providing academic support services
- Any other remedy that can be tailored to the involved individuals to achieve the goals of these procedures

In matters involving students, the Vice Chancellor for Campus Life and Inclusive Excellence, the Provost, or their designees, in consultation with the appropriate faculty and/or administrators, will be empowered to impose any
interim measure. In matters involving employees, the appropriate administrator, in consultation with Human Resources and Inclusive Community, will make the determination regarding interim measures. In imposing interim measures, the University will make every effort to minimize the burden on the complainant while ensuring that interim measures for safety and support are available to all parties involved. The University also recognizes its obligation to students who have been accused but not yet found responsible for misconduct. Therefore, no interim action shall unduly interfere with a respondent’s academic progress short of that deemed necessary to protect the University, any member(s) of its community, and/or its mission. In all cases, the University will protect the privacy of the involved parties when imposing interim measures and will not disclose the reasons for the changes other than to University administrators who need to be involved in implementing the measures. Additional information regarding the Student Conduct Policies and Procedures as it relates to students, prohibited conduct, student rights and responsibilities, the student conduct process and possible outcomes can be found at https://www.du.edu/studentlife/studentconduct/index.html. Victims of gender-based violence or misconduct are encouraged to seek help immediately. On and off-campus resources are included on pages 3 and 22-23 of this publication. Further, we encourage all members of the University community to seek additional education regarding personal safety and the prevention of sexual assault.

Prevention
Gender violence impacts all members of a community. Remember, sexual assault is not just a woman’s issue, all genders are responsible for preventing sexual assault. Suggestions for community members working to end sexual violence include:

• **Be Aware.** Bystanders must notice the incident taking place. Obviously, if they don’t take note of the situation, there is no reason to help. Bystanders also need to evaluate the situation and determine whether it is an emergency—or at least one in which someone needs assistance. Again, if people do not interpret a situation as one in which someone needs assistance, then there is no need to provide help.

• **Observe Your Situation.** Interpret incident as emergency. Another decision a bystander will make is whether they should assume responsibility for giving help. One repeated finding in research studies on helping is that a bystander is less likely to help if there are other bystanders present. When other bystanders are present, responsibility for helping is diffused. If a lone bystander is present, he or she is more likely to assume responsibility.

• **Size Up Your Options.** Whether this is to help the person leave the situation, confront a behavior, diffuse a situation, or call for support/security. The best way bystanders can assist in creating an empowering climate free of gender violence is to diffuse the problem behaviors before they escalate.

• **Attempts to help.** As a DU community member, it is your responsibility to attempt to help. Utilizing one of the many options available, you can intervene to prevent an instance of gender violence.

Harm Reduction Steps
If you find yourself in the position of being the initiator of sexual behavior, you owe respect to your potential partner. These suggestions can help you reduce your risk for crossing your partner’s boundaries:

• **Listen carefully.** Take time to hear what the other person has to say. If you feel they are not being direct or are giving you a “mixed message,” ask for clarification.

• **If your partner says “no” at any point, believe them and stop.** “No” does not mean “yes” or that you should try to convince your partner to continue. If they say “no”, stop what you are doing and talk to your partner to establish boundaries.

• **Don’t make assumptions about a person’s behavior.** If a person is dressed provocatively, if they are intoxicated, or if they agree to go to your room or walk home with you, this does NOT mean they
want to have sex with you. If someone has had sex with you before, this does not mean they are willing to have sex with you again. Also, if your partner consents to kissing or other sexual activities, this does not mean they are consenting to all sexual activities. Before initiating any sexual activity, ask your partner if that is what they want to happen.

- **Establish consent when you both are sober.** This is especially important if you two plan on drinking. Drugs and alcohol decrease a person’s ability to think clearly and make decisions. Have the conversation before you go out to establish boundaries and keep everyone safe.

- **Be aware that having sex with someone who is incapable of giving consent is sexual assault.** If you have sex with someone who is drugged, intoxicated, passed out, or is otherwise incapable of saying no or knowing what is going on around them, that is considered sexual assault.

- **Take action** if you see someone in trouble or someone pressuring another person, don’t be afraid to intervene.

- **Speak up** when others joke or talk about their sexual conquests. Let others know where you stand.

**Remember the following tips can help you clearly articulate your boundaries:**

1. First date, blind date or hook-up? Check your date out with friends. Go to a public place and go with friends.
2. Do not leave a party, concert or bar with someone you just met.
3. Know your sexual intentions and limits. Communicate them to your partner. If you are unsure of what you want, tell your partner to respect your feelings. You have the right to say NO to any unwanted sexual contact at any time.
4. Let your partner know what is and is not ok before you start drinking. Establishing boundaries before either of you are intoxicated will help you establish consent and stay within each other’s limits.
5. If you say “No,” say it like you mean it. Avoid giving mixed messages. Back up your words with a firm voice and clear body language. Do not assume that someone will automatically know how you feel or will eventually “get the message” without you having to say anything.
6. Remember that some people think that drinking, dressing provocatively, or going to your or your date’s room is saying you are willing to have sex. Be clear up front about your limits in such situations.
7. Listen to your gut feeling. If you feel uncomfortable or think you might be at risk, leave the situation immediately and go to a safe place.
8. Don’t be afraid to “make waves” if you feel threatened. If you feel you are being pressured or coerced into sexual activity, state your feelings and leave the situation.
9. Take care of your friends and ask that they take care of you.

**If you do experience gender-violence, remember:**

1. You can report an instance of gender-based violence to Campus Safety, Title IX, or Denver Police.
2. If you are receiving unwanted or repeated electronic communications, it is important to save them or capture them with a screenshot of the unwanted behavior.
3. Make sure you keep any information you document in a safe location where the partner who harmed you cannot find it, as it may put you at further risk if they do.
4. Contact CAPE or Safehouse Denver (24/7 community-based resource for domestic violence) for assistance with safety planning, when you are being harmed by someone you care about, having someone assist with evaluation of risk can be helpful. You may want to explore a no-contact order on campus or a Civil Order of Protection through the courts. Reporting to law enforcement is always
an option when a partner has engaged in criminal behavior against you.

5. Support any friend who disclose to you that they have been assaulted. Believe them and let them make their own decisions. Do not call authorities without their permission.

For All Victims of Gender-based Violence
The Title IX Office Coordinator can talk with you about options for moving forward through the University process. Students have a right to discuss these options without being required to select or participate in any of the available options.

If you are sexually assaulted, or experience other gender-based violence, contact Campus Safety at 303.871.3000 (1-3000), and CAPE Advocacy Services at 303.871.3853 (1-3853) or the Counselor on Call at 303.871.2205 (1-2205).

Campus Safety can provide immediate assistance and resources. The most important thing sexual assault survivors can do is get the support they need and know they are not alone. There are many options for seeking support, including: Campus Safety, the Center for Advocacy, Prevention and Empowerment (CAPE), a resident assistant, a graduate resident director, the police, a friend, a rape crisis center, a hospital, a counselor or the Title IX Office or someone else you trust. Do not isolate yourself, do not feel guilty, and do not try to ignore it.

Whether committed by a stranger or someone you know, sexual assault is a violation of your body and your trust. Remember, it is never your fault. And there are people at DU who can help.

If you are assaulted, here are some tips to remember:
- If you wish to have a forensic exam, more evidence can be collected if you do not shower, wash or douche before the exam.
- If you have washed following the incident, you may still have evidence collected. You also can save the clothes you were wearing in a paper bag to preserve evidence and bring these to the hospital with you. Evidence can be collected up to 72 hours following an event. Even if you do not pursue criminal charges initially, preserving this evidence can be important in the event that you change your mind later. A survivor has up to 2 years following evidence collection to make a decision about whether she or he will pursue the criminal process. Physical evidence is extremely important in any criminal prosecution.
- Seek medical attention. You may have internal injuries, and you shouldn’t live with the fear of STDs, AIDS or an unwanted pregnancy.
- Trained medical staff may also assist you in contacting experienced sexual assault response team members who can help you file a police report, collect and preserve evidence, and provide victim assistance and rape crisis advocacy services.
- Get counseling to help you deal with your feelings.

If you are a victim of dating or domestic violence or stalking here are some tips to remember:
If you have been injured in any way, seek medical attention. A medical provider can document your injuries and offer treatment you might need as a result. Document any destruction of property with photographs. If you have bruising that changes in color over time, you can document that as well.

If someone you know is sexually assaulted:
VALIDATE. Tell them know that you appreciate the courage it took to come forward and share their experience with you.
EMPOWER. Support your friend, do not tell them what to do. Next steps have to be their decision.
CONNECT. Talk about the DU and community resources that can help.
CAMPUS SEX CRIMES PREVENTION ACT
The Campus Sex Crimes Prevention Act mandates that convicted sex offenders who are required to register under state law must also disclose their association with institutions of higher education when applicable.

Specifically affected are those registered sex offenders who attend, are employed by/at, or volunteer at institutions of post-secondary education. Inquiries regarding registered sex offenders who reside in the neighborhood or who have disclosed an association with the University of Denver, as noted above, should be directed to:

Denver Police Headquarters
1331 Cherokee Street Denver, CO

These requests must be made in person between the hours of 7:30 a.m. and 3:30 p.m., Monday through Friday. Additional information is available by calling 720.913.6050. The Colorado Bureau of Investigation’s convicted sex offender website can be found at: https://apps.colorado.gov/apps/dps/sor/

CAMPUS RESOURCE ORGANIZATIONS
Pioneers CARE
The Pioneers CARE (Communicate, Assess, Refer, and Educate) referral system is a process to submit information about a student who may be experiencing a challenging situation and needs help to connect the appropriate resources. Each referral is reviewed by staff members and then assigned to a Case Manager within the Office of Student Outreach & Support to make outreach to the student and develop a support plan. This referral activates the appropriate University protocol to support both the individual and the campus community in maintaining their safety, health and well-being. Please refer to our page on how to recognize and support student in distress and for examples of indicators of concerning behavior: https://www.du.edu/studentlife/studentsupport/student_support/index

Please also always error on the side of the referring student. It is critical for our students and campus community that we receive this information in a timely manner. Additional signs include:
- Difficulties with family/home environment
- Difficulties adjusting to the college experience
- Difficulties with food security and housing
- Excessive or unexplained absences
- Financial concerns
- Relationship concerns
- Student impacted by an event
- Unable to locate a student
- Witness to an incident

If you know of a student who is experiencing any of the above signs or stressors, we encourage you to submit a Pioneers Care referral through the online system: https://cm.maxient.com/reportingform.php?UnivofDenver&layout_id=99

Please remember that in the case of a crisis that requires immediate attention, contacting Campus Safety and/or the Health and Counseling Center is often necessary, along with filing a Pioneers Care online referral.
A note about confidentiality:
As a part of this process, we work very hard to maintain confidentiality for students so they trust the work we're doing. As a result, if you submit a referral, we don’t generally report back or communicate with you about the details of how we’ll be working with individual students.

A Pioneers Care referral is not for emergencies. If there is an immediate threat to a student (either through self-harm or interpersonal violence) or the community, please call Campus Safety at 303.871.3000, or if dialing from a campus phone, 1-3000.
If you have a concern about our referral process, please contact the Pioneers Care administrator at care@du.edu.

Health and Counseling Center (HCC)
The Health and Counseling Center is located on the third floor (north) of the Ritchie Center and offers confidential counseling services. 24-Hour crisis counseling is available. For after-hours crisis situations please call the Campus Safety emergency number at 303.871.3000 (1-3000) and ask them to contact the counselor on call. For day-time crisis situations, please call our general office number and ask to speak to the counselor of the day, 303.871.2205 (1-2205). All crisis counseling is free. For additional information regarding medical services, counseling services and health promotion visit: https://www.du.edu/health-and-counseling-center/index.html

HCC’s Center for Advocacy Prevention and Empowerment
The Center for Advocacy, Prevention, and Empowerment (CAPE) is a department of the Health and Counseling Center that supports survivor healing by providing advocacy and support for victims of gender violence (sexual assault, relationship violence, stalking and sexual harassment) A CAPE Advocate can provide support and assist survivors, and any family or friends, with physical, psychological, judicial and/or legal aftermath resulting from gender-based violence.

All CAPE services are confidential and free of charge. CAPE is located in the HCC-Asbury building. For Support or more information, contact the Coordinator of CAPE Advocacy Services, Kayla Ham, 303.871.3853. For after-hours-crisis and support contact the Counselor on Call, 303.871.2205.
For information about Gender Violence Prevention and Education programs, please see the follow section “The Department of Health Promotion.”

Department of Health Promotion
The Department of Health Promotion acts as the prevention and education arm of the Health and Counseling Center. Their work aims to help students gain skills and knowledge that promote healthy behaviors around a variety of health topics (sexual health, stress, alcohol and other drugs, healthy relationships, gender violence prevention and education, mental health, sleep, etc.) and skills and knowledge about bystander intervention in high risk situations (sexual assault, situations involving high risk drinking and drug use, suicide, and mental health). Health Promotion support DU student success through efforts to reduce personal, campus and community health risk factors.

The Department of Health Promotion is committee to:
• Empowering DU students with the knowledge and skills they need to make healthy and success-oriented decisions through the incorporation of evidence-based initiatives
• Examining factors that influence DU students’ health and success, and sharing relevant and timely information with the campus community
• Promoting an inclusive and healthy living and learning environment at DU

Health Promotion offers interactive presentations for classrooms, residence halls and student groups.
These sessions’ offerings address health-related issues that have the potential to disrupt a student’s DU experience, so as to provide students with the information and skills they need to make healthy and success-oriented decisions. For more information, call 303.871.2205 or email info@hcc.du.edu.

As part of Health Promotion, the Coordinator of Gender Violence Prevention and Education provided program and resources that promote healthy relationships, teach non-violence and equality, and foster a respectful and safe environment for all members of the University of Denver environment. For more information on training and programs, contact Andrea Thyrring at 303.871.7442 or andrea.thyrring@du.edu.

SUICIDE—RISK FACTORS, SIGNS AND PREVENTION:

Suicide is the second leading cause of death in college students. It is also the most preventable form of death. DU has had one to three suicides annually over the past several years. Because suicides and nonfatal suicide attempts have direct, profound, costly and emotionally damaging effects on the entire community, we strive to prevent both by educating DU community members about suicide prevention strategies.

By understanding the risk factors and learning how to interact with someone who may be suicidal, all of us can play a role in preventing suicide. Ninety percent of individuals who complete suicide give some type of warning signs that they are considering taking their own life. Some of the warning signs of suicide include:

- **Depression.** This can include feelings of hopelessness, sleep difficulties, appetite changes, loss of enjoyment in previously enjoyable activities, and themes of death in conversation or other communications.
- **Suicidal thoughts or comments.** Such as, “People would be better off without me.” “I can’t live like this anymore.” “I might as well be dead.” “I’m thinking of killing myself.”
- **Increased alcohol or substance abuse.** Someone under the influence of alcohol or drugs is at greater risk to act on suicidal thoughts.
- **Previous attempts.** Four out of five individuals who complete suicide has attempted it at least once before.
- **Significant loss.** This can include any real or threatened loss, such as a relationship, a job, status or prestige, a death or a physical impairment.
- **Behavioral clues.** Such as purchasing a gun, stockpiling pills, giving away money or prized possessions, dramatic changes in behavior, sudden interest or disinterest in religion, or sudden “happiness” in someone who has been depressed.

If you observe any of these warning signs in someone you know, it is crucial that you take steps to get the person help. The first step is to talk to the person. Express your concern about their well-being and ask them if they are considering suicide. Asking a person if they are considering suicide DOES NOT increase risk of them taking action. Research has shown that once a person has been asked about suicide, they experience relief, not distress. Once the question has been asked, LISTEN to what the person has to say. This is an important step in persuading the person to get help. Ask the person any of the following:

- **Will you go with me to see a counselor/minister/priest/nurse/etc?**
- **Will you let me help you make an appointment with...?**
- **Will you promise me... (e.g., you won’t kill yourself until we get you help)?**
QUESTION, PERSUADE AND REFER (QPR) PROGRAM:
DU's Health and Counseling Center offers the Question, Persuade and Refer program for suicide prevention on campus. QPR is an intervention taken when warning signs are apparent in someone known to a QPR-trained person. QPR training is designed for EVERYONE. Eighty percent of the people who complete suicide are NOT in mental health treatment at the time of their death. It is, therefore, imperative for all members of the DU community to recognize the warning signs of suicide, to know how to talk to someone who appears to be at risk, and to know how to get that person the help they need. Make plans to attend an upcoming QPR training now. Contact the Health and Counseling Center at 303.871.2205 (1-2205) to find out when the next QPR training will be held.

Fire Safety Report:
The University Of Denver Department Of Campus Safety maintains compliance of fire and life-safety standards in all buildings in accordance with the International Fire Code as adopted by the City and County of Denver, the Denver Amendments to the International Fire Code, and the National Fire Protection Association’s (NFPA) 72 regulations. The compliance involves annual inspections of all fire-detection systems (smoke detectors, heat sensors, horn strobe devices, etc.) and fire protection systems (sprinklers systems, fire extinguishers, kitchen hood systems, etc.). In addition to fire inspections, emergency egress and relocation drills are conducted with sufficient frequency to familiarize occupants with drill procedures. Fire evacuation drills are conducted three times per academic year in all residential facilities and one to two times per calendar year in all other facilities where required. While drills occur every month in childhood education, in 2017 this changed to include tornado and lockdown drills.

FIRE DRILLS
To ensure that students living in on-campus housing facilities are properly prepared to evacuate the building in the event of an emergency, Campus Safety conducts three routine fire drills in each building annually. Fire drills are conducted without prior notice and building occupants are graded on their performance in the course of these drills. In the event of a failing grade, an additional drill or remedial education is scheduled for a later date. In 2017, the Department of Campus Safety's Office of Emergency Preparedness & Fire Safety completed 111 fire-evacuation drills.

FIRE-SAFETY EDUCATION
Campus Safety conducts annual fire-safety education training for designated Emergency Response Teams from each building who then disseminate the information covered to their respective departments and offer fire extinguisher training. Residence Assistants are also given fire-safety training which they disseminate to the residents in their residence halls. If you discover or suspect a fire do the following:

• Locate and pull the nearest fire alarm. If the alarm fails to operate, warn other occupants to evacuate the building by shouting the warning.
• Even if the alarm sounds, call the Campus Safety emergency number, 303.871.3000 (1-3000), and provide as much information as possible about the alarm. Don’t assume someone else has called or that the fire signal notified Campus Safety.
• Evacuate the building immediately and move at least 50 feet away from the building to a safe location.
• For safety and statistical purposes, all fires, whether active or extinguished, should be reported to Campus Safety immediately.

EVACUATION PROCEDURES
If a fire or smoke detector alarm sounds, immediately vacate the building via the nearest stairwell and proceed at least 50 feet outside the building until a Campus Safety officer or member of the Denver Fire Department allows you to reenter. A student’s full cooperation in any evacuation is required. Failure to evacuate the building in the event of an alarm sounding will result in disciplinary action.
PORTABLE ELECTRONIC DEVICES, SMOKING AND OPEN FLAME POLICIES

Due to fire hazards, there are several safety precautions in place for the residence halls. Possession or use of the following is prohibited:

- Halogen Lamps
- Incense
- Candles
- Candle warmers
- Open flames
- Space heaters (except those provided by the University)
- Propane or compressed flammable gas of any kind

Additionally, the use of toaster ovens, electric frying pans, George Foreman type grills, crock pots, and open heating elements are prohibited in facilities without suite or apartment kitchens.

- Grills are not allowed in residence halls.
- Two prong extension cords (those without ground capability are prohibited).
- The use of surge protectors on all electronic equipment is encouraged.
- The use of coffee makers, hot pots, air popcorn poppers, and microwaves (maximum 600 watts and/or 1 cubic ft.) is permitted.
- Smoking anywhere on campus is prohibited.
## RESIDENTIAL FIRE CONTROL SYSTEMS—BY BUILDING

<table>
<thead>
<tr>
<th>BUILDING NAME</th>
<th>Fire Alarm Monitored</th>
<th>Partial (A) Sprinkler System</th>
<th>Full (B) Sprinkler System</th>
<th>Fire Alarm Control Panel</th>
<th>Warning Horn/Strobe</th>
<th>Heat Detectors</th>
<th>Smoke Detectors</th>
<th>Manual Pull Stations</th>
<th>Beam Detectors</th>
<th>CO Detectors</th>
<th>Fire Extinguishers</th>
<th>Evacuation plan/Placards</th>
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<tbody>
<tr>
<td>Alpha Phi 1985 S. Josephine St.</td>
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<td>●</td>
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<td>Centennial Halls 1870 S. High St.</td>
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<td>Centennial Towers 1770 S. Williams St.</td>
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<td>Delta Delta Delta 2249 S. Josephine St.</td>
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<td>Gamma Phi Beta 2233 S. Josephine St.</td>
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<td>Hilltop Hall/Beta Theta Pi 2280 S. Race St.</td>
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<td>Johnson-McFarlane Hall 1901 E. Iliff Ave.</td>
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<td>Kappa Sigma 2201 E. Evans Ave.</td>
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<td>Lambda Chi Alpha 2217 E. Evans Ave.</td>
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<td>Lynn Marie Apartments 1995 S. University Blvd.</td>
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<td>Mesa Apartments 1925 S. York St.</td>
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<td>Phi Kappa Sigma 2455 E. Asbury Ave.</td>
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<td>Ridgeline Apartments 1930 S. York St.</td>
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<td>Sigma Alpha Epsilon 2050 S. Gaylord St.</td>
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<td>Summit Apartments 1904 S. York St.</td>
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<tr>
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<td>University Lofts 2373 E. Evans Ave.</td>
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<td>University Place Apts 1950 S. York St.</td>
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<tr>
<td>Vista Apartments 1959 S. Columbine St.</td>
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<tr>
<td>Zeta Beta Tau 1959 S. Columbine St.</td>
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## FIRE LOG

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>Type of University Housing Property</th>
<th>Date of Incident</th>
<th>Time of Incident</th>
<th>Date Reported</th>
<th>Nature (Cause) of Fire</th>
<th>Number of Injuries</th>
<th>Number of Deaths</th>
<th>Value of Property Damaged</th>
<th>CS Report #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nelson Hall</td>
<td>Owned</td>
<td>10/6/16</td>
<td>22:05</td>
<td>10/6/16</td>
<td>Unintentional: Cooking Fire</td>
<td>0</td>
<td>0</td>
<td>$0</td>
<td>1600745</td>
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<td>Nelson Hall</td>
<td>Owned</td>
<td>3/3/15</td>
<td>21:47</td>
<td>3/3/15</td>
<td>Undetermined: Trash Can (Dumpster) on Fire adjacent to Residential Hall</td>
<td>0 0</td>
<td>$0</td>
<td>1500168</td>
<td></td>
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<tr>
<td>Delta Delta Delta</td>
<td>Owned</td>
<td>4/24/15</td>
<td>2:19</td>
<td>4/24/15</td>
<td>Unintentional: Cooking Fire</td>
<td>0 0</td>
<td>$50</td>
<td>1500329</td>
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<td>Nelson Hall</td>
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<td>6/1/15</td>
<td>17:51</td>
<td>6/1/15</td>
<td>Intentional: Bushes adjacent to Residential Hall set on fire by firecrackers</td>
<td>0 0</td>
<td>$0</td>
<td>1500448</td>
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<tr>
<td>Sigma Chi</td>
<td>Controlled</td>
<td>11/10/15</td>
<td>23:40</td>
<td>11/10/15</td>
<td>Unintentional: Candles burning near sheets</td>
<td>0 0</td>
<td>$0</td>
<td>1500885</td>
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</tbody>
</table>

* No reported fires in On-Campus Student Housing Facilities during CY 2017

## FIRE STATISTICS—BY BUILDING

### 2017 UNIVERSITY PARK CAMPUS (UNIVERSITY OF DENVER RESIDENTIAL BUILDINGS ONLY)

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>Number of Injuries</th>
<th>Number of Deaths</th>
<th>Value of Property Damaged</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alpha Phi</td>
<td>0</td>
<td>0</td>
<td>-</td>
</tr>
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### TOTALS:

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<th>Number of Injuries</th>
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A. Partial Sprinkler System is defined as having sprinklers in the common areas only.

B. Full Sprinkler System is defined as having sprinklers in both the common areas and individual rooms.

1 Alpha Phi moved from Hilltop Hall to their own building in Sept 2017—no fire drills in 2017.

2 Beta Theta Pi remained at Hilltop Hall.

3 Specific apartments leased by DU in both U-House and Vista Apts and controlled by DU (residential housing) starting in Fall 2017.
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<th>Number by Building</th>
<th>Fire Number</th>
<th>Date Reported</th>
<th>Date of Incident</th>
<th>Time of Incident</th>
<th>Cause of Fire</th>
<th>Number of Injuries¹</th>
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### CALL FOR HELP AT DU

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<tr>
<td>Campus Safety Non-emergency/Resources</td>
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<tr>
<td>Health and Counseling Center</td>
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<tr>
<td>CAPE Helpline</td>
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<td>After Hours Counselor on Call</td>
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### CALL FOR HELP IN DENVER

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<tr>
<td>The Blue Bench (Denver’s sexual assault support crisis hotline)</td>
<td>303.322.7273</td>
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<tr>
<td>Rocky Mountain Poison and Drug Center</td>
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To report sexual assault, dating violence, domestic violence or stalking or to receive support and counseling regarding sexual assault, dating violence, domestic violence and stalking.

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Use the Tip Line for
- reporting safety/security hazards on campus
- confidential reports of criminal activity
## ON-CAMPUS RESOURCES

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</tr>
<tr>
<td>University Counsel</td>
<td>303.871.4646</td>
<td>(1-4646)</td>
</tr>
<tr>
<td>Victim Services Coordinator (DU Campus)</td>
<td>303.871.2334</td>
<td>(1-2334)</td>
</tr>
<tr>
<td>Title IX Office – Mary Reed Bldg, 4th</td>
<td>303.871.7481</td>
<td>(1-7481)</td>
</tr>
<tr>
<td>Pioneers CARE</td>
<td>303.871-2400</td>
<td>or submit an online referral at: carereport.du.edu</td>
</tr>
</tbody>
</table>

## OFF-CAMPUS RESOURCES

<table>
<thead>
<tr>
<th>Service</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcoholics Anonymous</td>
<td>303.322.5636</td>
</tr>
<tr>
<td>The Blue Bench (sexual assault hotline)</td>
<td>303.322.7273</td>
</tr>
<tr>
<td>Denver Cares</td>
<td>303.436.3500</td>
</tr>
<tr>
<td>Emergency</td>
<td>911</td>
</tr>
<tr>
<td>Mile High Council on Substance Abuse</td>
<td>303.825.8113</td>
</tr>
<tr>
<td>Porter Hospital</td>
<td>303.778.1955</td>
</tr>
<tr>
<td>Rocky Mountain Poison and Drug Center</td>
<td>303.739.1123</td>
</tr>
<tr>
<td>Suicide Crisis Hotline (24 hours)</td>
<td>800.273.8255</td>
</tr>
</tbody>
</table>
DEFINITIONS AND TERMINOLOGY

Consent: (Student Rights and Responsibilities) – Individuals who choose to engage in sexual activity of any type with another individual must first obtain consent. Consent must be clear, knowing, and voluntary.

- Consent is active, not passive. Consent can be given by words or actions as long as those words or actions create mutually understandable, clear, permission regarding willingness to engage in sexual activity (and the conditions thereof).
- In order to give consent, one must be of legal age (CRS Section 18-3.402). Each participant in a sexual encounter is expected to obtain and give consent to each set of sexual activity. Consent to any one form of sexual activity does not automatically imply consent to any other form of sexual activity.
- Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Relying on non-verbal communication can lead to misunderstandings. Silence, in and of itself, cannot be interpreted as consent. Consent may not be inferred from silence, passivity, lack of resistance, or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.

When consent is requested verbally, absence of any explicit verbal response constitutes lack of consent.

- If at any time during the sexual activity, any confusion or ambiguity arises as to the willingness of the other individual to proceed, both parties should stop and clarify, verbally, the other’s willingness to continue before continuing such activity.
- Either party may withdraw consent at any time. Withdrawal of consent should be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.
- Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates a willingness to engage in sexual activity.
- Consent is not effective if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual’s ability to exercise his or her own free will to choose whether or not to have sexual contact.
- A person who is incapacitated cannot give consent.

Proceedings: Refers to those courses of action taken in response to reports of alleged policy violation(s) as described in the Student Rights and Responsibilities Policies & Procedures, the Equal Opportunity & Title IX Procedures, or the Employee Handbook.

Result: Refers to “Outcomes” for student and “Corrective Actions” for faculty and staff as outlined in either the Student Rights and Responsibilities Policies & Procedures, the Equal Opportunity & Title IX Procedures, or the Employee Handbook.
**Responsible Party:** As required by Title IX, “Responsible Party” is defined as - all University faculty, staff members and other community members who have leadership or supervisor responsibilities, or who have significant responsibility for student or campus activities. These include, but are not limited to:

- Board of Trustees
- The Chancellor
- Provost
- Vice Chancellors
- Associate Provost
- Deans
- Directors
- Department Chairs
- Campus Safety Personnel
- Athletic Personnel (Including Coaches)
- Student Affairs personnel (to include Student Rights and Responsibilities, Housing/Residential Education, Residence Advisers
- Faculty, Staff or University Community Members who serve as advisors

This responsibility shall also extend to advisors of student groups (e.g., volunteer coaches) who are not otherwise employed by the Universe.

**Clery Crime Definitions**

In accordance with the Clery Act, the University of Denver, Department of Campus Safety must annually distribute statistics in the annual report and disclose statistics to the Department of Education on the reported occurrences of the following offenses:

**Murder and Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another. NOTE: Deaths caused by negligence, attempts to kill, suicides, accidental deaths, and justifiable homicides are excluded. An attempt to kill is classified as an Aggravated Assault.

**Negligent Manslaughter:** The killing of another person through gross negligence.

**Sexual Assault:** An offense that meets the definition of rape as used in the FBI’s UCR program or an offense that meets the definition of fondling, incest or statutory rape as used in the FBI’s NIBRS program.

**Sex Offenses:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

A. **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

B. **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
Administration of a Date Rape Drug: Under Clery, the administration of a date rape drug in an unsuccessful attempt to incapacitate and sexually assault the victim, and investigation determines that the perpetrator’s attempt was to commit a sex offense, is a sexual assault. Administration of a date rape drug in which intent cannot be proven is an Aggravated Assault.

**Sex Offenses, Non-forcible: Unlawful sexual intercourse.**

A. **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

B. **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

**Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed. Aggravated assault includes poisoning (date rape drug, or other poison). An aggravated assault, using a date rape drug may be classified as a sexual assault, see *Sex Offenses* (page 87).

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned – Including joyriding).

**Arson:** The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another, etc.

**Liquor Law Violations:** The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

**Drug Law Violations:** The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacture and making of narcotic drugs.

**Weapon Law Violations:** The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.
Clery Act Hate/Bias Crime Reporting

DU Campus Safety is required to report statistics for hate/bias crimes by the type of bias for the prior listed offenses (see crime definitions above) as well as the crimes of larceny, simple assault, intimidation and vandalism (see definitions below). The below listed crimes are not Clery reportable crimes unless the crime was motivated by bias.

Larceny-Theft: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. (Note: Constructive possession is defined by Black’s Law Dictionary, 6th ed. as “where one does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.”)

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property (Except "Arson"): To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

Hate/Bias Crime Defined:

A hate crime is defined as any crime that manifests evidence that a victim was selected because of his/her actual or perceived race; gender; gender identity; religion; sexual orientation; ethnicity; national origin or disability. A hate crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. If the facts of the case indicate that the offender was motivated to commit the offense because of his/her bias against the victim's perceived race; gender; gender identity; religion; sexual orientation; ethnicity; national origin or disability, the crime is classified as a hate crime. For more information on the definition and classification of hate/bias crimes, see: https://www.fbi.gov/investigative/civil-rights/hate-crimes#hate-crime-statistics

Bias: Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, sexual orientation, ethnicity, national origin or disability.

Although there are many possible categories of bias, under Clery, only the following eight categories are reported:

Race: A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites).

Gender: A preformed negative opinion or attitude toward a group of persons because those persons are
male or female

**Gender Identity:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity (e.g., bias against transgender or gender non-conforming individuals).

**Religion:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).

**Sexual Orientation:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived sexual orientation.

**Ethnicity:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term race in that “race” refers to grouping based mostly upon biological criteria, while “ethnicity” also encompasses additional cultural factors.

**National Origin:** A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and/or traditions.

**Disability:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

**VAWA (State and Federal Definitions)**

**State Definition**

**Domestic Violence:** An act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. “Domestic Violence” also includes any other crime against a person, or against property, including an animal, or any municipal ordinance violation against a person or against property, including an animal, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship.

**Federal Definition**

**Domestic Violence:** A felony or misdemeanor crime of violence committed-

- By a current or former spouse or intimate partner of the victim.
- By a person with whom the victim shares a child in common.
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
- By a person similarly situated to a spouse of the victim under the domestic violence laws of the jurisdiction in which the crime of violence occurred.
- By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Dating Violence**
**Federal Definition**

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For purposes of this definition-
- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

For the purposes of complying with the requirements of this section, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Stalking**

**State Definition Colorado 18-3-602**

**Stalking:** A person commits stalking if directly, or indirectly, through another person, the person knowingly:

- Makes a credible threat to another person and, in connection with the threat, repeatedly follows, approaches, contact, or places under surveillance that person, a member of that person’s immediate family, or someone with whom that person has or has had a continuing relationship; or

- Make a credible threat to another person and, in connection with the threat, repeatedly makes any form of communication with that person, a member of that person’s immediate family, or someone with whom that person has or has had a continuing relationship, regardless of whether a conversation ensues; or

- Repeatedly follows, approaches, contacts, places under surveillance, or makes any form of communication with another person, a member of that person’s immediate family, or someone with whom that person has or has had a continuing relationship in a manner that would cause a reasonable person to suffer serious emotional distress and does cause that person, a member of that person’s immediate family, or someone with whom that person has or has had a continuing relationship to suffer serious emotional distress.

For purpose of this paragraph (c), a victim need not show that he or she received professional treatment or counseling to show that he or she suffered serious emotional duress.

**Federal Definition**

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to-

- Fear for the person’s safety or the safety of others; or
- Suffer substantial emotional distress for the purposes of this definition-

**Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
(i) **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. 
(ii) **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.

**Clery Arrests and Referrals**
The Clery Act also requires disclosure of statistics for liquor law violations, drug law violations and weapons offenses (see definitions above). These violations are reported according to the total number of individuals arrested or referred for campus disciplinary action, rather than total number of incidents.

**Arrest:**
Persons processed by arrest, citation or summons. An arrest has occurred when a law enforcement officer detains an adult with the intention or seeking charges against the individual for the specific offense(s) and a record is made of the detention. A juvenile should be counted as “arrested” when the circumstances are such that if the individual were an adult, an arrest would have been counted.

**Referred for Disciplinary Action:**
The referral of any person to any official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

**Clery Geographic Categories**
An institution must report statistics for Clery offenses occurring in areas that meet the definitions below. Clery crimes that occur in these areas are listed in the crime statistics tables and reported to the Department of Education according to these categories.

**On-campus:**
Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and (2) any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of the definition, that is owned by an institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**On-Campus Residential:**
Dormitories or other residential facilities (DU has included all its fraternity and sorority residences in this category. Residential facilities are a subset of the locations that are defined under "on-campus." The crime statistics that are reported in this column are also included in the column under "on-campus"; they are not additional incidents.

**Non-campus:**
Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students and is
not within the same reasonably contiguous geographic area of the institution.

Public Property:
All public property, including thoroughfares, streets, sidewalks, parking facilities, parks and waterways, that is within the campus, or immediately adjacent to and accessible from the campus.
Pursuant to reporting requirements mandated by the federal government, offense locations have been delineated into the following areas: On-Campus; Non-Campus; Public Property; and, as a sub category location on campus, On-Campus Residential. For Public Property reporting, the following campus parameters were defined (See below).

DU University Park Campus*: (North) Buchtel Boulevard (East) South Columbine Street (South) East Harvard Avenue (West) South Williams Street

*Refer to Campus Map included in this report for additional boundaries and descriptors

Campus Security Authority (Definition)
Campus Security Authority is a Clery Act-specific term that encompasses four groups of individuals and organization associated with an institution:
• A campus police department or a campus security department of an institution. If your institution has a campus police or campus security department, all individuals who work for that department are campus security authorities. A security department can be as small as one person.
• Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department.
• Any individual or organization specified in an institution’s statement of campus security police as an individual or organization to which students and employees should report criminal offenses.
• An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.

CLERY CRIME STATISTICS
Campus Safety prepares this report in cooperation with the Denver Police Department, Student Rights and Responsibilities, Housing, and Residential Education, the Health and Counseling Center and other DU departments. Each department entity provides crime statistics and/or updated information on its educational efforts and programs to comply with required acts, including the Clery Act.
Campus crime, arrest and referral statistics included those reported to DU Campus Safety, Denver Police Department, and campus security authorities. While licensed professional counselors, when deemed appropriate, may encourage victims to permit reporting of statistical information about crimes committed against them for inclusion in these statistics, none have been specifically reported here.
The crime statistics shown in the included tables are for the prior three calendar years, 2017, 2016.
2015. Crime statistics shown are for the year in which they are reported and not necessarily in the year they occurred. Reported crimes may involve individuals not associated with the University of Denver. The Department of Education allows for presenting hate/bias crime and unfounded report information in a tabular, narrative or descriptive format. DU Campus Safety has elected to list this information in a descriptive format directly below the crime statistics table for each campus.

Reports are sometimes completed by both the Denver Police Department and DU Campus Safety regarding the same incident. Although this data has been reviewed in an effort to avoid double reporting, some replication may exist. Pertinent statistical data was also obtained from other entities with “Campus Security Authority” as defined the Clery Act.

How Clery Crimes Are Reported

Certain Clery crimes fall under the hierarchy rule, meaning if more than one crime occurs during the same incident, only the most serious crime is reported. This applies to the Clery crimes listed below in the order in which they fall in the hierarchy. The one exception to the hierarchy rule is if a murder and a sexual assault occur, both are counted.

- Murder
- Manslaughter
- Sexual Assault
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft

Each year, notifications are made to all enrolled student and DU employees by October 1. This notification provides the website information and access to this report. Email notifications are made to all DU students and employees. Printed copies of this report are available at the DU Campus Safety Center (located at 2130 High Street, Denver, CO 80208)
OFFICE OF
EQUAL OPPORTUNITY & TITLE IX
PROCEDURES 2018-2019

UNIVERSITY of DENVER
I. PURPOSE

The Office of Equal Opportunity & Title IX established these procedures to assist in carrying out its responsibilities in the administration and enforcement of the University of Denver’s (“the University”) policies related to non-discrimination, and in facilitating 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 (EPA) of 1963; the Age Discrimination in Employment Act; Title IX of the Education Amendments of 1972; 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; Title 24, Article 34 of the Colorado Revised Statutes; and Denver Municipal Ordinances, and other applicable federal and state anti-discriminatory laws. University policies and these procedures are intended to comply with the prohibitions of these laws, as amended, as well as other applicable federal, state, and local anti-discriminatory laws.

Consistent with federal, state and local law, and University policies related to non-discrimination, the University, through the Office of Equal Opportunity & Title IX, takes prompt and equitable action in response to reports of:

- Discrimination (including pay discrimination), harassment, and/or gender-based violence, on the basis of race, color, national origin, age, religion, disability, sex, sexual orientation, gender identity, gender expression, marital status, pregnancy, military enlistment, veteran status, or genetic information;
- Sexual and gender-based harassment, sexual violence, relationship violence, and stalking;
- Failure to provide reasonable accommodations for disability and religion; and
- Retaliation against any individual or group of individuals involved in an investigation and/or resolution of a report under these procedures.

The Office of Equal Opportunity & Title IX will impose interim measures for the individual and the community, conduct neutral investigations, promote accountability for violations of policies and procedures, and impose other remedies designed to eliminate Prohibited Conduct, prevent its recurrence and address its effects.

Contact Information for the Title IX Coordinator is as follows:

Molly Hooker, Interim Title IX Coordinator
University of Denver, Mary Reed Building, 4th Floor
2199 South University Blvd.
Denver, CO 80208
303-871-2302
titleIX@du.edu
Contact Information for the Office of Equal Opportunity & Title IX as follows:

Office of Equal Opportunity & Title IX  
University of Denver, Mary Reed Building, 4th Floor  
2199 South University Blvd.  
Denver, CO 80208  
303-871-7016  
equalopportunity@du.edu

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

United States Department of Education  
Office for Civil Rights (OCR)  
Lyndon Baines Johnson Department of Education Building  
400 Maryland Avenue, SW  
Washington, DC 20202-1100

Telephone: 800-421-3481  
FAX: 202-453-6012; TDD: 800-877-8339  
Email: OCR@ed.gov

Denver Office  
Office for Civil Rights  
U.S. Department of Education  
Cesar E. Chavez Memorial Building  
1244 Speer Boulevard, Suite 310  
Denver, CO 80204-3582

Telephone: 303-844-5695  
FAX: 303-844-4303; TDD: 800-877-8339  
Email: OCR.Denver@ed.gov

II. SCOPE

All members of the University of Denver community are subject to these procedures, including students, faculty, staff, administrators, board members, consultants, vendors, and others engaged in business with the University. Each member of the community is responsible for conducting oneself in accordance with these procedures and other University policies and procedures.

These procedures apply to all conduct that occurs on campus. The procedures may also apply to conduct that occurs off campus, including online or electronic conduct, if the University finds that the conduct: (a) occurred in the context of an employment or education program or activity of the University; (b) had continuing adverse effects on campus, including posing a reasonable risk of harm to the community; or (c) had continuing adverse effects in an off-campus employment or education program or activity. Examples of covered off-campus conduct include
University-sponsored study abroad, research or internship programs.

These procedures apply to conduct that takes place from the time a person applies as a student or employee and continues until the student withdraws or graduates or the employee ceases employment, including periods during term breaks and between terms. Voluntary disenrollment of a student or resignation of an employee during the course of an investigation or other remedial measure will not affect the applicability of these procedures in resolving any complaint to the Office of Equal Opportunity & Title IX.

In the event of a conflict between these procedures and University policies, the University policies will prevail.

Visitors to and guests of the University are both protected by and subject to the restrictions on conduct described in Section V of these procedures. However, these procedures do not create any contractual rights between the University and visitors/guests. Visitors and guests may initiate a report for violations of these procedures committed against them by members of the University community, but visitors and guests may be limited in their right to view information gathered or generated in the course of resolving the complaint. Visitors and guests may also be permanently trespassed from the University without any right to the resolution processes described in Section X or XI of these procedures. Further, under these procedures, members of the University community who host guests may be held accountable for the misconduct of their guests.

III. NOTICE OF NON-DISCRIMINATION AND STATEMENT OF COMPLIANCE WITH TITLE IX

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

It is the policy and practice of the University to provide 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, age, religion, disability, sex, sexual orientation, gender identity, gender expression, marital status, pregnancy, genetic information, military enlistment or veteran status.

The University may subject employees found to have engaged in discriminatory conduct to disciplinary action up to and including termination.

These procedures address all forms of discrimination, harassment and gender-based violence. This includes sexual harassment, sexual violence, sexual exploitation, stalking, and relationship violence. Under these procedures, gender includes sex, sexual orientation, gender identity, gender expression, and pregnancy and parenting status.
Pursuant to Title IX of the Education Amendments of 1972, the University of Denver does not discriminate on the basis of sex in its educational, extracurricular, athletic, or other programs or in the context of employment.

The University, as an educational community, will promptly and equitably respond to reports of discrimination, harassment or gender-based violence in order to eliminate the harassment, prevent its recurrence, and address its effects on any individual or the community.

B. Affirmative Action Program
In support of its equal employment opportunity principle, the University has developed written affirmative action plans for women, minorities, individuals with disabilities, and covered veterans. The University of Denver’s Office of Equal Opportunity & Title IX is located in the Mary Reed Building, 2199 S. University Blvd. Denver, CO 80208. This office is responsible for compliance with state and federal equal employment opportunity laws and affirmative action regulations. This office is also responsible for implementing the University’s affirmative action plan, including equal employment practices, monitoring, internal reporting, and receiving complaints of discrimination, harassment or retaliation.

The University’s plan for Veterans and the Disabled is available in the office during regular office hours or by appointment. University policy and equal employment opportunity/affirmative action regulations and law protect all employees and applicants for employment from coercion, intimidation, interference, or discrimination for filing a complaint or assisting in an investigation.

C. Pay Transparency Policy Statement
The University will not discharge or in any other manner discriminate against employees or applicants 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 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 investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the University’s legal duty to furnish information.

D. Equal Pay
The Equal Pay Act of 1963, as amended, prohibits sex discrimination in payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility under similar working conditions, in the same establishment. The University is committed to these principles of pay equity, and expressly prohibits disparate pay on the basis of an employee's race, color, national origin, age, religion, disability, sex, sexual orientation, gender identity, gender expression, marital status, genetic information, military enlistment or veteran status. The University prohibits pay discrimination based on sex, discriminatory pay practices based on sex, and sex discrimination affecting compensation.
IV. DEFINITIONS

Complainant
A party who files a report alleging that he/she/they have been the subject of a discriminatory act. As necessary, the University reserves the right to initiate a complaint, to serve as Complainant, and to initiate proceedings without a formal complaint. Groups of individuals who share a common concern regarding campus equity may initiate complaints. In those instances, the Director of Equal Opportunity or Title IX Coordinator, or their designees, have the discretion to determine the proper course of action. We recognize that an individual may self-identify as a victim or a survivor. For consistency in these procedures, the University uses the term Complainant.

Complaint of Discrimination
A charge filed in accordance with either these procedures or other University procedures that alleges a violation of any University policy or federal, state, or local law related to discrimination. A Complaint is also referred to as a report.

Corrective Action
Any action levied against an employee found responsible by the employee’s supervisor and any other appropriate administrator for violating University policy.

Discriminatory Act
Any action taken in violation of the University’s Discrimination/Equal Opportunity Policy, Section 3.10.010.

Investigator(s)
An objective, neutral fact-finder with relevant training and experience. The Investigator(s) may or may not be an employee of the University.

Office of Equal Opportunity & Title IX
The office responsible for reviewing complaints of discrimination, harassment, and gender-based violence. Reviews will include factual findings and determinations of responsibility for violating the University’s Discrimination/Equal Opportunity Policy, Section 3.10.010.

Outcomes
Required educational opportunities, restrictions, and/or expectations outlined for a student found responsible for violating University policy.

Outcome Council
A body composed of University staff or faculty convened by the Office of Student Rights & Responsibilities to review the factual findings and policy violation determinations issued by an Investigator(s) and impose outcomes.

Preponderance of the Evidence
The standard of proof that the Office of Equal Opportunity & Title IX applies to its investigations. An allegation is proven by a preponderance of the evidence if, based on the
information provided, it is more likely to have occurred than not to have occurred.

**Reporting Party**
Any person who has reported a concern or incident of discrimination, harassment, or gender-based violence, or other Prohibited Conduct under these procedures. The reporting party need not be the Complainant.

**Respondent**
An individual identified in a complaint under review for alleged violations of University policies.

**Responsible Employee**
As required by Title IX, all University faculty, staff members, and other community members who have leadership or supervisory responsibilities, or who have significant responsibility for student or campus activities. These include, for example, members of the Board of Trustees, the Chancellor, Provost, Vice Chancellors, Vice/Associate Provosts, Deans, Directors, Department Chairs, Department of Campus Safety personnel, Athletics personnel (including Coaches), Student Affairs personnel (including the Office of Student Rights & Responsibilities, Housing and Residential Education, and Resident Advisors) and faculty, staff, or community members who serve as advisors to students and student groups. This responsibility shall also extend to advisors of student groups (e.g. volunteer coaches) who are not otherwise employees of the University.

**Supervising Director**
The Director of Equal Opportunity or the Title IX Coordinator who is supervising a particular investigation.

**Third Party**
Any other participant in the process, including a witness to the incident(s), or an individual who makes a report on behalf of someone else.

**University Premises**
Means all land, buildings, facilities, or other property in the possession of or owned, used, or controlled by the University, including adjacent streets and sidewalks.

**Written Notice**
Notice by email is an official form of delivery. Delivery via electronic mail will be sent to a student’s and an employee’s @du.edu email address. Notice may also be delivered in person, or to an individual’s University or permanent address, as reported by the person to the University.
V. PROHIBITED CONDUCT

In accordance with the University’s Discrimination/Equal Opportunity Policy, Section 3.10.010, these procedures identify the following categories of Prohibited Conduct.

A. Discrimination

These procedures prohibit discrimination in the provision of educational or employment opportunities, benefits or privileges; creation of discriminatory work or academic conditions; or the use of discriminatory evaluative standards in employment or educational settings if the basis of that discriminatory treatment is, in whole or in part, the person’s race, color, national origin, age, religion, disability, sex, sexual orientation, gender identity, gender expression, marital status, pregnancy, military enlistment or veteran status.

B. Harassment

These procedures prohibit discrimination in the form of harassment based, in whole or in part, on any legally protected characteristic (race, color, national origin, age, religion, disability, sex, sexual orientation, gender identity, gender expression, marital status, pregnancy, military enlistment or veteran status). Prohibited harassment includes creating an environment that is sufficiently severe, pervasive or persistent so as to unreasonably interfere with a person’s work, academic performance or participation in University programming/activities. Prohibited harassment may also include, but is not limited to, offensive slurs, jokes, and other offensive oral, written, computer-generated, visual or physical conduct.

C. Sexual Harassment

These procedures prohibit discrimination in the form of sexual harassment.

Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature will constitute “sexual harassment” when:

1. Submission to such conduct is either explicitly or implicitly a term or condition of an individual’s employment or status in a course, program or University-sponsored activity; or
2. Submission to or rejection of such conduct is used as the basis for employment or educational decisions affecting that individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s academic or work performance, i.e. the conduct is sufficiently serious, pervasive, or persistent as to create an intimidating, hostile or offensive environment for working or learning under both an objective (a reasonable person’s view) and subjective (the Complainant’s view) standard.

A single, isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to create a hostile environment, particularly if the harassment is physical. The determination of whether an environment is “hostile” must be based on all the circumstances. These circumstances may include, but are not limited to:
• The frequency of the speech or conduct;
• The nature and severity of the speech or conduct;
• Whether the conduct was physically threatening;
• Whether the speech or conduct was humiliating;
• The effect of the speech or conduct on the Complainant’s mental and/or emotional state;
• Whether the speech or conduct was directed at more than one person;
• Whether the speech or conduct arose in the context of other discriminatory conduct;
• Whether the speech or conduct unreasonably interfered with the Complainant’s educational opportunities or performance (including study abroad), university-controlled living environment, work opportunities or performance;
• Whether a statement engenders offense in an employee or a student through the mere utterance of an epithet, or offends by mere discourtesy or rudeness; and/or
• Whether the speech or conduct deserves the protections of academic freedom.

Determining what constitutes sexual harassment depends on the specific facts and context in which the conduct occurs. For example, sexual harassment:

• May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with an unstated coercive aspect;
• Does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents;
• May occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation;
• May be committed by anyone, regardless of gender, age, position, or authority, including between peers or between individuals in a hierarchical relationship;
• May be aimed at coercing an individual to participate in an unwanted sexual relationship, or may have the effect of causing an individual to change behavior or performance;
• May occur in the classroom, in the workplace, in residential settings, over electronic media (including the internet, telephone, and text), or in any other setting;
• May be committed in the presence of others or when the parties are alone;
• May consist of repeated actions, or may arise from a single incident if sufficiently egregious; or
• May affect the Complainant and/or third parties who witness or observe harassment.
D. Stalking
Stalking occurs when a person engages in a series of acts, over time, however short that timeframe is, that is directed toward another person that:

1. Reasonably causes that person substantial emotional distress; or
2. Places that person in reasonable fear for his/her/their safety.

Stalking includes cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or make unwelcome contact with another person in an unsolicited fashion. Prohibited stalking may also include, but is not limited to, surveillance, intentionally following another person; attempting to contact a person through telephone, emails, text messages, or social media; extortion of money of valuables; repeated oral or written threats; or unwelcome/unsolicited communications about a person, their family, friends, and/or coworkers.

E. Physical Misconduct
Physical misconduct includes acts that cause or are likely to cause, bodily harm to any person, regardless of intent; any act resulting in physical contact with another person, when performed over their objections; or any implied or actual threats or acts that cause a reasonable fear of harm in another.

These procedures apply when physical misconduct occurs in the context of relationship violence or sexual activity, and/or when the behavior is perpetrated on the basis of a legally protected characteristic.

Actions taken in self-defense or the defense of another may mitigate findings under these procedures.

F. Bullying
Bullying is conduct of any sort, electronic, written, verbal, or physical act, or series of acts, directed at another individual that is severe, persistent or pervasive, and is of the nature that it:

1. Reasonably and substantially interferes with the victim’s education, work, or living environment; or
2. Creates a threatening environment; or
3. Substantially disrupts the orderly operation of the University.

These procedures apply when bullying occurs in the context of relationship violence or sexual activity, or when the behavior is perpetrated on the basis of a legally protected characteristic.

G. Hazing
Any action or situation, with or without the consent of the participants, which recklessly, intentionally, or unintentionally endangers the mental, physical, or academic health or safety of another individual. This includes circumstances that create a risk of injury; cause discomfort or
embarrassment; involve harassment, degradation, humiliation, or ridicule; or involve intentional destruction or removal of public or private property for the purpose of initiation or admission into, affiliation with, or as a condition for continued membership in an organization.

These procedures apply when hazing occurs in the context of relationship violence or sexual activity, or when the behavior is perpetrated on the basis of a legally protected characteristic.

H. Non-Consensual Sexual Conduct

Consent

These procedures focus on the presence or absence of consent and the following concepts are principles related to review and evaluation of prohibited sexual conduct or penetration, as delineated in these procedures.

Individuals who choose to engage in sexual activity of any type with another individual must first obtain clear consent. Consent must be clear, knowing, and voluntary. Consent is active, not passive. Consent can be given by words or actions as long as those words or actions create mutually understandable, clear permission regarding willingness to engage in sexual activity (and the conditions thereof).

Further:

- In order to give consent, one must be of legal age (CRS Section 18-3-402).
- Each participant in a sexual encounter is expected to seek and obtain consent to each act of sexual activity. Consent to any one form of sexual activity does not automatically imply consent to any other form of sexual activity.
- Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Relying on non-verbal communication can lead to misunderstandings. Silence, in and of itself, cannot be interpreted as consent. Consent may not be inferred from silence, passivity, lack of resistance, or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.
- When consent is requested verbally, absence of any explicit verbal response constitutes lack of consent.
- If at any time during the sexual activity, any confusion or ambiguity arises as to the willingness of the other individual to proceed, both parties should stop and clarify, verbally, the other’s willingness to continue before further engaging in such activity.
- Either party may withdraw consent at any time. Withdrawal of consent should be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once a participant has expressed withdrawal of consent, the other participant must cease sexual activity.
- Individuals with a previous or current intimate relationship do not automatically consent either initially or to continued sexual activity. Even in the context of a relationship, the
parties must have mutually understandable communication that clearly indicates a willingness to engage in sexual activity.

- Consent is not effective if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual’s ability to exercise his/her/their own free will to choose whether or not to have sexual contact.

- A person who is incapacitated cannot give consent.

a. **Coercion**

Coercion is unreasonable and/or persistent pressure to compel another individual to initiate or continue sexual activity against that individual’s will. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get sexual activity from another. When someone makes clear that they do not want to engage in sexual contact, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. A person’s words or conduct are sufficient to constitute coercion if those words or conduct wrongfully impair another individual’s freedom of will and ability to choose whether or not to engage in sexual activity. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. Examples include threatening to disclose another individual’s private sexual information related to sexual orientation, gender identity, or gender expression, and threatening to harm oneself if the other party does not engage in the sexual activity.

b. **Force**

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. A party does not need to resist the sexual advance or request, but resistance will be viewed as a clear demonstration of non-consent. Force includes threats of physical violence against another person or intimidation (implied threats).

c. **Incapacitation**

An individual who is incapacitated lacks the ability to make informed, rational judgments and cannot consent to sexual activity. Incapacitation is defined as the inability, temporarily or permanently, to give consent because an individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. These procedures prohibit sexual activity with someone whom one should know to be – or based on the circumstances one should reasonably have known to be – mentally or physically incapacitated (by the use of alcohol or other drugs, or unconsciousness).

Where alcohol or other drugs are involved, incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and other drugs varies from person to person; however, warning signs that a person may be approaching incapacitation, include but are not limited to, slurred speech or inability to communicate coherently, vomiting, stumbling or difficulty maintain balance, the odor of alcohol or other drugs, combativeness, disorientation, unresponsiveness, emotional volatility.
Evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual’s:

- Decision-making ability;
- Awareness of consequences;
- Ability to make informed judgments;
- Capacity to appreciate the nature and the quality of the act; or
- Level of consciousness.

A person may be considered unable to give consent due to incapacitation if the person cannot appreciate the “who, what, where, when, why, or how” of a sexual interaction.

These procedures prohibit an individual from engaging in sexual activity with someone the individual knows or reasonably should know is incapacitated.

These procedures prohibit possession, use and/or distribution of any rape drugs including, but not limited to Rohypnol, Ketamine, GHB, or Burundanga. Administering one of these drugs to another person is a violation of the Sexual Exploitation portion of these procedures.

d. Alcohol and Other Drugs

In general, the University considers sexual contact while under the influence of alcohol or other drugs to be risky behavior. Alcohol and other drugs impair a person’s decision-making capacity, awareness of consequences and ability to make informed judgments. Anyone engaging in sexual activity should be aware of the other person’s level of intoxication. If there is any doubt as to the level or extent of the other individual’s intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.

These procedures use the perspective of a reasonable person in determining whether a Respondent should have been aware of the extent and amount of the ingestion of alcohol or drugs by the Complainant, or of the extent to which the use of alcohol or drugs impacted a Complainant’s ability to give consent. In determining whether consent has been given, the University will consider both: the extent to which a Complainant affirmatively gives words or actions indicating a willingness to engage in sexual activity; and whether the Respondent was aware, or reasonably should have known, of the Complainant’s level of alcohol consumption and/or level of impairment.

Being intoxicated or impaired by drugs or alcohol is never an excuse for committing sexual harassment, sexual violence, stalking, or relationship violence and does not diminish one’s responsibility to obtain informed and freely given consent.
1. **Non-Consensual Sexual Contact**
   These procedures prohibit discrimination in the form of Non-Consensual Sexual Contact.

   Non-Consensual Sexual Contact is any intentional sexual touching, however slight, with any object, by any individual upon another individual that is without consent, as defined below; by force, coercion, or threat; or where that individual is incapacitated.

   Sexual Contact includes:
   
   a. Having, or attempting to have, sexual contact with a body part (e.g., penis, tongue, finger, hand) or object;
   
   b. Intentional contact with the breasts, buttock, groin, or genitals, or touching another individual with any of these body parts, or making another touch you or themselves with or on any of these body parts;
   
   c. Any intentional bodily contact in a sexual manner, though not involving contact with/of/by the breasts, buttocks, groin, genitals, mouth or other orifice; and
   
   d. Any other act which a reasonable person would associate with sexual contact.

2. **Non-Consensual Sexual Penetration**
   These procedures prohibit discrimination in the form of Non-Consensual Sexual Penetration.

   Non-Consensual Sexual Penetration includes:
   
   a. Vaginal penetration by a penis, object, tongue, or finger, however slight;
   
   b. Anal penetration by a penis, object, tongue, or finger, however slight; and
   
   c. Any contact between the mouth of one person and the genitalia of another person.

I. **Sexual Exploitation**
   These procedures prohibit discrimination in the form of Sexual Exploitation. Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for his/her/their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited.

   Determining what constitutes sexual exploitation depends on the specific facts and context in which the conduct occurs. Sexual exploitation may take many forms, subtle and indirect or blatant and overt. For example, sexual exploitation may include:

   - Prostituting another person;
   
   - Video or audio-taping sexual activity, or posting said media, without the knowledge and agreement of the other party;
   
   - Going beyond the boundaries of consent (including letting someone observe a sexual act without the knowledge or agreement of the other party);
Engaging in voyeurism (observing another party’s nudity or sexual activity without their knowledge or agreement);

Endangering health and safety without effective consent (such as knowingly exposing another individual to a sexually-transmitted infection);

Exposing one’s genitals in a non-consensual circumstance, or inducing another to expose their genitals; and

Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

J. Relationship Violence

These procedures prohibit discrimination in the form of relationship violence, also known as domestic violence, dating violence, and intimate partner violence. Relationship violence encompasses a broad range of behaviors. In particular, relationship violence means an act or threatened act of abuse and/or violence upon a person with whom the individual is or has been involved in a dating or domestic relationship. Forms of relationship violence, include, but are not limited to, physical violence, sexual violence, emotional violence, stalking, and economic abuse. Relationship violence may also take the form of threats, property damage, violence or threat of violence to one’s self, one’s sexual or romantic partner or to the family members, friends or pets of the sexual or romantic partner. Relationship violence may involve one act or an ongoing pattern of behavior.

Relationship violence affects individuals of all genders, gender identities, gender expressions, and sexual orientations and does not discriminate by racial, social or economic background, or ability.

Domestic violence includes conduct by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, or by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner.

Dating violence includes conduct by someone who is or has been in a social relationship of a romantic or intimate nature with the victim. The persons involved do not need to be sexually intimate, but rather represent themselves as a couple or dating whether different sexes or the same sex.

Any of the conduct defined in the Prohibited Conduct section of these procedures may be a form of relationship violence.

When both parties in an intimate relationship report relationship violence, there will be an assessment to determine the predominant aggressor in the reported circumstances. Assessing for the predominant aggressor includes:

- Nature of the injuries:
  - Offensive and defensive injuries; and
  - The seriousness of injuries received by each party;
• Threats made by one party against the other, another person, or a pet;
• Whether a party acted in self-defense or in the defense of another;
• The capacity of each party to injure the other;
• Any history of relationship violence between the parties;
• Prior findings of responsibility, or convictions for relationship violence;
• Orders for protection or no contact orders, current or past;
• Controlling behavior exhibited or reported by the parties or witnesses;
• Fearful behavior exhibited or reported by the parties or witnesses; and
• Witness statements.

K. Failure to Inform Supervisor of a Consensual Sexual Relationship with a Student or a Supervisee

The University strongly discourages sexual relationships between a teacher and student or between a supervisor and supervisee because such relationships tend to create compromising conflicts of interest, or the appearance of such conflicts. As used in this section, the term “teacher” includes a faculty member, teaching assistant, graduate student, administrator, coach, advisor, counselor, residence staff, program director or other University employee having supervisory, teaching, mentoring, advising, coaching or other evaluative responsibilities for students. Relationships between persons occupying such asymmetrical positions of power, even when both consent, raise suspicions that the person in authority has violated standards of professional conduct and potentially subject the person in authority to charges of sexual harassment. The relationship may give rise to the perception on the part of others that there is favoritism or bias in academic or employment decisions affecting the student or staff member. Moreover, given the uneven balance of power within such relationships, consent by the student or staff member in such cases is suspect and may be viewed by others or, at a later date, by the student or staff member as having been given as the result of coercion or intimidation. The atmosphere created by such appearances of bias, favoritism, intimidation, coercion, or exploitation undermines the spirit of trust and mutual respect that is essential to a healthy work and academic environment. In any allegation of sexual harassment brought by a person in a subordinate position, “consent to the relationship” will not be deemed a sufficient defense or justification for conduct that otherwise would be deemed sexual harassment under the policy of the University.

In the event of such a relationship, the person in a position of authority has the responsibility to notify his/her/their own supervisor so that a resolution consistent with this policy may be reached. Failure to comply with this requirement is a violation of these procedures.
L. Retaliation
These procedures prohibit retaliation, and the University will treat such conduct as separate violation of University policies.

Retaliation is any action, or threatened action, including but not limited to intimidation, threats, coercion, discrimination, that negatively effects the working, academic, or educational opportunities such that a reasonable person would likely be deterred from reporting Prohibited Conduct or participating in this process, because that person(s):

- Reported Prohibited Conduct under these procedures;
- Participated in any process (including an investigation, report, remedial, disciplinary, or appeal processes) under these procedures; and/or,
- Served as a Supervising Director, Investigator, Outcome Council Member, Appeals Officer, or otherwise exercised authority under these procedures.

Retaliation can occur in-person or online. Retaliation may be by words or actions. Retaliation can also occur by requesting a third party to take action.

M. Groundless and Malicious Complaints
The University takes the validity of information very seriously as a charge of violation of University policy may have severe consequences. Anyone who abuses these procedures or the University’s Discrimination/Equal Opportunity Policy, Section 3.10.010, by bringing groundless or malicious complaints, or intentionally giving false information during the course of a review, violates these procedures. This provision does not apply to reports made in good faith, or information provided by witnesses in good faith, during the course of an investigation, even if the facts alleged in the report are not substantiated by an investigation.

N. Obstruction
Any person in a position of power or influence that intentionally deters or hinders another person from reporting allegations of discrimination, harassment or gender-based violence or participating in an investigation violates these procedures.

VI. PRIVACY AND CONFIDENTIALITY
For any report under these procedures, the University will respect and safeguard the privacy interests of all individuals involved in a manner consistent 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. Privacy and confidentiality have distinct meanings under these procedures.

A. Privacy
Privacy generally means that information related to a report under these procedures will only be shared with those University employees who “need to know” in order to assist in the active response, review, investigation, or resolution of the report. While not bound by confidentiality obligations, these individuals will be discreet and respect the privacy of all individuals involved in the process. If the decision is made to pursue an investigation and/or resolution under these
procedures, information related to the report will be shared with the both the Complainant and Respondent. Information regarding a report will not be shared with the Complainant’s or Respondent's parents or guardians unless: the Complainant or Respondent is a minor, and sharing is permissible under the Family Education Rights and Privacy Act (FERPA); the Complainant or Respondent has signed a waiver that is compliant with FERPA; or there is an articulable threat to the health or safety of the Complainant, Respondent or other individuals.

B. Release of Information
If a report of Prohibited Conduct discloses a serious and immediate threat to the University community, the University Department of Campus Safety will issue a timely notification to protect the health or safety of the community as required by the Clery Act. The notification will not include the Complainant’s name.

Pursuant to the Clery Act and the 2013 Amendments to the Violence Against Women Act, the Office of Equal Opportunity & Title IX will provide anonymous statistical information regarding reported criminal incidents to the University’s Department of Campus Safety 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 sanctions without including personally identifiable information.

The University conducts all proceedings under these procedures in accordance with the requirements of Title IX, the Clery Act, the Violence Against Women Act, FERPA, state and local law, and University policy. The University will not release information, including the identity of the parties, from such proceedings except as required or permitted by law or University policy.

C. Records
Consistent with University records retention practices, the Office of Equal Opportunity & Title IX will maintain records of all reports under these procedures and their outcomes in order to track patterns and systemic behaviors.

D. Confidentiality
Confidentiality means that a client or patient sharing information with a designated 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). The members of the Office of Equal Opportunity & Title IX are not confidential resources. However, an individual can seek confidential assistance and support by speaking with specially designated Confidential Resources, including the Center for Advocacy, Prevention and Empowerment and the Health and Counseling Center, and pastoral counselors.

For more information regarding Confidential Resources, please see http://www.du.edu/equalopportunity/resources/index.html.
VII. RESOURCES

The University encourages all individuals to seek the support of on- and off-campus resources, regardless of when or where an incident occurred. Trained professionals can provide guidance in making decisions, information about available resources, procedural options, and assistance to either party in the event that a report and/or resolution is pursued under these procedures. The University is committed to treating all members of the community with dignity, care and respect. Any individual affected by discrimination, harassment, gender-based violence, sexual harassment, sexual violence, relationship violence, stalking or, retaliation, whether as a Complainant, a Respondent or a third party, will have equal access to support consistent with their needs and available University resources.

For more information regarding such resources, please see: http://www.du.edu/equalopportunity/resources/index.html

Any party may request reasonable assistance or support (i.e., for disability, language barriers, or location/proximity concerns) to allow their full participation in the process. Requests must be received by the Office of Equal Opportunity & Title IX in a timely manner, at least 24 hours before any meeting time. Disability Services Program (DSP) will be consulted, as appropriate.

VIII. REPORTING

As noted above, the University encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual violence or relationship violence, 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 has a strong interest in supporting community members who experience discrimination, harassment or gender-based violence outlined as Prohibited Conduct in these procedures. The University encourages all individuals or third-party witnesses to report any incident to the University and, if the incident involves potential criminal conduct, to also report to law enforcement.

Making a report under these procedures means telling someone in authority what happened, in person, by telephone, in writing or by email. Deciding whether to make a report and choosing how to proceed are personal decisions. At the time a report is made, a Complainant does not have to decide whether or not to request any particular course of action, nor does a Complainant need to know how to label what happened. Choosing to make a report and deciding how to proceed after making that report can be a process that unfolds over time. The University provides support that to assist each individual in making these important decisions and, to the extent legally possible, will respect an individual’s autonomy in deciding how to proceed. In this process, the University will balance the individual’s interest with its obligation to provide a safe and non-discriminatory environment for all members of the University community.

Individuals have several reporting options within and outside the University (as described in Sections B and C below). Individuals may pursue these options simultaneously, or any one of
them separately. The University has resources to support a Complainant regardless of the course of action chosen.

The University will review and address all reports in a fair and impartial manner and treat all individuals involved with dignity and respect. In every report under these procedures, the University will make an immediate assessment of any risk of harm to the University or to the broader University community and will take steps necessary to address those risks. These steps may include interim measures to provide for the safety of the individual and the University community.

A. **Expectation of Managers and Supervisors**
Managers and supervisors must deal expeditiously and fairly with allegations of discrimination, harassment, or gender-based violence, within their departments, whether or not there has been a written or formal complaint. They must:

- Treat all complaints or concerns of alleged or possible discrimination, harassment, or gender-based violence, seriously no matter how minor or whom is involved;
- Immediately report discrimination, harassment, or gender-based violence, to the Office of Equal Opportunity & Title IX to facilitate a prompt investigation; and
- In consultation with the Division of Human Resources & Inclusive Community, take appropriate action to prevent retaliation or the recurrence of Prohibited Conduct during and after any investigation, or while a complaint is under review.

B. **Reporting to Law Enforcement**
The University encourages Complainants to contact local law enforcement to report incidents of Prohibited Conduct that may also be crimes under state criminal statutes. The University will assist a Complainant, at the Complainant’s request, in contacting local law enforcement and will cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process.

The University’s definitions, burden of proof, and procedures differ from Colorado 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 sexual harassment, sexual violence or relationship violence has occurred. The University may undertake proceedings under these procedures prior to, simultaneously with or following civil or criminal proceedings.

C. **Campus Reporting Options**
The University encourages Complainants to report incidents of Prohibited Conduct directly to the Office of Equal Opportunity & Title IX by:
• Contacting the Title IX Coordinator

Molly Hooker, Interim Title IX Coordinator
University of Denver, Mary Reed Building, 4th Floor
2199 South University Blvd.
Denver, CO 80208
Phone: 303-871-2302
titleIX@du.edu
https://www.du.edu/equalopportunity/titleix/index.html

Title IX Online Report Form (click here)

• Contacting the Office of Equal Opportunity & Title IX

Office of Equal Opportunity & Title IX
University of Denver, Mary Reed Building, 4th Floor
2199 South University Blvd.
Denver, CO 80208
Phone: 303-871-7016
equalopportunity@du.edu
https://www.du.edu/equalopportunity/

Equal Opportunity Online Report Form (click here)

Individuals may also report Prohibited Conduct to:

• Department of Campus Safety

Department of Campus Safety
University of Denver
2130 S. High St., MSC 6200
Denver, CO 80208
General Reports: 303-871-2334
Anonymous Reports: 303-871-3130
Emergencies: 911 and 303-871-3000
https://www.du.edu/campussafety/contact-us/index.html

• Office of Student Rights & Responsibilities

Office of Student Rights & Responsibilities
Driscoll Student Center North
2055 E. Evans Ave.
Denver, CO 80208
303-871-3111
studentconduct@du.edu
https://www.du.edu/studentlife/studentconduct/rightsresponsibilities.html
• Pioneers CARE

Pioneers CARE
Student Outreach & Support
University of Denver
Driscoll Student Center South, Suite 30
2050 E. Evans Ave.
Phone: 303-871-2400
CARE@du.edu

Pioneers CARE Online Report Form (click here)

• Housing and Residential Education Staff including Resident Advisors (RAs, GRAs, GTAs)

Housing and Residential Education
University of Denver
Nagel Hall, First Floor
2055 E. Evans Ave. Suite 200
Denver, CO 80208
Phone: 303-871-2246
housing@du.edu
https://www.du.edu/housing/

• Another Responsible Employee, which includes:
  
io A faculty or staff member
  
o Athletics personnel (such as coaches and volunteer coaches)
  
o A community member or non-employee who advises students and students groups
  
o Board of Trustees, Chancellor, Provost, Vice Chancellors, Associate Provosts, Deans, Directors, Department Chairs

Regardless of the reporting mechanism, the University will refer all reports to the Title IX Coordinator or the Director of Equal Opportunity to facilitate consistent application of the policy to all individuals and the University’s prompt and equitable response to eliminate the discrimination, harassment, or gender-based violence, prevent its recurrence, and address its effects.

When an individual chooses to share information about an incident of discrimination, harassment, or gender-based violence categorized as Prohibited Conduct under these procedures with a University employee designated as a Responsible Employee, the employee will reasonably safeguard an individual’s privacy. However, Responsible Employees are required by the University to immediately report to the Office of Equal Opportunity & Title IX all known

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details of the incident (including the date, time, location); the names of the parties involved; a brief description of the incident; and whether the incident has been previously reported to the Office of Equal Opportunity & Title IX. These reporting obligations promote timely support for all parties and an effective and consistent University response.

Consistent with these procedures, upon receipt of a report, the Office of Equal Opportunity & Title IX will conduct an initial assessment of:

- the incident or behavior at issue;
- any risk of harm to the parties, any other individuals or the broader campus community;
- the Complainant’s desired course of action;
- the necessity for any interim measures to protect the safety or address any educational or employment impact of the behavior or incident of the Complainant; and
- any other individuals or the community.

The University will offer the Complainant appropriate resources, such as medical care, counseling resources, and safe housing).

Regardless of when or where the incident occurred, the University encourages all individuals to make a report, and to seek any necessary help from campus or community resources.

D. Anonymous Reporting
With the exception of reports to Responsible Employees, managers and supervisors, who cannot take anonymous reports, an individual may make an anonymous report concerning an act of discrimination, harassment, or gender-based violence, including a report of sexual harassment, sexual violence or relationship violence. An individual 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 Department of Campus Safety, the Director of Equal Opportunity and/or the Title IX Coordinator for review for appropriate action. The University will review all anonymous reports, and where there is sufficient information, include applicable information in Clery Act reporting.

E. Reporting Considerations

1. Timeliness and Location of Incident
Although there is no time limit on reporting Prohibited Conduct, the University encourages Complainants and third party witnesses to promptly report violations of these procedures, preferably within 180 days of the last incident. If the Respondent is no longer a student or employee, the University may not be able to take corrective action and/or impose outcomes against the Respondent. Nevertheless, the University will still seek to provide support 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 off-campus conduct that occurred in the context of an employment or education program or activity of the University, or that has continuing adverse effects on campus or on an off-campus employment or education program or activity, because such conduct is also covered under these procedures.

2. Amnesty for Personal Use of Drugs or Alcohol
Because the University values the health, safety and well-being of all members of our community, the University seeks to remove barriers to reporting Prohibited Conduct and to participating in this process, so that the University can appropriately address and remedy the presence of a harassing environment. The University will generally offer any student who reports sexual harassment, sexual violence or relationship violence, or who participates in this process, amnesty from alleged policy violations related to the personal ingestion of alcohol or other drugs related to the incident, provided that any such violations did not and do not place the health and safety of any person at risk. The University may refer the student for an educational outcome or evaluation related to their mental health status or substance use.

3. Protection of Minors and Mandatory Reporting of Suspected Child Abuse
The University promptly reports all suspected child abuse and neglect, including sexual assault, to law enforcement and/or to the Denver Department of Human Services toll-free child abuse and neglect hotline at 720-944-3000. All University employees must report suspected child abuse and neglect to the Title IX Coordinator or Department of Campus Safety.

For the purposes of this reporting obligation, a child is any individual under the age of 18, and the suspected abuse may involve physical, sexual or other forms of abuse or neglect, regardless of the identity of the suspected perpetrator. The duty to report is triggered by reasonable suspicion or belief and does not require actual evidence of abuse. An employee, student or volunteer is not responsible for investigating suspected child abuse.

A report should be made as follows:

- If a child is in immediate danger, call the police (911)
- If there is no immediate danger, call:
  - University of Denver Department of Campus Safety: 303-871-3000
  - University of Denver Title IX Coordinator: 303-871-7016

These individuals will assist in making the mandated child protective services report to:

- Denver Police Department: 720-913-2000
- Denver Child Protective Services: 720-944-3000
IX. PROCEDURAL OPTIONS FOR RESOLUTION OF REPORTED CONCERNS

The University will refer all reports of possible violations to the Office of Equal Opportunity & Title IX to facilitate consistent application of the policy to all individuals and allow the University to respond promptly and equitably to eliminate discrimination, harassment, or gender-based violence, prevent its recurrence, and eliminate its effects.

A. Overview of Procedural Options

Upon receipt of a report, the Supervising Director will conduct an initial assessment. The goal of this assessment is to provide an integrated and coordinated response to reports of Prohibited Conduct under these procedures. The assessment will consider the nature of the report, the safety of the individual and the campus community, the Complainant’s expressed preference for resolution, and the necessity for any interim measures or modifications to maintain the safety of the Complainant or the community.

Following this assessment, the University may:

1. Determine that the reported concern does not meet the criteria for a possible violation of University Policy in which case the result may be a referral to another University department or resource or no further action taken;

2. Seek an alternative resolution; or

3. Initiate an investigation to gather all relevant facts, make factual determinations, determine whether there is a violation under these procedures, and, if warranted, refer the investigative conclusion for corrective action and/or outcomes.

At the conclusion of the investigation, the Investigator(s) will make a determination, by a preponderance of the evidence, whether sufficient information exists to support a finding of responsibility for violating the University’s Discrimination/Equal Opportunity Policy, Section 3.10.010, and these procedures.

The specific procedures for corrective action and/or outcomes will then apply as follows:

- For complaints against employees or other non-students who are otherwise affiliated with the University, the Office of Equal Opportunity & Title IX will share the investigative finding with the Respondent’s direct supervisor or other appropriate University authorities, who, in consultation with Human Resources & Inclusive Community, shall have disciplinary authority to impose appropriate corrective action.

- For complaints against students, the Office of Equal Opportunity & Title IX will share the investigative findings with the Outcome Council or appropriate University authorities, who shall have disciplinary authority to impose appropriate outcomes (i.e. sanctions).

Each resolution process is guided by the same principles of fairness and respect for all parties. All individuals who violate these standards will be held accountable for their behavior through a process that protects the rights of both the Complainant and the Respondent. The University
makes resources available for both students and employees, whether as Complainants or Respondents, to provide support and guidance throughout the investigation and resolution of a report.

At the conclusion of the disciplinary process, both a Complainant and a Respondent will have the opportunity to appeal.

The Office of Equal Opportunity & Title IX documents each report or request for assistance in resolving a report under these procedures and will review and retain copies of all reports generated as a result of investigations consistent with the University’s record retention guidelines. The University will keep such records confidential to the extent permitted by law.

B. Time Frames for Resolution

The University will address and resolve all reports in a fair, impartial, and timely manner. The time frame for resolution will depend on the availability of witnesses, University breaks or vacations, complexities of a case, including the number of witnesses and volume of information provided by the parties, as well as other considerations. The University will strive to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness. However, the University’s failure to meet any of the time frames outlined in these procedures, or failure to provide notice of the extension of these time frames, shall in no case be grounds for dismissing any matter and shall not be the basis of an appeal of any matter; nor shall any such failure limit the University’s ability to complete an investigation, issue findings, impose outcomes, enact corrective or disciplinary actions, or limit the University’s ability to take any other required administrative action under these procedures.

C. Initial Assessment

During the course of an initial assessment, the Supervising Director, or designee, will conduct an intake meeting with the Complainant. Where appropriate, the University will consider and seek action consistent with the interest of the Complainant and the Complainant’s expressed preference for manner of resolution, while balancing the University’s obligation to provide a safe and non-discriminatory environment for all community members.

As part of the initial assessment of the facts, the University will:

- Assess the nature and circumstances of the report;
- Address any immediate concerns about the physical safety and emotional well-being of the parties;
- Review the University’s policies and procedures against discrimination and harassment, discuss the expectations and responsibilities of a Complainant, and answer any questions that the Complainant may have.
- Notify the Complainant of the right to make a report (or decline to make a report) with law enforcement if the conduct may also constitute a crime(s) under state criminal statutes and, if requested, assist the Complainant with notifying law enforcement;
- Notify the Complainant of the availability of medical treatment to address any physical and
mental health concerns and to preserve evidence;

- Provide the Complainant with information about:
  - On- and off-campus resources;
  - The available range of interim measures when appropriate;

- An explanation of the procedural options, including alternative resolution, investigation, and the possibility of corrective actions and/or outcomes;

- Discuss the Complainant’s expressed preference for the manner of resolution and any barriers to proceeding;

- Explain the University’s prohibition on retaliation;

- Explain the role of a support person or advisor;

- Assess the report for potential pattern evidence or other similar conduct;

- Assess the reported conduct to determine if the Clery Act requires the Department of Campus Safety to include non-identifying information in the University’s Daily Crime Log and/or to make a timely notification.

While the University will consider a Complainant’s request for anonymity, the University may not be able to fully investigate and respond to a report if the Complainant requests that his/her/their name not be disclosed to the Respondent or declines to participate in an investigation. The University will consider Complainant’s request for anonymity as one of many factors in determining the appropriate means for resolution of the reported conduct. The University may be unable to honor such a request in certain circumstances in order to adequately fulfill the University’s obligations to promote a safe and inclusive environment.

The appropriate means of resolution will depend on the circumstances of each reported concern. The Supervising Director (or their designee), in consultation with other University administrators as appropriate, has the discretion to determine the appropriate means of resolution. In making that determination, the Supervising Director will consider the following factors:

- The nature, scope, and severity of the alleged conduct, including whether the reported misconduct involved harassment, discrimination, or physical violence (with additional consideration for the use of a weapon);

- Whether the incident involved a minor;

- The respective roles of the Complainant and Respondent;

- The risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;

- Whether there have been other reports regarding alleged misconduct by the Respondent;

- Whether the report reveals a pattern of alleged misconduct at a given location or by a particular group;

- The Complainant’s preferred means of resolution;
• The Complainant’s willingness to participate in an investigation or other means of resolution;
• If the Complainant is unwilling to participate, whether the University possesses other means to obtain relevant evidence;
• The University's ability to identify a Respondent;
• The facts that are reasonably in dispute;
• The affiliation that the Complainant, Respondent, and other involved person(s) have with the University;
• The University’s obligation to provide a safe and non-discriminatory environment; and
• The University’s obligation to satisfy any other legal obligations.

At the conclusion of the initial assessment, the Supervising Director will determine the appropriate manner of action. When the Supervising Director has received multiple concerns regarding another person or entity, the Supervising Director will make a determination as to the proper course of action for resolution, including whether the University shall serve as the Complainant and whether to consolidate several reports into one report. The Supervising Director has the discretion to consolidate multiple reports against a Respondent into one investigation if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident.

In some cases, the Supervising Director may determine that an issue can be resolved through an informal fact-finding process. Additionally, the Supervisor Director may determine whether there is sufficient information to move forward with a formal investigation. In some cases, the informal fact-finding may suggest remedial action that the Supervising Director will refer to the appropriate administrator.

The University will communicate the chosen course of action to the Complainant(s).

D. Interim Measures

1. General Guidelines

All students and employees have the right to continue their education or employment free from the threat of discrimination, harassment, gender-based violence, or other Prohibited Conduct. Upon the receipt of a report or allegation of Prohibited Conduct, the Office of Equal Opportunity & Title IX will consult with other relevant University administrators to determine whether any particular interim measures are needed in order to protect the safety, security or integrity of all parties involved. The Office of Equal Opportunity & Title IX may make recommendations regarding the necessity of particular interim measures that impact job responsibilities of an employee, academic program, requirements of a student, or student housing assignments. The leadership of the relevant office or department will implement the final determinations regarding relevant interim measures.

The University will maintain consistent contact with the parties to adequately address the safety, emotional and physical well-being concerns. Subject to the processes described in
these procedures, the University may consider interim measures for support on a case-by-case basis in order to preserve the Complainant’s educational and/or employment experience and the overall University environment.

Because interim measures are initiated based on information gathered during a report, assessment or intake process, they are not intended to be permanent resolutions. Interim measures may be amended or withdrawn as additional information is gathered. A Complainant or Respondent may request separation or other protection, or the University may choose to impose interim measures at its discretion to promote the safety of all parties, the broader University community, and/or preserve the integrity of the investigative and/or resolution process.

In matters involving students, the Vice Chancellor for Campus Life and Inclusive Excellence or their designees in consultation with the appropriate faculty and/or administrators, is empowered to impose any interim measure. In matters involving employees, the Vice Chancellor of Human Resources & Inclusive Community or designee will make the determination regarding interim measures in consultation with the appropriate administrators.

In general, the University should minimize the burden on the Complainant. The University also recognizes its obligation to students who have been accused of misconduct but have not yet gone through the investigative process. Therefore, interim measures should not unduly interfere with a Respondent’s academic progress beyond that deemed necessary to protect the University, any member of its community, or its mission. The University will balance these interests to the greatest ability of by carefully considering the facts of each case.

2. **Academic Measures and other Interim Measures for Support (Students):**

Student Outreach & Support staff will assign a Case Manager to work with the student on interim support strategies that may include, but are not limited to:

- Access to Counseling Services
- Change in work schedule or job assignment
- Assistance with seeking accommodations or short-term adjustments through Disability Services Program, which may include (if approved):
  - rescheduling or extensions on exams and assignments
  - extra absences
  - change in class schedule or transferring sections
  - withdrawing from class without penalty
  - voluntary Leave of Absence
  - other accommodations as appropriate
- Connection to Housing & Residential Education to support a change in students’ on-campus housing;
- Connection to the Department of Campus Safety to request an escort or other appropriate measures to facilitate safe movement between classes and activities on campus;
• Connection to CAPE and other resources;
• Any other remedy which can be tailored to the involved individuals to achieve the goals of these procedures.

3. **Interim Measures for Support (Employees)**
As appropriate, the Office of Equal Opportunity & Title IX will collaborate with the Office of Human Resources Partners, supervisors, and the leadership within a department or unit in order to review requests for any interim measures that may be necessary for employees to continue to carry out the essential functions of their jobs in light of the specific circumstances of each case.

4. **Restrictive Measures**
Where deemed necessary to enhance safety, prevent retaliation, and/or avoid an ongoing hostile environment, the University may take administrative action to restrict contact between two or more members of the University community. Such administrative action may take the form of a “No-Contact Order,” a “Location Restriction Order,” or both (collectively referred to in these procedures as “the Order”).

• **No-Contact Order** is a written directive for the identified parties to avoid all contact and/or communication with one another. Unless expressly stated otherwise in the Order, contact is defined as communicating in person, communicating through a third party, and communicating through all forms of electronic contact (including phone, email, texting, and social media). Other forms of contact may also be covered by the Order, as deemed appropriate under the circumstances.

• **Location Restriction Order** is a written directive for one or more identified parties not to enter a particular physical space that is owned or controlled by the University. The written Order will define the space to be avoided, which may include particular rooms, buildings, outdoor areas, events, or other spaces as described in the Order. The Order may also require a housing reassignment or reassignment to a different section of a course for one or multiple individuals identified in the Order.

While these Orders are not considered a disciplinary record, failing to abide by the terms of the Order will constitute a violation of the Student Conduct Policies and procedures and/or the Equal Opportunity & Title IX procedures.

No-Contact Orders and Location Restriction Orders may be issued as an Emergency Order, Temporary Order, or Standing Order:

• **Emergency Orders** may be issued by the Department of Campus Safety or administrators from Housing and Residential Education when circumstances arise outside of the University’s ordinary business hours that would warrant the issuance of such an Order. An Emergency Order may be issued without a request from any identified party when deemed necessary by the responding University official. At the soonest practical opportunity, an appropriate University administrator(s) will evaluate each Emergency Order to determine whether a Temporary or Standing Order is necessary under the
circumstances (subject to the procedures below). Under no circumstances will an Emergency Order last more than five (5) business days. In deciding whether to issue the Emergency Order, the responding University official will consider the:

- concerns of the requesting party or parties;
- nature, scope, severity, and pervasiveness of any alleged misconduct;
- impact that the Order would have on any non-requesting parties;
- identified parties’ affiliation with the University;
- proximity of the identified parties’ assigned living spaces on campus (if applicable); and
- safety of individuals and the campus community.

**Temporary Orders** are short-term No-Contact Orders or Location Restriction Orders which the University considers upon the request of at least one individual or issued as deemed necessary by the University. Temporary Orders shall last no more than thirty (30) calendar days, but may be shorter as deemed appropriate by the administrator issuing the Order. The request for a Temporary Order may be submitted either in person or in writing to the Director of the Office of Student Rights & Responsibilities, or their respective designees. In matters involving non-student employees, requests for Temporary Orders should be submitted to the Director of Human Resources Partners. The request for the Temporary Order may be submitted by the requesting party or by another person on the party’s behalf with the party’s permission.

The administrator receiving the request for the Temporary Order shall issue a written determination to the requesting party within three (3) business days. Where the request for the Order is based on an alleged instance of discrimination, harassment, or gender-based violence, the administrator issuing the Order should consult with the Department of Campus Safety, the Health & Counseling Center, and the Office of Equal Opportunity & Title IX. In matters involving non-student employees, the administrator issuing the Order should consult with the Director of Human Resources Partners. In all instances, the administrator(s) considering the request should also exercise their best judgment in determining whether to consult with other departments that may be significantly impacted by the Order.

In determining the necessity, nature, scope, and duration of a Temporary Order, the administrator shall consider the factors described above for issuing an Emergency Order, as well as:

- whether any Emergency Order (or any other external measures, such as a Civil Protection Order) related to the present concern was instated;
- the perceived effectiveness of the Temporary Order to create and/or maintain a safe environment for all involved parties;
- whether the Complainant and Respondent share the same residence hall, dining hall, class, transportation, or job location;
- the immediate impact on any involved party’s ability to fully participate in an academic or extra-curricular program;
- any history or pattern of misconduct by an identified party;
• the passage of time since the last allegation of misconduct (if applicable);
• any disruption or risk of danger to the broader University community;
• the recommendations of University administrators or faculty members from the impacted departments on campus; and
• any other unique circumstances requiring consideration.

Where the administrator decides to grant the request for a Temporary Order, the individual(s) restricted by the Order shall be notified in writing to the individual’s University e-mail address (or a non-University e-mail address on file with the University). This written notice shall include a description of the behavior or space to be avoided and the potential consequences for failing to comply with the Order. The written notice of the Order shall also include the date by which the University will review the Order for possible extension or expiration.

Additionally, the administrator may take necessary measures to have the Order delivered in person where the administrator has reason to believe that the e-mail was not opened within one (1) business day. The restricted party should also be offered a meeting either in person or remotely (at the sole discretion of the administrator) with the administrator at the soonest practical opportunity for the purpose of reviewing the Order and its terms, to consider any reasonable modifications or clarifications, and to answer any questions that the restricted party may have. Where the Order is issued based on concerns of discrimination, harassment, and/or violence based on a protected class, the restricted party will have the opportunity to meet with a representative from the Office of Equal Opportunity & Title IX. This meeting will not operate as a hearing to investigate or resolve any factual disputes regarding the underlying concerns that led to the request of the Order.

The University shall evaluate any request to extend the Order beyond the expiration date as a request for a Standing Order, subject to the procedures below.

• **Standing Orders** are No-Contact Orders or Location Restrictions that the University considers upon the request of at least one individual or as deemed necessary. Standing Orders may last as long as one (1) calendar year before expiring or being re-evaluated, but may be shorter as deemed appropriate by the administrator(s) issuing the Order. Standing Orders will be reviewed by a committee, which shall include at least one representative from:

  o For Students: Office of Student Rights & Responsibilities; Office of Equal Opportunity & Title IX; Health and Counseling Center; and Department of Campus Safety.
  o For Non-Student Employees: The employee’s most immediate non-conflicted supervisor; Director of Human Resources Partners or designee; Office of Equal Opportunity & Title IX; Health and Counseling Center; and Department of Campus Safety.

In all instances, the committee reviewing the request should also exercise its best
judgment in determining whether to consult with other departments that may be significantly impacted by the Order.

Upon receiving a request for a Standing Order, the University shall provide written notice of the request, including to all identified parties (the parties requesting the Order and the parties that would be restricted by the Order). The notice shall contain a description of the request, and the names of the administrators appointed to consider the request. All identified parties will have three (3) business days to submit, in writing, any information that they believe the committee should consider in determining the necessity, nature, scope, and duration of the Standing Order. In submitting relevant information for consideration, parties should also note that the committee’s assessment will not operate as a hearing to investigate or resolve any factual disputes regarding the underlying concerns that led to the request for the Order -- although the findings of any formal University hearing or investigation may be considered.

In determining the necessity, nature, scope and duration of a Standing Order, the committee of administrators will consider the factors described for Emergency and Temporary Orders above, as well as:

- whether an Emergency Order or Temporary Order was issued;
- the continuing or long-term impact on any involved party’s ability to fully participate in an academic or extra-curricular program;
- any reasonable objections raised by the identified parties;
- any mutual preference shared by the identified parties;
- whether a formal University investigation or disciplinary proceeding is pending;
- the findings of any concluded University investigation or disciplinary proceeding, and the outcomes assigned (if any) as a result of that investigation or proceeding;
- the identified parties’ affiliation with the University during the period of time contemplated by the Order; and
- any other unique circumstances requiring consideration.

Following the opportunity of the parties to submit information for consideration, the committee shall meet to make a determination on the necessity, nature, scope and duration of a Standing Order. Where the committee decides to make a recommendation to the Vice Chancellor for Campus Life and Inclusive Excellence, the Vice Chancellor for Human Resources & Inclusive Community, the Provost, or their designees to issue the Standing Order, the individual(s) restricted by the Order shall be notified in writing to the individual’s University e-mail address (or a non-University e-mail address on file with the University). This written notice shall include a description of the behavior or space to be avoided and the potential consequences for failing to comply with the Order. The written notice of the Order shall also include the date by which the University will review the Order for possible extension or expiration.

Additionally, the University may take necessary measures to have the Order delivered in person where there is reason to believe that the e-mail was not opened within one (1) business day (e.g. the Order may be delivered by the Department of Campus Safety to the
person’s classroom, office, residence hall room, or other space where the individual may be found, whether on or off campus). The restricted party should also be offered an in-person meeting with the administrator responsible for sending the Order at the soonest practical opportunity for the purpose of reviewing the Order and its terms, to consider any reasonable modifications or clarifications, and to answer any questions that the restricted party may have. Where the Order is based on concerns of discrimination, harassment, and/or violence based on a protected class, the restricted party will have the opportunity to meet with a representative from the Office of Equal Opportunity & Title IX. This meeting will not operate as a hearing to investigate or resolve any factual disputes regarding the underlying concerns that led to the request of the Order.

Any request for an extension or renewal of the Standing Order will follow the same procedures as the initial request for the Standing Order.

These procedures do not govern Standing Orders issued as assigned outcomes as the result of a finding of responsibility for the violation of University policy through either an Equal Opportunity & Title IX investigation or Student Conduct process.

5. **Interim Suspension/Administrative Leave**

The Vice Chancellor for Campus Life and Inclusive Excellence, the Vice Chancellor for Human Resources & Inclusive Community, the Provost, or their designees, may also suspend a student or place an employee on administrative leave for an interim period prior to the resolution of a formal proceeding or investigation. An interim suspension or administrative leave will be effective immediately, without prior notice, whenever the Vice Chancellor for Campus Life and Inclusive Excellence, the Provost, the Vice Chancellor for Human Resources & Inclusive Community or their designees determines that the continued presence of the student or employee on the University campus poses a substantial threat to any member of the University community or the stability and continuance of normal University functions.

During an interim suspension or administrative leave, the student or employee may be denied access to University premises and all University activities or privileges for which the student or employee might otherwise be eligible, as the Vice Chancellor for Campus Life and Inclusive Excellence, the Provost, the Vice Chancellor for Human Resources & Inclusive Community or their designees may determine to be appropriate. Whenever an interim suspension or administrative leave is imposed, case resolution will be completed as reasonably as possible. The interim suspension or administrative leave may remain in effect until a final decision has been reached, including any appropriate appellate process.

E. **Alternative Resolution**

The alternative resolution is a remedies-based approach designed to address the concerns raised by a Complainant without going through a formal investigation. The University may offer an alternative resolution to the Complainant and Respondent either before or after a formal investigation has commenced where:
1. Material facts are not in dispute, and

2. Complainant and Respondent are both amenable to reaching a collaborative resolution after receiving a full disclosure of the allegations and their options for a formal resolution.

An alternative resolution may also be offered where the Supervising Director, in consultation with the leadership of the unit or department involved in the matter(s), deems that a formal investigation is not appropriate or necessary to adequately remedy past harm and to prevent its reoccurrence.

Where an initial assessment concludes that alternative resolution may be appropriate, the University will take corrective action through the imposition of individual and community remedies designed to preserve the Complainant’s access to the educational, extracurricular and employment activities at the University and to eliminate a hostile environment. Examples of protective remedies are provided in the interim measures section of these procedures.

For student Respondents, the measures deemed appropriate for alternative resolution will not result in formal outcomes through the Outcomes Council. Rather, such resolutions may take the form of education, coaching, mentoring, or other action steps deemed appropriate by the Supervising Director under the circumstances. The matter may also be referred to the Restorative Justice through the Division of Campus Life and Inclusive Excellence. While initiatives within the Restorative Justice program may be facilitated by the Office of Student Rights & Responsibilities, any action through the program will not appear as a violation on the student’s disciplinary record.

For employee Respondents, alternative resolutions may yield corrective actions in the form of education, coaching, mentoring, or other action steps deemed appropriate by the employee’s supervisor, in consultation with Human Resources & Inclusive Community.

Other potential remedies include targeted or broad-based educational programming or training, supported direct confrontation of the Respondent and/or indirect action by the Office of Equal Opportunity & Title IX. Depending on the form of alternative resolution used, a Complainant may be able to maintain anonymity. The University will offer mediation for appropriate cases, but will not compel a Complainant to engage in mediation, to directly confront the Respondent, or to participate in any particular form of alternative resolution. Participation in alternative resolution is voluntary, and a party can request to end alternative resolution at any time.

The decision to pursue alternative resolution will be made when the University has sufficient information about the nature and scope of the conduct, which may occur at any time, regardless of whether a formal investigation has commenced. Where an active investigation is suspended in order to explore alternative resolution, the Respondent’s successful completion of the agreed upon action items will annul the formal investigation, closing the matter. However, the failure of a Respondent to adhere to the agreed terms of an alternative resolution may result in commencing/resuming a formal investigation through the Office of Equal Opportunity & Title IX. Any party’s willingness to explore alternative resolution will not be afforded any probative value in any formal investigation of the allegations.
The Office of Equal Opportunity & Title IX will maintain records of all reports and conduct referred for alternative resolution.

F. Investigation

1. Initiation of an Investigation
   After an initial assessment the Supervising Director will determine whether or not an investigation is appropriate under these procedures. The investigation may also address potential violations of the University’s Student Conduct Policies or employment policies. However, nothing in these procedures shall prohibit other departments in the University from carrying out the necessary processes to enforce their own policies. These procedures also do not prevent the Supervising Director from referring alleged violations of other University policies to the appropriate departments for resolution.

2. Designation of an Investigator
   The University will designate an Investigator(s) who has specific training and experience investigating allegations of discrimination, harassment, gender-based violence, sexual harassment, sexual violence, relationship violence, and stalking. The Investigator(s) may be an employee of the University or an external Investigator(s) engaged to assist the University in its fact gathering.

   The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial and fair. To this end, any Investigator(s) chosen to conduct the investigation must be impartial and free of any actual conflict of interest.

   Where a participant has reason to believe that the assigned Investigator(s) is subject to any bias or conflict of interest that would render the Investigator(s) unable to conduct a fair and objective investigation, the participant must submit a written request to the Supervising Director for the case to be reassigned to a different Investigator(s). The request must clearly describe the purported bias or conflict of interest and must articulate facts to support this conclusion. The request may also be supplemented by any applicable evidence. The participant must submit such a request to the Supervising Director prior to the procedural deadline for the participant’s first interview (regardless of whether the interview has taken place).

   Each such request will be given due consideration by the Supervising Director and will either be granted or denied in writing within five (5) business days of receiving the written request. Any such allegation of bias or conflict of interest that arises after the participant’s deadline for initial interview must be presented on appeal following the completion of the investigation. See Appeal procedures in Section XII. Allegations of discrimination or bias against any Investigator(s) or Supervising Director relating to the manner in which the investigation was conducted must also be raised during the appeal process. Any allegation of discrimination submitted after the appeals process will not have an impact on the outcome of the appeal.
3. **Initial Interview of Complainant**
   The Investigator(s) will conduct an initial interview with the Complainant during which time
the Investigator(s) will prepare a draft of the Complainant’s Summary Statement. The
Complainant will be given the opportunity to review the draft of the Summary Statement in-
person or electronically and make any edits desired to improve its accuracy.

   The Supervising Director will provide the Complainant written notification of a pending
investigation resulting from a report concerning a potential violation of these procedures.

4. **Initial Interviews with Witnesses and Collection of Evidence**
   As needed, the Investigator(s) may schedule and conduct interviews with any witnesses and
collect additional evidence. The parties may provide the Investigator(s) with the names of
other individuals who have information directly relevant to the incident.

   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.
Investigator(s) will review and determine the weight and materiality of all submitted
information, including the necessity of interviewing potential witnesses.

5. **Letter of Notice to Respondent**
   After the University decides to move forward with an investigation and the Complainant
submits a final draft of his/her/their Summary Statement, the Respondent will be notified by
the Office of Equal Opportunity & Title IX that an investigation has been initiated.
Respondent will be notified in writing and invited to an informational meeting to review the
process and the resources available to them throughout the process.

   The Notice Letter will include:

   - Notice that an investigation has been initiated against the Respondent;
   - Identification of the Prohibited Conduct in which the Respondent is said to have engaged
     (for example, Discrimination based on Race or Non-Consensual Sexual Penetration, etc.);
   - A general description of the alleged behavior;
   - Where legally required, disclosure of the Complainant’s name; and,
   - An invitation to attend an informational meeting.

6. **Respondent Informational Meeting**
   Each Respondent wishing to participate in an informational meeting will have five (5)
business days after receiving notice to complete the informational meeting with the
Supervising Director, or designee, before the investigation moves forward. At the
informational meeting, the Supervising Director, or designee, will review the procedures for
the investigation, discuss the rights and responsibilities of a Respondent, and answer any
questions that the Respondent may have.
7. **Initial Interview of Respondent**
   After completing the informational meeting, or upon the expiration of the deadline to have an informational meeting, the Respondent will be invited to complete an initial interview with an Investigator(s). The initial investigative interview must be completed within ten (10) business days of the Notice of Investigation, or the investigation will move forward without the Respondent’s initial interview.

8. **Follow Up Interviews**
   In most cases, Investigator(s) will have follow-up questions for the Complainant and Respondent after their respective initial interviews. Each participant will have three (3) business days to complete any follow-up interview requested by an Investigator(s). Follow-up interviews may be completed by phone. If a follow-up interview is not completed within the three (3) business days of the request by the Investigator(s), the investigation will move forward without the follow-up interview.

9. **Preliminary Report**
   At the conclusion of the investigation, the Investigator(s) will prepare a Preliminary Investigative Report that summarizes the information gathered during the investigative process. In preparing the report, the Investigator(s) will review all facts gathered to determine whether the information is material to the determination of responsibility given the nature of the allegation. The Investigator(s) may exclude information that is immaterial. The Investigator(s) may also exclude statements of personal opinion, rather than direct observations or reasonable inferences from the facts, and statements as to general reputation for any character trait, including honesty.

   Before the report is finalized, as permitted by FERPA, the Complainant and Respondent will be given the opportunity to review the preliminary report and offer written comment to the report. Each party will have five (5) business days from the time they receive notice that the preliminary report is ready for review to complete their review of the preliminary report. A Complainant and Respondent may submit any additional comment or evidence to the Investigator(s) within that five (5) business day period.

   Where the Investigator(s) receive information that warrants further investigation or review, they may extend the investigation in order to collect additional information. If an investigation is extended for this purpose, the parties will be notified in writing. Following such an extension, the Investigator(s) will issue an amended preliminary report, which shall again be available to the Complainant and Respondent for review and comment for at least three (3) business days. The decision to extend the investigation shall be at the discretion of the Investigator(s), in consultation with the Supervising Director(s).

10. **Final Investigative Report**
    At the conclusion of the review period for the preliminary report, the Investigator(s) will make a finding as to whether there is sufficient information to establish by a preponderance of the evidence that a policy violation occurred.
The final written report will include the determination of responsibility and the rationale for the determination.

There are two possible conclusions to an investigation:

- It is more likely than not that a policy violation occurred.
- It is less likely than so that a policy violation occurred.

Whether or not there is a violation of the policy, the University may still take action regarding the reviewed behavior, such as educational outreach or other action.

Where there is no violation of policy, the parties will be notified, and if the Respondent is a student, the Office of Equal Opportunity & Title IX and the Office of Student Rights & Responsibilities will take no further action unless the decision is appealed. If the Respondent is an employee, the responsible administrator will be notified. That individual, in consultation with Employee Relations, will determine if any further action is necessary.

Where there is a determination of responsibility for a policy violation, or in other circumstances where corrective action might be warranted, the Office of Equal Opportunity & Title IX will refer the matter to the appropriate administrator(s).

Once the Final Investigative Report has been issued, a member of the Office of Equal Opportunity & Title IX will issue a letter of determination indicating whether or not a policy violation occurred. This letter shall be sent simultaneously to the Complainant, the Respondent, and any other necessary administrators. Responsibility determinations are based on a preponderance of evidence standard. This letter will contain only a summary of the findings. Where applicable, the letter will also contain information on where the matter is being referred for corrective action or outcomes. The full rationale for the findings, including an analysis of the available information, will be contained within the Final Investigative Report, which will be available to the parties for review by appointment in the office or by other remote means as deemed appropriate by the Investigator(s) and/or Supervising Director.

The Complainant or Respondent may also request an appointment to speak (either in person or over the telephone) with a member of the Office of Equal Opportunity & Title IX to discuss the investigative finding(s). This may or may not occur simultaneously based on the requests and availability of the parties. The report includes determinations regarding responsibility for violating these procedures, as well as any other University policies identified during the investigation.

11. Advisors and Support Persons

Advisor. During any investigation, the Complainant and Respondent have the right to be assisted by an advisor of their choice. The advisor may accompany the Complainant or Respondent to any meeting with an Investigator(s) or a University employee or other proceeding. Any person who serves as an advisor should plan to make themselves available
Support Person. The Complainant and Respondent have the right to be assisted by a support person of their choice. The support person is someone who can provide emotional, logistical, or other kinds of assistance. The support person may be present at proceedings to assist parties by taking notes, organizing documentation, or providing emotional support and reassurance.

Advisors and support persons may be present at any meeting or interview and may consult directly with the individual they are advising or supporting in a way that does not disrupt or delay the meeting or interview. Advisors and support persons must be available in person in order to support the student during meetings or during the review of any document. Advisors and support persons will not be provided with the ability to review any document in the absence of the individual whom they are advising or supporting.

Advisors or support persons may not:

- be witnesses;
- present information on behalf of any person;
- submit documents on behalf of any person;
- discuss any matter directly with University administrators or Investigator(s) in the absence of the supported person;
- represent any person or position; or
- otherwise actively participate in any proceeding.

Advisors and support persons may not attend a proceeding in the absence of the person they are advising or supporting. Advisors or support persons who act in a manner contrary to these guidelines or otherwise disrupt any proceeding may be excluded from that proceeding and/or future proceedings.

Although a licensed attorney is permitted to serve as an advisor and/or support person at any stage in the resolution process, their participation in the resolution process is subject to the limitations described above.

12. General Notes About the Investigation

a. Respect for Parties
The investigation will be conducted in a manner that is respectful of individual privacy concerns. The Investigator(s) will conduct interviews as necessary, review documents and gather any other relevant information concerning the alleged discriminatory acts. The parties may provide any relevant information to the Investigator(s), including the names of witnesses to contact and/or documents to review at any time before the investigation is closed. The Complainant and Respondent will have an equal opportunity to be heard, to submit information, and to identify witnesses who may have relevant information.
All individuals will also be treated with appropriate sensitivity and respect by all involved parties. To this end, the Office of Equal Opportunity & Title IX require that communications throughout the course of the investigation, whether written or spoken, refer to all individuals by their name(s), their role in the investigation (“Complainant,” “Respondent,” “Witness/Interviewee”), or by their official title (“Dean,” “Professor,” “Dr.,” etc.). The Office of Equal Opportunity & Title IX will not tolerate the use of offensive, derogatory, or accusatory terms in reference to any person. Such terms may include, but are not limited to, “liar,” “rapist,” “racist,” “accuser,” or sexually derogatory terms. At their discretion, the Supervising Director, and/or the Investigator(s) may refuse to accept communications or submissions from the parties where such terms are used to describe another person. Alternatively, these same administrators may exercise the discretion to accept such communications or submissions for consideration after editing the content to refer to the individual by an appropriate name, role or title. However, nothing in these procedures shall prohibit the Supervising Director, and/or the Investigator(s) from accepting materials containing such offensive, derogatory or accusatory terms as material evidence to evaluate the allegations under investigation (e.g. past documentation or communications between individuals, which are relevant to the allegations).

b. Prior History
In general, a Complainant’s prior sexual history is not relevant and will not be admitted as evidence during an investigation. Where there is a current or ongoing relationship between the Complainant and the Respondent, and the Respondent alleges that consent was given, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. As noted in other sections of these procedures, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the Complainant with other individuals is typically not relevant and will not be permitted except under limited exceptions.

In gathering the facts, the Investigator(s) may consider prior allegations of, or findings of responsibility for, similar conduct by the Respondent to the extent that such information is relevant. The determination of relevance will be based on an assessment of whether:

- The previous allegation or incident was substantially similar to the present allegation;
- The information indicates a pattern of behavior and substantial conformity with that pattern by the Respondent; or
- The Respondent was subject to a previous credible allegation, participated in an alternative resolution to a complaint, and/or was previously found responsible for a policy violation.

Any party seeking to introduce information about prior sexual history or pattern evidence should bring this information to the attention of the Investigator(s) at the earliest opportunity. The University, through the Investigator(s), may choose to consider this
information, with appropriate notice to the parties. Where a sufficient informational foundation exists, the Investigator(s), in consultation with the Supervising Director, will assess the relevance, form and reliability of the information and determine if it is appropriate for inclusion in the written investigation report.

c. **Third Party Material**
Generally, external investigations or reports from privately hired consultants (including but not limited to those conducted by private investigators, polygraph examiners, or any person retained to offer opinions on how available evidence should be interpreted) are not accepted as part of the process outlined in these procedures. This provision shall not be interpreted to exclude the consideration of personal medical records that describe a licensed medical professional’s direct observations of physical injury, disease, infection, or illness (or lack thereof).

13. **Time Frames**
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, in no case shall be grounds for dismissing any allegations; nor shall such failure limit the University’s ability to complete an investigation, issue findings, impose outcomes, enact corrective or disciplinary actions, or limit the University’s ability to take any other required administrative action under these procedures. At the request of law enforcement, the University may agree to defer its fact-gathering until the initial stages of a criminal investigation are complete. The University will nevertheless communicate with the Complainant regarding rights, procedural options and the implementation of interim measures to assure the safety and well-being of all affected individuals. The University will promptly resume its fact-gathering as soon as law enforcement has released the case for review following the initial criminal investigation.

To help facilitate completion of the investigation in a timely manner, the University has established time frames for each component of the investigation after a Complainant has decided to participate. The time frames do not change the fact that Complainants and Respondents have the right to determine whether, and to what extent, they will participate in the investigation. The investigation will move forward at the time limit for each stage of the investigation whether or not the noticed individual completes the identified component of the investigation.

A participant may request an extension of a deadline for exigent or emergency circumstances in writing to the Supervising Director, who will have sole discretion to grant or deny the extension. The Supervising Director may require proof to verify the emergency or exigent circumstance on which the request is based.

X. **CORRECTIVE ACTION FOR EMPLOYEES AND OTHER NON-STUDENTS AS RESPONDENTS**

In consultation with Human Resources & Inclusive Community, the Respondent’s supervisor or other responsible administrator will be responsible for deciding upon the corrective action. Corrective action for employees who violate these procedures may take many forms based on the circumstances of the violation, up to and including termination of employment. The
Respondent’s supervisor, or Human Resources & Inclusive Community, shall also notify the Supervising Director of the corrective action imposed. To the extent applicable, matters involving faculty shall be governed by the provisions contained in the Policies and Procedures Relating to Faculty Appointment, Promotion and Tenure.

XI. DISCIPLINARY ACTION FOR STUDENTS AS RESPONDENTS

A. Referral to the Outcome Council
Where a determination of responsibility for violating the Equal Opportunity & Title IX Policies and/or the Student Conduct Policies has been made, the Office of Equal Opportunity & Title IX refers cases to the Outcome Council. The Vice Chancellor of Campus Life and Inclusive Excellence, or their designee, will convene an Outcome Council review, typically within five (5) business days. The Supervising Director, Investigator(s) or designee will issue written notice in the form of a Letter of Determination to the Complainant and the Respondent, informing them that the matter is being referred to the Office of Student Rights & Responsibilities to convene the Outcome Council.

To see the most current version of the Honor Code and Student Conduct Policies and Procedures, go to http://www.du.edu/studentlife/studentconduct/honorcode.html.

B. Outcome Council

1. Outcome Council Composition
The Outcome Council is the body responsible for making a neutral and impartial review of investigations and findings, and imposing outcomes (sanctions). It is not a hearing body. It meets independently to complete its review and make its determinations. Typically, the Outcome Council will be comprised of three (3) University community members, including the Director of the Office of Student Rights & Responsibilities, or their designee, and an appointed faculty member or similar University employee, appointed by the Vice Chancellor for Campus Life and Inclusive Excellence or Provost. Any individual designated by the University must have sufficient training or experience to serve in this capacity. All Outcome Council members have specific training and experience in adjudicating allegations of discrimination, harassment, gender-based violence, sexual harassment, sexual violence, relationship violence, and stalking.

In order to be eligible to serve on the Outcome Council, individuals must meet the following requirements:

- Faculty must have been employed by and taught courses at the University for at least one academic year. Faculty must be currently employed at the University and have taught at least one course within the two most recent academic terms.
- Staff must be currently employed full-time.

Outcome Council members have the following expectations:

- Approach each case without any preconceived ideas of the responsibility of the parties involved prior to reading the Investigative Report.
• Thoroughly review all case materials prior to the Outcome Council being convened.
• Impose clear and proportionate outcomes for those found to be responsible for violations of University policy.
• Individual board members are compelled to offer input during the deliberation process, allow for fellow members to be heard, and consider differing views before a decision is reached.
• Remove themselves from a particular Outcome Council if there is a potential conflict of interest.

The Outcome Council must be comprised of neutral and impartial decision-makers. The Respondent(s) and Complainant(s) will be notified of the Outcome Council members who will be serving and have the right to object to the participation of any member based on a significant, demonstrable bias. Such objections are due, with supporting information, to the administrator designated in the notice within two (2) business days. The designated administrator will review any concerns and determine if there is any merit to the assertion that an Outcome Council member may not be an objective, impartial, unbiased decision maker. The Respondent(s) and Complainant(s) will be notified if any changes to the Outcome Council composition have been made. If a new Outcome Council member has been designated, Respondent(s) and Complainant(s) will have one (1) business day to submit any objections of the new member to the designated Associate Provost for review.

2. Outcome Council Procedures
   When an Outcome Council is convened, the following procedures will be followed:

   a. The Outcome Council is officially called to order.

   b. The Outcome Council members review the specific finding(s) and policy violation(s).

   c. The Outcome Council members may request additional information or clarification from the Supervising Director, the Investigator(s), and/or University Counsel.

   d. The Outcome Council makes determinations regarding appropriate sanctions.

C. Imposition of Outcome
   The Outcome Council will consider the imposition of sanctions designed to eliminate the misconduct, prevent its recurrence and remedy its effects, while supporting the University’s educational mission and obligations under all applicable policies and laws (including Title VI, Title IX, ADA, ADEA, and other applicable federal, state and local anti-discrimination laws). Sanctions or interventions may also serve to promote safety or deter individuals from similar future behavior.

   The Outcome Council is responsible for determining the appropriate sanction(s). The Outcome Council may impose any sanction deemed appropriate after a consideration of all the relevant information.

   The primary objectives when considering outcomes include:

   • Protecting the University of Denver community;
• Bringing the discriminatory conduct to an end;
• Taking steps reasonably calculated to prevent the future reoccurrence of the discriminatory conduct; and
• Restoring the Complainant to his/her/their pre-deprivation status, to the extent practical and possible.

In determining outcomes to meet these objectives, the following criteria are considered:

• Nature and severity of the act;
• Number of Complainants;
• Prior Student Conduct history of the Respondent(s);
• The Council’s assessment of the effect of the act or policy violation has on the Complainant(s), community and University environment; and
• Complainant(s) and community safety.

The imposition of sanctions will take effect immediately and will not be placed on hold pending the resolution of the appeal.

D. Range of Outcomes
Outcomes are assigned for the entirety of the incident(s) under review, not for each violation. All outcomes will include a “Status” outcome and at least one appropriate “Educational” outcome. Violations of the Non-Consensual Sexual Contact provision of these procedures typically result in a dismissal and do not include an Educational outcome.

1. Status Outcomes are those which define the student’s status at the University. These include the following:

   a. **Warning.** A warning is given to notify a student that his/her/their behavior has been inconsistent with the expectations of the University. A warning has no immediate effect upon a student’s status at the University. However, once given a warning, students should expect different outcomes to result from any subsequent violations.

   b. **Student Conduct Probation.** Probation serves to notify a student that he/she/they must avoid any further violations of the Student Conduct Policies for a specified period of time in order to remain a student at the University. Students on probation are not in good standing with the University; as a result, certain co-curricular activities may be prohibited to a student while on probation. Any further violations while on probation may result in a student’s suspension or dismissal from the University.

   c. **Deferred Suspension.** Deferred Suspension serves to notify a student that they must avoid any further violations of the Student Conduct Policies for a specific period of time in order to remain a student at the University because his/her/their behavior has not met the standards expected by students. Different than Student Conduct Probation, when a student on Deferred Suspension is alleged to be involved with any subsequent violations
of policy, the student will be issued an Interim Suspension until their responsibility in the subsequent incident can be determined. Students on Deferred Suspension are not in good standing with the University; as a result, certain co-curricular activities may be prohibited. If found responsible for any further violations of policy while on Deferred Suspension, a student will likely be dismissed from the University.

d. **Suspension.** A student who has been suspended from the University may not participate in any University activities, academic or otherwise, for a specific period of time, and will be restricted from all University premises and activities. A suspended student who wishes to re-enroll must apply for re-entry to the University and must also apply to the Director of the Office of Student Rights & Responsibilities. The Director will determine whether any and all requirements for readmission have been satisfactorily completed. The University does not accept courses completed at another institution while the student is suspended.

e. **Dismissal.** A student who has been dismissed from the University is permanently prohibited from participating in any University activities, academic or otherwise, and will be restricted from all University premises and activities.

2. **Educational Outcomes** may be assigned in order to facilitate the educational process. These outcomes are intended to encourage reflection on the impact of the decisions the student has made and help students develop the skills necessary to be successful at the University of Denver. Types of “Active” outcomes include, but are not limited to:

- **a. Written Assignments.** A student is required to write a reflection paper, maintain a journal, write a review of a policy, etc.

- **b. Worksheets.** A student is required to answer a series of questions designed to help them evaluate the decisions that led to the violation and avoid making similar decisions in the future.

- **c. Programs & Activities.** A student is required to complete community service hours, attend a program, design a poster board, etc.

- **d. Interventions.** A student is required to undergo a counseling assessment, complete a drug and/or alcohol treatment program, attend a workshop, etc.

- **e. Restrictions.** A student is restricted from contacting one or more individuals, hosting guests on campus, using the University computer network, etc.

- **f. Referrals.** The student is referred to another process, such as mediation or counseling, to resolve some of the issues resulting from the violation.

Failure to complete any Active Outcome by the specified deadline will result in a hold being placed on a student’s registration account with the University, and may result in further action.

E. **Notice of Outcome**

Once the Outcome Council has rendered a finding, a member of the Outcome Council will offer the Respondent(s) and Complainant(s) the opportunity to meet individually to share the Outcome
decision made. This meeting will be scheduled within two (2) business of the Outcome Council, and may occur simultaneously based on the availability of the parties.

At this meeting, Written Notice to the Respondent(s) and Complainant(s) will be provided and will include the Outcome determinations. The Respondent(s) will be informed of any sanctions, the date by which the requirements must be satisfied (if applicable) and the consequences of failure to satisfy the requirements. The Complainant(s) will be informed of any sanctions that directly relate to the Complainant(s). The outcome letter will also provide each party with their appeal options.

To meet the objectives of the Outcome Council, in the event that a Respondent is suspended or dismissed, the Respondent shall be immediately removed from the campus community while any appeals process takes place. Should the Respondent successfully appeal the Outcome Council’s decision, the University will make every reasonable effort to return the Respondent to his/her/their previous status.

F. Group Infractions
When members of a student group, organization, or team, or other individuals acting in concert violate these procedures, they may be charged as a group or as individuals, and an investigation may proceed against the group as joint Respondents or against one or more involved individuals, as appropriate given available information and the circumstances.

A student group, organization, or team’s officers and membership may be held collectively and individually responsible when violations of this policy by the organization or its members take place at organization sponsored events, have received the consent or encouragement of the organization or of the organization’s leaders or officers, or if the violations were known or reasonably should have been known to the membership or its officers.

In any such action, separate Outcome Councils will be convened for each Respondent. However, each Outcome Council may comprise the same members. Sanctions may be assigned collectively and individually and will be proportionate to the involvement of each individual.

G. Records
When the Office of Equal Opportunity & Title IX matters involve at least one student Respondent, a Student Conduct Record will be created. The Office of Student Rights & Responsibilities will be responsible for maintaining all official University records related to student conduct. A student’s record will include copies of all cases in which a student is charged with violating at least one Student Conduct Policy, including Office of Equal Opportunity & Title IX policies and procedures, as well as copies of correspondence and other documentation related to the case. The policies regarding the retention of Student Conduct Records are as follows:

1. Student Conduct files will be maintained for a period of no less than seven years following the most recent finding of violation.

2. Student Conduct files of students who have been dismissed from the University will be kept indefinitely.
3. The University will retain, as necessary, appropriate statistical information related to policy violations in order to comply with legislative reporting requirements.

*Release of Records.* Numerous members of the DU faculty and staff receive requests from students or former students to complete forms that include a request for information about Student Conduct Records at the University. These forms typically serve the following purposes: undergraduate transfer to another institution; graduate/professional/law school admission; admission to the Bar (by state); security clearances for employment (typically federal); etc. Access and release of Records of Student Conduct proceedings are governed by applicable FERPA and other privacy laws.

*Public Notification Policy.* The University recognizes the shared interest of the greater community in the resolution of Student Conduct matters. The Office of Student Rights & Responsibilities will update their website on an annual basis with statistics on the Student Conduct Process. These statistics may include the number of students found responsible for violating each of the Student Conduct Policies, including the Office of Equal Opportunity & Title IX policies, as well as a summary of the outcomes assigned in the Student Conduct Process, including through the Outcome Council.

**XII. APPEALS UNDER THESE PROCEDURES**

**A. General Provisions**

1. **Employees** may appeal a finding issued under these procedures by following the process outlined in this section.

   Additionally, employees may grieve corrective action issued as a result of the finding under these Procedures as follows:

   - Faculty or staff members who receive corrective action pursuant to these procedures may grieve as follows:
     - Faculty members may pursue their applicable rights pursuant to the Appointment, Promotion and Tenure guidelines;
     - Staff may pursue a grievance pursuant to the Employee Grievance procedures outlined in the Employee Handbook, and
     - Employees who are subject to a collective bargaining agreement must pursue their grievance rights pursuant to that agreement.

2. **Students** may appeal a finding issued under these procedures as well as the determination imposed by Outcomes Council by following the process outlined in this section.
B. Grounds for Appeal under these Procedures

Appeals under these procedures will be considered on the following grounds:

1. The existence of procedural error(s) so substantial that it would likely alter the investigative findings and ultimate outcomes, including concerns of bias or discrimination on the part of an Investigator(s) or Supervising Director;

2. Presentation of new and significant evidence which was not reasonably available at the time of the initial investigation and would likely alter the investigative findings and ultimate outcomes; and/or

3. Where the Respondent is a student, the outcomes imposed are substantially disproportionate to the violation.

Mere disagreement with the decision is not grounds for appeal under these procedures. The appellate process shall not re-hear a matter in part or in its entirety. Therefore, appellate officers under these procedures may review the written report and written information submitted by the parties on appeal, but will not engage in independent fact finding such as interviewing the parties or other witnesses.

Further, concerns of bias or discrimination on the part of an Investigator(s) and/or Supervising Director must be presented on appeal to be considered in the determination of the appeal. Complaints regarding bias or discrimination filed after the appeals process is concluded will have no impact on the findings of the investigation or the results of the appeal.

C. Appeal Determinations

There are four possible determinations that may result from an appeal under these procedures:

1. Uphold the original investigative findings.

2. If the appellate officer determines that new evidence should be considered, the report will be returned to the Office of Equal Opportunity & Title IX to be reviewed in light of the new information.

3. If the appellate officer determines that a material procedural error occurred, the appellate officer may return the report to the Office of Equal Opportunity & Title IX with instructions to reconvene the investigative process to cure procedural error. In rare cases where the procedural error cannot be cured by the Office of Equal Opportunity & Title IX (as in cases of bias), the appellate officer may order a new review of the matter.

4. If the Respondent is a student, and the appellate officer determines that the outcome(s) imposed are disproportionate to the violation, the appellate officer may return the matter to the Outcome Council with or without recommendations.

Appellate officers will issue their determinations in writing within ten (10) business days of the requested appeal. In extenuating circumstances, the appellate officer may notify the parties in writing that he/she/they needs additional time to issue a determination. Appeal determinations...
will be communicated to the parties in writing and copied to the office issuing the original finding. Appeal determinations are final and not subject to further review.

D. Process for Filing an Appeal:

1. **Appeals Process When the Respondent is an Employee:**
   When the Respondent is an employee, the appellate officer for investigative findings is the Vice Chancellor of Human Resources & Inclusive Community, or designee.

   Either party may file an appeal by submitting the request in writing to the Vice Chancellor for Human Resources & Inclusive Community, or designee, within five (5) business days of receiving the Letter of Determination. An extension of these deadlines may be requested if extenuating circumstances arise. Such a request must be submitted in writing to the Vice Chancellor for Human Resources & Inclusive Community, or designee, prior to the original deadline for appeal.

   If an appeal is received, the Supervising Director will notify both parties involved in the matter to be appealed. In any request for an appeal, the burden of proof lies with the party requesting the appeal. The appeal is not a new review of the underlying matter. The appellate officer will issue a determination within fifteen (15) business days of receiving an appeal request. If the appellate officer requires additional time to make the determination, the parties will be notified.

2. **Appeals Process when the Respondent is a Student**

   Appellate officers for students may be the Provost, or the Provost’s designee, or the Vice Chancellor of Campus Life and Inclusive Excellence, or the Vice Chancellor’s designee.

   Students may appeal the investigative findings and/or assigned outcomes by submitting a written appeal by the means identified in the written notice within five (5) business days of the date that the outcomes are issued by the Outcome Council (or date of the Letter of Determination in cases that do not result in the imposition of outcomes). The submission must state the specific grounds for appeal. Where the appeal is on the grounds of new, previously unavailable evidence, the evidence must be submitted with the written appeal.

   While the parties may review the Final Investigative Report as part of the appeal process, the appeal deadline is calculated from the date that the outcomes (or Letter of Determination in cases that do not result in the imposition of outcomes) are issued, and not from the date that the Respondent or Complainant chooses to review the Final Investigative Report. Accordingly, participants are encouraged to make arrangements to review the report with the Office of Equal Opportunity & Title IX at their earliest convenience. The appeal deadline will not be extended due to a participant’s failure to review the report in a timely manner.
XIII. ADDITIONAL CONSIDERATIONS

A. Responsibilities of Parties

Throughout their involvement in the Office of Equal Opportunity & Title IX’s investigative process, the consideration of discipline, and/or appeal proceedings, the Complainant and Respondent, have the following responsibilities to:

- Notify one’s advisor or support person of the time, date and location of any meeting associated with the investigative process. Meetings need not be rescheduled to accommodate an advisor or support person.
- Provide notification that an advisor or support person will be present for meetings no later than 48 hours before the scheduled meeting. Failure to provide names prior to the meeting may be grounds to exclude the person.
- Provide the University with accurate address and other contact information so that notification is not unduly delayed.
- Promptly open and read any communication from the Office of Equal Opportunity & Title IX, the Office of Student Rights & Responsibilities, or any other University administrator involved in the investigative process.

B. External Agreements

The University will not recognize or enforce agreements between the parties outside of these procedures. The University will recognize, however, any lawful order of a local, state or federal law enforcement or similar agency, or any lawfully issued protective or other order of a court or similar authority with appropriate jurisdiction and authority.

C. External Resources

An individual who believes that he/she/they has been subjected to unlawful discrimination, harassment, gender-based violence, or retaliation has the right to file a complaint with an appropriate local, state or federal agency, such as the Department of Education Office of Civil Rights, the Equal Employment Opportunity Commission (EEOC) or the Colorado Civil Rights Division, within the agency’s applicable time limits.

In addition, any person who is dissatisfied with the University’s internal procedures utilized for handling complaints, or with the result of the investigation or the sanctions imposed, may seek redress through these means to the extent allowed by law. The Complainant should be aware that filing a complaint with 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 any of the above laws, and to meet the strict procedural timelines and to the ability of the EEOC to investigate the complaint and protect the individual’s right to file a private lawsuit, should promptly contact:
XIV. EDUCATION AND PREVENTION PROGRAMS

The University is committed to offering educational programs to promote awareness of discrimination, harassment, gender-based violence, sexual harassment, sexual violence, relationship violence, stalking, and retaliation. Educational programs include an overview of the University’s policies and procedures; relevant definitions, including Prohibited Conduct; discussion of the 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. Incoming first year students, new graduate students and new employees will receive primary prevention and awareness programming as part of their orientation. Returning students and employees will also have ongoing opportunities for training and education. The University’s Office of Equal Opportunity & Title IX, the Center for Advocacy, Prevention and Empowerment (CAPE), and the Office of Health Promotion maintain an education and prevention calendar and tailor programming to address campus needs and climate.

XV. REVISIONS

Pursuant to University’s Discrimination/Equal Opportunity Policy, Section 3.10.010, these procedures may be updated at any time as necessary to comply with applicable local, state and federal law or directives from relevant government agencies. The University will make such updates subject to approval from the Provost and the Vice Chancellor for Business and Financial Affairs and upon publication to the University community.
HONOR CODE with the
STUDENT RIGHTS & RESPONSIBILITIES

Policies and Procedures
2018 – 2019

Honor Yourself. HONOR THE CODE.
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**PIONEER PLEDGE**

As a University of Denver Pioneer, I pledge…

to act with INTEGRITY and pursue academic excellence;
to RESPECT differences in people, experiences, ideas and opinions; and,
to accept my RESPONSIBILITIES as a local and global ethical citizen

Because I take pride in being a member of the University of Denver community, I will uphold the *Honor Code* and encourage others to follow my example.
University Honor Code Statement

All members of the University of Denver community are expected to uphold the values of Integrity, Respect, and Responsibility. These values embody the standards of conduct for students, faculty, staff, and administrators as members of the University community. Our institutional values are defined as:

- **Integrity**: acting in an honest and ethical manner;
- **Respect**: honoring differences in people, ideas, experiences, and opinions;
- **Responsibility**: accepting ownership for one’s own behavior and conduct.

A. **Pioneer Pledge.** The Pioneer Pledge is an action statement that embodies the values of the Honor Code. The “Pledge” is intended as a mutual agreement between all members of the University of Denver community grounded in the values of inclusion, equity, and integrity. Our identities, our cultures, and humanity should be honored and respected. Members of the campus community have the RIGHT to be treated with respect, and share the RESPONSIBILITY to behave with integrity, and to create a campus climate that honors the values of free expression and inclusion.

The “Pledge” is intended as a mutual agreement between all members of the University of Denver community and is as follows:

As a University of Denver Pioneer, I pledge….

- to act with INTEGRITY and pursue academic excellence;
- to RESPECT differences in people, experiences, ideas and opinions; and,
- to accept my ethical RESPONSIBILITIES as a local and global citizen

Because I take pride in being a member of the University of Denver community, I will uphold the **Honor Code** and encourage others to follow my example.

B. **Enforcement.** In order to better foster and advance an environment of ethical behavior and conduct in the University Community, all community members are expected to take “Constructive Action,” that is, any effort to discuss or report any behavior and conduct contrary to the **Honor Code** with a neutral party.

The University’s Faculty Personnel Guidelines Relating to Appointment, Promotion, and Tenure will be used in the instance of any faculty member who has allegedly violated the **Honor Code**. The University of Denver’s Human Resources Policies and Procedures will be used in the instance of any non-faculty employee who is accused of violating the **Honor Code**. The By-Laws, or other Board policies, of Colorado Seminary or the University of Denver will be used in the instance of any trustee who has allegedly violated the **Honor Code**. Any conflict or dispute concerning which procedure governs in the enforcement of the **Honor Code** will be resolved by the Provost & Executive Vice Chancellor or the Vice Chancellor for Campus Life & Inclusive Excellence, or, in the instance of the trustees or Chancellor, by the Board of Trustees.

The Chancellor and Provost & Executive Vice Chancellor grant authority for resolving violations of the Honor Code by students to the Office of Student Rights & Responsibilities (SRR). The Office of Student Rights & Responsibilities is responsible for reviewing Reports, assigning Alleged Policy Violations, and implementing the student conduct process. The Student Rights & Responsibilities staff may delegate this authority, or portions of it, as necessary for purposes including, but not limited to, maintaining efficiency or avoiding conflicts of interest. The student conduct process is an educational process where students can have an opportunity to learn from the decisions they have made and wherever possible repair any harm they may have caused. The Office of Equal Opportunity & Office of Title IX will be responsible for adjudicating all
alleged violations of Equal Opportunity and Title IX policies.

C. **Interpretation.** The purpose of publishing the *Honor Code* is to give the *University Community* general notice of policies and procedures related to Student Conduct. The *Honor Code* is not written with the specificity of a criminal statute and should not be interpreted as such. Any question regarding the interpretation of specific portions of the *Honor Code* as it pertains to students will be directed to the Vice Chancellor for Campus Life & Inclusive Excellence for final review and judgment; for all other community members, questions will be directed to the Provost & Executive Vice Chancellor or Board of Trustees, as applicable.

**Revision & Amendment.** The *Honor Code* was developed and has been revised following discussions among a broad range of constituencies within the *University* encompassing students, faculty, staff, administrators, and trustees. Revisions to the *Honor Code* may be made to reflect the ever-changing community.

As it pertains to students, the *Honor Code* is subject to annual review by the Office of Student Rights & Responsibilities staff, who may recommend changes. All recommendations for substantive changes will be forwarded to the appropriate *University* administration (e.g., Athletics, Internationalization), Faculty Senate, Undergraduate Student Government (USG), and the Graduate Student Government (GSG) for comment. The Provost & Executive Vice Chancellor and the Vice Chancellor for Campus Life & Inclusive Excellence hold final authority to revise or amend the *Honor Code*.

In addition, upon recommendation from a Dean or the Faculty Senate, the Provost & Executive Vice Chancellor, in their sole discretion and through consultations with other relevant administrators, may permit individual units or divisions of the *University* to create more stringent professional standards that pertain directly to the unit or division involved. However, individual units or divisions cannot lessen the standards set forth by the *Honor Code*. These additions must be published on an official University of Denver website and provided to those impacted including to the Office of Student Rights & Responsibilities to be utilized in the student conduct process when appropriate.

Any modification of the *Honor Code* for staff, faculty, and administrators, other than to the procedures governing its enforcement, must be approved by the Board of Trustees. Modifications and variations in procedures governing enforcement of the *Honor Code*, including the use of alternative procedures in specific context as mandated by federal or state law, are subject to the approval of the Provost & Executive Vice Chancellor and the Vice Chancellor for Campus Life & Inclusive Excellence.

Any substantial changes to the *Honor Code* will be communicated to the *University Community* no later than ten (10) business days prior to the beginning of the academic term in which the changes are to take effect.
Student Rights & Responsibilities

Policies & Procedures. These policies and procedures govern all student behavior and conduct at the University of Denver Students are expected to uphold the values of the University and the Honor Code by exhibiting behavior and conduct that supports the spirit under which these values were established. Student’s actions that are contrary to the core values of the Honor Code may be addressed through the Student Conduct Policies and Procedures as managed by the Office of Student Rights & Responsibilities.

Mission. The Office of Student Rights & Responsibilities at the University of Denver supports the University mission by providing programs and services designed to foster a positive and safe environment for student learning. The Office of Student Rights & Responsibilities strives to achieve a campus community in which individuals demonstrate respect for others, for themselves, and for the University; uphold high standards of personal and academic integrity; honor differences and gain an appreciation for living in a diverse society; understand the impact of their behavior and conduct both upon the University Community and the surrounding community; freely accept the responsibility for and consequences of their behavior and conduct; and seek opportunities to repair harm that they caused through a restorative process.

Jurisdiction. The University will address alleged student behavior and conduct that may have violated University Policies, including the Student Conduct Policies outlined in this document, regardless of where the alleged behavior and conduct occurred. Off-campus student behavior and conduct that disrupts neighbors or negatively impacts the reputation of the University will be addressed through Student Rights & Responsibilities. Students hosting parties at off campus residences are responsible for the activities occurring at or associated with their gatherings.

The student conduct process at the University is not intended to replace criminal or civil proceedings. It is a University administrative process and does not follow formal rules of evidence or procedure as set forth in any federal, state, or local law. Case Resolution Bodies will review and give appropriate weight to information without making a formal determination of relevance or admissibility. Determinations are based upon a finding of preponderance of evidence -- more than likely or less than likely.

Regardless of whether formal criminal charges are filed over alleged behavior and conduct, the University may proceed with the student conduct process as it deems appropriate. The student conduct process will not be postponed due to concurrent criminal or civil proceedings. The University will still proceed with the student conduct process as described in this document even if a student’s criminal or civil charges are reduced or dismissed. Additionally, withdrawing from the University will not prevent the student conduct process from proceeding.

Students may be involved in the University Community in different ways, such as students who are also University employees. Therefore, these policies do not necessarily encompass all policies that may apply. Many students are also members of academic programs with professional standards of conduct in addition to the University standards. A student may be held responsible for alleged violations of both University Policies and the professional standards of their academic program through the student conduct process. Students are responsible for knowing all policies that apply to them.

The University encourages the prompt reporting of any alleged violations of any policy; however, the University reserves the right to review any alleged violation at any time in its effort to maintain a safe and productive environment for all its community members.
With approval from the Vice Chancellor for Campus Life & Inclusive Excellence, Student Rights & Responsibilities reserves the authority to pilot new programs, procedures, etc. to best meet the needs of the ever-changing University Community. Participation in any piloted programs is strictly voluntary.

The Office of Equal Opportunity & the Office of Title IX maintain the responsibility for adjudicating alleged violations of Equal Opportunity and Title IX policies through a separate investigative and case resolution process.

**University Equal Opportunity Policy - As related to Discrimination, Harassment, and Gender-Based Violence.** The University of Denver strives to create and maintain a community in which people are treated with dignity, decency and respect. The environment of the University should be characterized by mutual trust, freedom of inquiry and expression, and the absence of intimidation, oppression and exploitation. People in this community should be able to work and learn in a safe, yet stimulating, atmosphere. The accomplishment of this goal is essential to the academic mission of the University.

The University will not tolerate unlawful discrimination and/or harassment of any kind, including sexual misconduct. When a student is alleged to have violated any Equal Opportunity or Title IX policies, the incident report will be forwarded to the Office of Equal Opportunity or the Office of Title IX for evaluation, investigation, findings, outcomes, and appeal on all violations of University Policies addressed in the complaint, including those policies outlined in this document.

For more information, please see the full policies and procedures governing the separate resolution process handled by the Office of Equal Opportunity & Title IX at [http://www.du.edu/equalopportunity/complaints/index.html](http://www.du.edu/equalopportunity/complaints/index.html).

**Crisis Assessment Risk Evaluation (C.A.R.E.) Behavioral Intervention Team.** The (C.A.R.E.) Behavioral Intervention Team will intervene to manage patterns and/or instances of concerning behavior to support the individual student while balancing the safety, health, and well-being of the campus community.

The CARE Team has the authority to impose the following actions or interim measures to address a student’s behavior if this behavior is causing a significant disruption to the living and/or learning environment of the campus community and/or poses a credible substantial risk of harm to individuals within the University or to the safety, health, and/or well-being of the campus community.

- Issuing Behavioral Expectations Letters to identify concerning behavior, connect students to appropriate campus, healthcare, and other resources to address concerning behavior and develop an action plan to help the student remain in good standing with the University
- Mandating Individualized Assessments if student’s behavior significantly disrupts the living and/or learning environment of others; the student may be unwilling and/or unable to carry out substantial self-care obligations; and/or the student poses a credible substantial risk of harm to individuals within the University or to the safety, health, and/or well-being of the campus community.
- Temporarily removing students from the University for a period of time.
- Invoking the Mandatory Withdrawal Policy if the University determines that the student can no longer remain as part of the University community for health, safety, or disruption reasons.

For more information on CARE TEAM policies, please see [https://www.du.edu/studentlife/studentsupport/pioneers_care/assessment-team.html](https://www.du.edu/studentlife/studentsupport/pioneers_care/assessment-team.html)
**Protests & Demonstrations Statement.** The University recognizes the right to freedom of expression and the free interchange of ideas, including the right to peaceful and orderly protests and demonstrations. The University also recognizes that protests and demonstrations should not disrupt University operations, restrict movement of members of the University Community on and around campus, and/or interfere with the safety or security of members of the University Community. Students are expected to uphold the policies contained within the Honor Code, other University Policies, as well as applicable laws, and will be held accountable for any violations, including, but not limited to University policies of Interference, Non Compliance, and Property Damage. The University values providing students the opportunity to exercise these rights and the Division of Campus Life and Inclusive Excellence desires to help students do so effectively. Students should reach out to the Director for Student Engagement for assistance in this regard.

**ADA Statement.** In accordance with the American with Disabilities Act (ADA), as amended (ADAA), Section 504 of the Rehabilitation Act, and the University’s commitment to equitable access, the University includes this statement to inform students of their right to request official accommodations through the Disability Services Program if they have a documented disability or a medical condition (e.g., mental health, emotional health, physical health). Students should contact the Disability Services Program (DSP); 303.871.2372/2278; 1999 E. Evans Ave.; 4th floor of Ruffatto Hall. Information is also available online at www.du.edu/disability/dsp; see Handbook for Students with Disabilities. DSP is the only office on campus for students to self-disclose their disability and request accommodations.

**Medical Amnesty Statement.** The University has a concern and responsibility for preserving the well-being of all members of the University Community. Because the health and safety of students are of primary importance to the University, students are expected to not only look out for their own health and safety, but also the safety of their peers. Students are expected to take immediate action when a person’s health or safety is threatened.

When a student undertakes an intentional action to seek assistance from a University Official or emergency services for themselves or others as a result of excessive alcohol consumption or drug use, the students involved will not be found responsible for an alcohol- or drug-related violation of the Honor Code, nor will an alcohol- or drug-related violation appear on their Student Conduct record. The students involved may be referred for an educational outcome or evaluation related to their health status or substance use. This referral will not constitute a violation of the Honor Code. This option may not be offered on a repeated basis, but is the University expects that students will always prioritize their own and others’ health and safety. Moreover, this commitment does not preclude legal consequences or Alleged Policy Violations for non-alcohol or drug-related Honor Code violations related to the incident.

**Responsibility for Guests Statement.** Students are responsible for the behavior and conduct of their guests and may be held accountable for their guest’s violations of the applicable Student Conduct Policies.

I. **Definitions**

For the purposes of this document, the following definitions apply:

A. **Academic Actions** are those outcomes and/or consequences that are determined by faculty members, instructors, and/or academic units in response to student academic misconduct within a course.

B. **Alleged Policy Violations** mean the Student Conduct Policies that a student is notified to allegedly have violated as a result of the incident described in a Report.

C. **Appellate Officer** is a person who has been designated to evaluate an appeal on the Appeal Criteria and then determine which available action should be taken if any Appeal Criteria is met.

D. **Business Day** refers to 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.

E. **Case(s)** refer to a **Report** in which **Alleged Policy Violations** are assigned and at least one **Respondent** is named.

F. **Case Resolution Body** refers to any person, persons, or groups authorized by the **University** to determine whether a student has violated Student Conduct Policies and to impose **Outcomes** when appropriate.

G. **Case Resolution Meeting** refers to the time during which a student will be invited to present their perspective of an incident with the designated **Case Resolution Body**. The **Case Resolution Meeting** can be conducted in-person with an administrator, through the Student Accountability Board or other **Case Resolution Body** designated in these policies. Students have the right not to attend the **Case Resolution Meeting**; however a decision will then be made without their input, and non-attendance is not grounds for appeal.

H. **Complainant** means a **Reporting Party** who may have been harmed as a result of the incident described in a **Report**. The **Student Conduct Administrator** reserves the right to determine “complaint” status. The University reserves the right to proceed with the student conduct process without the presence or cooperation of a **Complainant**.

I. **Constructive Action** means reporting any action contrary to **University Policies** to someone in a position to take action – such as a faculty member, Dean, Campus Safety officer, or administrator. Students failing to take such action may result in a violation of the **Non-Compliance** policy.

J. **Director of Student Rights & Responsibilities** is the administrator responsible for the oversight of the Student Conduct Policies and Procedures. The **Vice Chancellor for Campus Life & Inclusive Excellence** can appoint a designee to fulfill the Director’s responsibilities as needed, such as in an instance of an absence, vacancy, or a potential conflict of interest.

K. **Effective Consent**, in reference to Student Conduct Policies such as Alcohol Misuse, Drug Misuse, Hazing, Physical Misconduct and Property Damage, means an informed, mutually understandable words and/or actions that indicate a willingness to participate in and/or allow a specific activity, freely and actively given by a person with the current mental capacity to make rational decisions. A person may be without such capacity due to the influence of alcohol and/or other drugs. Consent is not effective if it results from the use of physical force, threats, intimidation, or coercion. A person always retains the right to revoke consent at any point during an activity. In order to give consent, one must be of legal age. Consent to any one activity cannot automatically imply consent to any other activity.

NOTE: **Consent**, in reference to sexual activity, is defined in the Office of Equal Opportunity & Title IX Procedures, V. Prohibited Conduct, G. Non-Consensual Sexual Contact. 2(a) Consent

L. **Federally Illegal Drugs** are set forth by the Controlled Substances Act(CSA), 21 U.S.C. 801 et seq., as amended. Under CSA, marijuana is classified as a Schedule I controlled substance; all forms of cannabis are illegal under federal law, even medical marijuana, and regardless of state drug laws. In an effort to comply with the Drug-Free Schools Act, the University prohibits the distribution, possession, use, or manufacture of marijuana in any form or paraphernalia associated with the use of **Federally Illegal Drugs** on University Premises.

M. **Outcomes** are required educational opportunities, restrictions and/or expectations for a student found responsible for violating Student Conduct Policies.

N. **Proper Written Notification** means (1) delivery via electronic mail to the student’s preferred email address in the PioneerWeb or other approved University process; or (2) delivery in person or to a student’s University or permanent mailing address. The student is responsible per University policy to have an updated preferred email account on file with the University and to check such email account regularly, and to provide a mailing address.

O. **Report** means a narrative detailing an incident in which one or more students may have violated the Student Conduct Policies.
P. **Reporting Party** is any person who has filed a *Report* against a student, either directly or through a *University Official*, such as a Campus Safety officer or a Resident Assistant.

Q. **Respondent** means any student who is alleged to have violated one or more of the Student Conduct Policies.

R. **Restorative Justice** offers a different framework for case resolution and is considered an “alternative dispute resolution” option. *Restorative Justice* moves beyond the confines of the traditional student conduct process to acknowledge the injuries sustained by Complainants/victims as well as the potential damaged relationships that result from any wrongdoing and focuses on repairing the harms created. Complainants/victims take an active role in the process, while Respondents are encouraged to take responsibility for their actions and take action to repair wrongdoings where possible. *Restorative Justice* Conferences are a Case Resolution Body option when Respondents take active responsibility for their actions, are interested in directly addressing the negative impact caused by their actions, and volunteer to participate.

S. **Students** include any persons taking or auditing classes at the *University*, matriculated in any *University* program, or on *University Premises* for any purpose related to the same.

T. **Student Conduct Administrators** are administrators and staff authorized to implement the student conduct process, and may include the professional and graduate staff within Student Rights & Responsibilities and Housing and Residential Education (HRE).

U. **Student Organization** is defined as two or more students meeting together in an organized manner with a common purpose. This definition includes, but is not limited to athletic teams, fraternities, and sororities. *Registered Student Organizations* are defined as those student-run organizations that have received *University* recognition either by Undergraduate Student Government (USG), Graduate Student Government (GSG), and/or by an official department of the *University*.

V. **University** means the University of Denver (Colorado Seminary).

W. **University Community** includes all students, *University Officials*, and other individuals involved in the normal operations of the *University*.

X. **University Events** include any activity involving students or *University Officials* and held on *University premises*. Activities involving students or *University Officials* not held on *University premises* are also considered *University Events* when such activities are connected with or sponsored by any academic course or *University Organization*.

Y. **University Official** includes any person employed by the *University* performing academic, administrative, or professional duties. When this document refers to any *University Official* by title, such reference includes their designee.

Z. **University Organization** means any group of persons who have complied with the formal requirements for *University* recognition.

AA. **University Policies** refers to any rule, regulation, or process as it relates to the expectations and functions of the institution. When used in this document, *University Policies* includes, but is not limited to, the Student Conduct Policies.

BB. **University Premises** include all land, buildings, facilities, or other property in the possession of or owned, used, or controlled by the *University*, including adjacent streets and sidewalks.

CC. **Vice Chancellor for Campus Life & Inclusive Excellence** is the administrator with oversight of the Division of Campus Life and Inclusive Excellence. As referenced in this document, the *Vice Chancellor for Campus Life & Inclusive Excellence* can empower a designee to act on their behalf in times as needed, such as in an absence or when a conflict of interest may apply.

DD. **Weapons** refer to objects designed or used to inflict injury or damage and include, but are not limited to,
knives with a blade over three inches, guns, pellet guns, paint guns, tasers, bows and arrows, machetes, ninja stars, nun chucks, explosive or incendiary devices, and swords.

III. Rights & Responsibilities

A. Respondents & Complainants. Throughout their involvement in the student conduct process, the Respondent and Complainant parties have the following rights and responsibilities:

1. Fair Treatment.
   a) The right to be treated with dignity and respect.
   b) The right to receive information regarding the student conduct process and their role within that process.
   c) The right to object to a member of a Case Resolution Body based on a demonstrable bias that would affect the member’s ability to render a fair decision.
   a) The responsibility to request reasonable arrangements and/or accommodations (i.e., for disability, language barriers, or location/proximity concerns) to allow their full participation in the student conduct process. Requests must be received by Student Rights & Responsibilities as soon as possible before the Case Resolution Meeting *Students seeking accommodations due to a documented disability must seek such accommodations through the Disability Services Program (DSP) process and procedures. DSP review of accommodation(s) requests may take up to five (5) business days.
   d) The right for all decisions in the process to be based upon a preponderance of evidence.
   e) The responsibility for students to promptly notify the Director of Student Rights & Responsibilities or the Vice Chancellor for Campus Life & Inclusive Excellence, if the student believes they have not received fair and equitable treatment.
   f) Additionally, the Respondent has the right to be considered not responsible of all Alleged Policy Violations unless found responsible by a Case Resolution Body. However, this right will not prevent the University from taking necessary interim action as specified in Section VII of this document.

2. Privacy.
   a) The right to privacy regarding their Case throughout the student conduct process with respect to all parties.
   b) The right to be free from intimidation and harassment and, upon request, to request that the University take reasonable steps to prevent unnecessary or unwanted contact with involved parties.
   c) The responsibility to notify the Director of Student Rights & Responsibilities, Associate Vice Chancellor of Campus Life & Inclusive Excellence, or the Vice Chancellor of Campus Life & Inclusive Excellence, if the student believes reasonable steps need to be taken in order to protect these rights.
   d) The right to have to information subject to The Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act (HIPAA) protected as provided by such laws.

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1 Note: These rights and responsibilities are afforded to students involved in the traditional Student Conduct Process. Alternative dispute resolution processes, such as Restorative Justice Conferences, may limit a student’s rights and responsibilities, but involvement in such processes is voluntary.
3. **Presence of a Support Person.**

   a) The right to have a one (1) support person of their choice present throughout the student conduct process. A support person can be any person chosen by the student, including a parent, family member, or an attorney. To address the University's obligations under FERPA, a party must file a Release of Information form with the University for any involved support person. This can be done online at [https://myweb.du.edu/mdb/du_bwsfrpa_P_DU_AddStuFERPA](https://myweb.du.edu/mdb/du_bwsfrpa_P_DU_AddStuFERPA) after logging into PioneerWeb/MyWeb. A party may consult with their support person, but the support person may not speak on behalf of or actively participate in any Student Conduct proceeding, which includes serving as a witness. Additionally, a support person is not allowed to attend a Case Resolution Meeting without the party they are supporting being present.

   b) The responsibility to notify their support person of the time, date, and location of any student conduct proceedings. The University will not reschedule proceedings to accommodate the schedule of a support person.

   c) The responsibility to provide Student Rights & Responsibilities notification of the name of their support person to no later than 48 hours before the scheduled start of the Case Resolution Meeting. The support person’s name will be made available to the involved parties (as applicable), and an opportunity given to voice any objections to the support person’s participation no later than 24 hours before the scheduled start of the Case Resolution Meeting. Student Rights & Responsibilities has the authority to exclude any individual from participating based on a reasonable objection. Failure to provide a support person’s name prior to the Case Resolution Meeting may be grounds to exclude that support person.

4. **Written Notice.**

   a) The right to Proper Written Notification of any Case Resolution Meeting conducted as a result of a Report the student filed, was filed on their behalf, or in which they are involved. This notice will include the following:

   - The time, date, and location of the Case Resolution Meeting;
   - The consequences and process if a student chooses not to appear at the Case Resolution Meeting;
   - A copy of the redacted Report OR the information on whom to contact for a hard-copy Report;
   - The Alleged Policy Violations being considered and the name(s) of the Reporting Party (as applicable);
   - A list of all parties to be called by the University (as applicable); and
   - The procedures for requesting a change in the time or date of the Case Resolution Meeting.

   b) The right to view any supporting documents not already provided in the written notice, such as videos and photos. Note: photos and videos will not be released. However, reasonable efforts will be made to allow parties the chance to review such materials in a monitored environment.

   c) The responsibility, per University policy, to provide the University with accurate address and other contact information so that notification is not unduly delayed.

5. **Respond to Alleged Policy Violations and Provide Testimony.**

   a) When an administrative Case Resolution Meeting is held:

   - The right to respond to the Alleged Policy Violations, which includes the right to present information directly relevant to the incident.
   - The right not to present evidence. This right should not be construed to allow the presentation of
false or misleading information.

b) When a Student Accountability Board (SAB) meeting is held, additional rights and responsibilities include:

• The right to hear all witnesses and information presented during a SAB meeting. This does not include the right to question witnesses.

• The right to present witnesses. If a party wishes to present information from a witness who is unable to participate in person, the party must provide a written statement from that individual at the time of the SAB meeting. The Student Conduct Process addresses student behavior and conduct, not student character, therefore character witnesses, statements, and reference letters are not accepted.

• The responsibility to respond to any witnesses or information when such evidence is presented at the SAB meeting before the witness has been dismissed. The party must direct any response to the SAB members and not to the witness. The SAB may not consider any rebuttal presented after the witness is dismissed.

• The responsibility to inform any witnesses the party wishes to call of the time, date, and location of the SAB meeting and to have on hand all evidence the party wishes to present at the time of the SAB meeting.

• The responsibility to provide Student Rights & Responsibilities prior notification of the names of any witness the party intends to present no later than 48 hours before the scheduled start of the SAB meeting. These names will be made available to the involved parties (as applicable), and each party will have an opportunity to raise any objections to the witness’ participation no later than 24 hours before the scheduled start of the SAB meeting. Student Rights & Responsibilities has the authority to exclude any individual from participation based on a reasonable objection. Failure to provide Student Rights & Responsibilities with the name of a witness prior to the SAB meeting may be grounds to exclude that witness.

6. Written Decision and Appeal.

   Specific to Respondents:

a) The Respondent has the right to proper Written Notification of the results of their Case Resolution Meeting. This notice will include the following:

   • The rationale for the finding;
   • The specific Student Conduct Policies the Respondent has been found responsible for violating;
   • The Outcomes imposed; and
   • The procedures for filing an appeal (as applicable).

b) The Respondent has the right to appeal the finding and Outcomes of their Case Resolution Meeting (as applicable).

c) The Respondent has the responsibility to comply with all Outcomes imposed as the result of their Case Resolution Meeting. If the Respondent appeals the finding and/or Outcomes, the Respondent must comply with all Outcomes after receiving the appeal decision.

Specific to Complainants:

a) The Complainant has the right to proper Written Notification of the results of any Case Resolution Meeting convened as a result of a Report they filed if the Complainant is a victim of an alleged crime of violence. If the victim dies because of the crime or offense, the alleged victim’s next of kin has the right to such notification. This notification will include the following – to the extent such
II.

Student Rights & Responsibilities Policies

These Student Rights & Responsibilities Policies set forth prohibited behavior and conduct for students.

1. **Academic Misconduct** includes, but is not limited to:
   
   - Plagiarism, including any representation of another’s work or ideas as one’s own in academic and educational submissions.
   
   - Cheating, including any actual or attempted use or possession of resources prohibited by the instructor(s) or those that a reasonable person would consider inappropriate under the circumstances for academic submissions, and/or any actual or attempted effort to assist another student in cheating.
   
   - Double submission, including any submission of an academic work for more than one course without expressed permission.
   
   - Fabrication, including any falsification or creation of data, research or resources to support academic submissions.

2. **Alcohol Misuse** includes, but is not limited to:
   
   - Possession and/or use of alcohol, except as expressly permitted by law or University Policies. Alcoholic beverages may not be used by or possessed by any person under the legal drinking age (i.e., 21 years of age in the US).
   
   - Manufacture and/or distribution of alcohol, except as expressly permitted by law or University Policies. Alcoholic beverages may not be distributed to any person under the legal drinking age (i.e., 21 years of age in the US).
   
   - Intoxication to the point of endangering one’s own health or safety regardless of age.
   
   - Any act which causes a person to consume alcohol without their Effective Consent.
   
   - Any possession or use on University Premises of paraphernalia used to facilitate the rapid consumption of alcohol. This includes but is not limited to beer bongs or similar items.
   
   - Any violation of these Student Rights & Responsibilities Policies while intoxicated regardless of age.

3. **Dishonesty** includes, but is not limited to:
   
   - Intentionally giving false or misleading information to a University Official, law enforcement officer, or other emergency service professional in the performance of their duties or to another member of the University Community. This includes, but is not limited to, intentionally omitting information when asked by a University Official. This also may include asking or persuading someone else to give false or misleading information and/or to omit information to another member of the University Community.
   
   - Purchase, possession, use, manufacture, or distribution of forged or falsified identification. This includes, but is not limited to, use of another person’s identification or the possession of “novelty” identification that misrepresents one’s age.
• Any forgery, misuse, misrepresentation, or unauthorized alteration of any University documents, records, or credentials. This includes, but is not limited to, the inclusion of false information on any official form or document submitted to the University or alteration of University parking passes.
• Any written or public statement about another person or group that is proven to be false or misleading that would cause distress or would cause a reasonable person to fear for their safety.

4. **Drug Misuse** includes, but is not limited to:
   • Possession and/or use of any Federally Illegal Drug, or any possession or use of any prescription drug or other controlled substance except under the direction of a licensed physician. Marijuana, including Medical Marijuana, is prohibited on University Premises in all circumstances.
   • Manufacture and/or distribution of any Federally Illegal Drug, prescription drugs, or other controlled substance is prohibited, including Cannabis in any form.
   • Being under the influence of any Federally Illegal Drug, prescription or non-prescription drug, or other controlled substance to the point of endangering one’s own health or safety regardless of age.
   • Any possession or use on University Premises of paraphernalia used to facilitate the use of any Federally Illegal Drug or other controlled substance in violation of this policy regardless of age. This includes but is not limited to marijuana pipes, bongs and scales or other measuring devices.
   • Any act which causes a person to ingest any Federally Illegal Drug, prescription drug, or other controlled substance without their Effective Consent.
   • Any violation of these Student Rights & Responsibilities Policies while under the influence of any Federally Illegal Drug, prescription drug, or other controlled substance in violation of this policy regardless of age.

5. **Endangerment** includes, but is not limited to:
   • Any act that directly or indirectly creates a substantial risk to anyone’s medical or mental health or safety (including one’s own health or safety) regardless of intent. This includes, but is not limited to, the use or abuse of any substances that results in medical evaluation or assistance.
   • Any act, display, or communication that intentionally initiates or causes to be initiated any false Report of an emergency. This includes, but is not limited to, any threat of fire, explosion, or any other emergency or the unauthorized possession, use, or alteration of any emergency or safety equipment.
   • Any possession or use of Weapons, ammunition, explosives, fireworks, or other objects designed or used to inflict injury or damage while on University Premises, even if the student possesses a valid concealed weapons permit or other lawful permission to carry a Weapon, or the reckless misuse of these items either on or off University Premises. This includes, but is not limited to, items that simulate Weapons or other dangerous objects. The possession of non-lethal self-defense instruments such as mace is not prohibited; however, the reckless use of those instruments is prohibited.
   • Intentionally or recklessly causing a fire that damages or threatens University or personal property and/or causes injury. This includes, but is not limited to, tampering or improper use of fire safety equipment.

6. **Harassment** includes, but is not limited to:
   • Bullying, including any intentional electronic, written, verbal, or physical act or a series of acts of physical, social, or emotional domination that cause physical or emotional harm to another person or group. Bullying conduct may not only cause a negative effect on individuals targeted, but also on observers of said conduct. Bullying conduct is severe, persistent, or pervasive and has the effect of substantially interfering with a community member’s education, employment, or full enjoyment of the University; creating a threatening or intimidating environment; or substantially disrupting the orderly operation of the University.
• Coercion, including any use of force, threats, manipulation, blackmail, bribery or extortion in order to persuade someone to do something.

• Intimidation, including any verbal, written, or electronic threats of violence or other threatening behavior and conduct directed toward another person or group that reasonably leads the person(s) in the group to fear for their physical or emotional well-being, or significantly impacts a person’s social engagement on campus.

• Retaliation, including any actions, or attempted actions, that impose a hardship, loss of benefit, or a penalty on any student, faculty, or staff in response to filing or responding to a Report, appearing as a witness in the investigation of a Report, or serving as a Student Conduct Administrator or as a member of a Case Resolution Body.

Any form of harassment based on race or ethnicity, color, national origin, age, religion, disability, sex, sexual orientation, gender identity, gender expression, marital status, veteran status, or genetic information, or that is in the context of intimate partner violence is a violation of the Equal Opportunity and Title IX Policies.

7. **Hazing** includes, but is not limited to:
   • Any act, even if committed with the Effective Consent of all parties, which endangers the psychological or physical health or safety of a person, or by which a person is encouraged to engage in conduct that a reasonable person would consider to be humiliating, when the act is explicitly or implicitly a condition of admission into, affiliation with, or continued membership in any group. Actively or passively encouraging these acts is also prohibited.

8. **Interference** includes, but is not limited to:
   • Any act, display, or communication that causes a disruption or an obstruction of educational, administrative, residential (including off University Premises) or other aspect of the University’s mission or operations, or intentionally interferes with the right of access to University facilities or freedom of movement of anyone on University Premises. This policy is not intended to prohibit organized, peaceful, and orderly protests.

9. **Non-Compliance** includes, but is not limited to:
   • Any failure to comply with the reasonable request of a University Official, law enforcement officer, or other emergency service professional in the performance of their duties. This includes, but is not limited to, requirements as part of the Student Conduct Process (as applicable).
   • Any failure to provide one’s Pioneer Card upon request to any University Official.
   • Any failure to abide by signs, placards, or other official postings.

10. **Physical Misconduct** includes, but is not limited to:
    • Any act causing or likely to cause, bodily harm to any person, regardless of intent.
    • Any act resulting in physical contact with another person, without their Effective Consent.

11. **Property Damage** includes, but is not limited to:
    • Any act causing or likely to cause, damage to property without the Effective Consent of the owner or person legally responsible for that property, regardless of intent. This includes, but is not limited to, vandalism of residence hall bulletin boards.
12. **Provocation** includes, but is not limited to:
   - Any act, display, or communication that may reasonably be expected to cause an immediate disruption of normal University activity by a person to whom that action is specifically directed.
   - Any act, display or communication that encourages actions that may be reasonably expected to cause harm to a person or damage to property. This includes, but is not limited to, rioting.

13. **Theft.**
   - Attempted or actual acquisition or possession of property (including intellectual property) without the consent of the owner or person legally responsible for that property. This includes, but is not limited to, the possession of property a student should reasonably know to have been stolen.
   - Any utilization of labor or services by unauthorized or deceitful methods. This includes, but is not limited to, the misuse of University parking passes.
   - Any attempted or actual acquisition of items provided without charge when that acquisition exceeds reasonable limits or restrictions imposed by the owner or person legally responsible for that materials. This includes, but is not limited to, taking excessive numbers of free newspapers.

14. **Unauthorized Entry or Access** includes but is not limited to:
   - Entry into or presence within enclosed University buildings or areas including, but not limited to, athletic facilities, construction sites, and student rooms or offices, even when unlocked, without the Effective Consent of the owner or person legally responsible for that property, regardless of intent.
   - Climbing on any University building or University-owned structure or being present on building roofs.
   - Tampering with locks to University buildings, unauthorized possession or use of University keys, and alteration or duplication of University keys.

15. **Violation of the Law.**
   - Any participation in illegal activity not otherwise addressed in these policies.
   - Any violation or conviction of any federal or state law or local ordinance or regulation.

16. **Violation of the University’s Discrimination and Harassment Policy.**
   - Any violation of the University’s Discrimination and Harassment Policy, which includes, but is not limited to, discrimination, harassment, sexual harassment, non-consensual sexual contact, sexual exploitation, domestic violence, stalking, and retaliation. For a complete overview of the prohibited conduct included in this policy, please visit [https://www.du.edu/equalopportunity/policies/index.html](https://www.du.edu/equalopportunity/policies/index.html)

17. **Violation of Other University Policies.**
   - Any act which is in violation of University Policies, whether or not published in these Student Rights & Responsibilities Policies. This includes, but is not limited to the Guide to Residence Living, Smoke-Free DU policy, parking regulations, and policies governing the appropriate use of University technology.

IV. **Steps in the student conduct process**
   A. **Reporting.** Any person may file a Report with the University. A Report is considered to have been filed when it has been presented in writing to a Student Conduct Administrator.

   Once a Report has been filed, the University may proceed with the student conduct process, even if a Reporting Party or Complainant later chooses to retract, rescind, or recant any or all of the Report or chooses not to cooperate. The University will only take action without the consent of a Complainant if, in the
Director of Student Rights & Responsibilities’ judgment, such action is necessary to protect the safety, security, or integrity of the University or any member(s) of its community. If a Respondent withdraws from the University, the student conduct process will continue.

B. **Issue Interim Actions.** The University may implement Interim Actions based on the unique circumstances of a specific incident. Please see Section VII in this document for further information.

C. **Referrals to the Office of Equal Opportunity & Title IX.** Student Rights & Responsibilities will refer Reports involving allegations of violation of the University’s Discrimination and Harassment Policy, including sexual misconduct, to the Office of Equal Opportunity & Title IX for evaluation, investigation, and findings on all allegations in the Report. If the Office of Equal Opportunity & Title IX makes a determination of responsibility, the case will be referred to an Outcomes Council. For more information, please see the Office of Equal Opportunity & Title IX Procedures https://www.du.edu/equalopportunity/procedures/index.html.

D. **Determination of Alleged Policy Violations.** Once a Report has been filed, a Student Conduct Administrator will determine if Alleged Policy Violations from the Student Conduct Policies may be applicable and one of the following will occur:
   1. No further action will be taken if the Report is not substantive. The University may resume action on any Report should further relevant information become available.
   2. The Report will be referred to a Case Resolution Body if the Report is substantive, and sufficient evidence already exists to proceed with the Student Conduct Process.

E. **Case Resolution Meeting Notification.** Once the Student Conduct Administrator has determined the Alleged Policy Violations, the Student Conduct Administrator will review the schedule(s) of those parties involved and schedule a Case Resolution Meeting with the applicable Case Resolution Body. The Student Conduct Administrator will send each party Proper Written Notification, which will include the time, date, and location for the Case Resolution Meeting along with the Alleged Policy Violations being considered and information reported about the incident as applicable to the party.

F. **Case Resolution Meeting.** The Case Resolution Meeting is an opportunity to gain the perspectives from the parties involved in the incident, evaluate the impact of the incident, and begin to explore possible alternatives to the behavior and conduct that occurred. Cases may be referred to the appropriate Case Resolution Body based on the following guidelines:
   1. Administrative Case Resolution Meeting with Housing and Residential Education (HRE) staff in Cases which:
      a) Occur within the Residence Halls/Apartments involving violations of the policies set forth in the Guide to Residential Living and basic violations of Student Conduct Policies.
   2. Administrative Case Resolution Meeting with Student Conduct staff in Cases which:
      a) Occur within the Residence Halls/Apartments and involve physical violence, legitimate threats of violence, or Weapons.
      b) Occur within the Residence Halls/Apartments and at least one of the Respondents involved is already on probation or has been previously suspended.
      c) Non-Residential incidents.
   3. Student Accountability Board (SAB) in Cases which:
      a) An active Complainant is participating;
b) There is highly disputed information between parties;

c) The Outcome is potentially dismissal.

In Cases involving a minor violation of the policies set forth in the Guide to Residential Living and/or Student Conduct Policies, a simple warning letter may be sent to the Respondent instead of scheduling a Case Resolution Meeting. However, a Case Resolution Meeting is available upon request from the Respondent.

NOTE: Student Rights & Responsibilities reserves the right to make exceptions to the above guidelines to accommodate scheduling, confidentiality, or other extenuating circumstances.

NOTE: Parties involved with the Student Conduct Process are prohibited from making audio and/or video recording of any Case Resolution Meeting or proceeding.

Following a Case Resolution Meeting, the Case Resolution Body can take one of the following actions regarding each Respondent:

1. Find the Respondent not responsible of violating University Student Conduct Policies.

2. Find the Respondent responsible of violating University Student Conduct Policies and impose appropriate Outcomes. The Case Resolution Body will only find a student responsible if a preponderance of the evidence presented supports such a finding.

3. Find the Respondent responsible of violating University Student Conduct Policies and refer the student to a Restorative Justice Conference (RJC) for Outcomes when the Case Resolution Body determines that this option is appropriate. A student will only be referred to an RJC if an agreement on responsibility can be made and the student agrees to seek alternative ways to address the impact of their actions.

4. Refer the Respondent to a new Case Resolution Meeting before a separate Case Resolution Body.

G. Decision Notice. Once the Case Resolution Body has made a decision regarding responsibility and possible outcomes, Proper Written Notification will be sent individually to parties involved. Decision Notice letters will include, as applicable to the recipient, a rationale explaining the decision, the determination of responsibility per each Alleged Policy Violation reviewed, any assigned Outcomes with details and due dates for completion, and the appeal instructions.

H. Appeal. Respondent and Complainants have the right to appeal a decision made by a Case Resolution Body based on specific appeal criteria. Student Rights & Responsibilities will only consider an appeal when the appealing party submits a completed Appeal Form, available on the Student Rights & Responsibilities website, to Student Rights & Responsibilities within five (5) business days of the date on the Decision Notice letter. The Director of Student Rights & Responsibilities has the discretion to grant a reasonable extension to this deadline if the appealing party requests such an extension within the appeal period. A reasonable extension is considered to be 2-3 additional business days. The Director of Student Rights & Responsibilities will then refer the appeal to an Appellate Officer for review.

If the Respondent submits an appeal, Outcomes assigned will be considered “on hold” pending a final decision on the appeal, unless otherwise determined or in a case in which the Respondent was previously issued an Interim Suspension.

If either or both of the Complainant or Respondent submits an Appeal Form, within five (5) business days of the date on the Decision Notice letter, the other party(ies) involved in the Case will be notified that an appeal has been received. Neither Complainants nor Respondents have the right to view the appeal information that was submitted by the other party(ies). However, the Appellate Officer may reserve the right to forward any and all portions of the appeal to the other party(ies) as needed in order to address matters raised in the appeal. In such situations, the other party(ies) will be given the opportunity to submit a
written response, which will only be considered when provided within the expressed deadline.

1. **Appeal Criteria.** The appeal must include information to support the Appeal Criteria cited in the appeal. Appeals will only be considered in the following circumstances:
   
a) The existence of procedural errors so substantial that they greatly impacted the findings, responsibility determination, and/or the ultimate Outcomes;

b) Presentation of new and significant evidence which was not reasonably available at the time of the initial Case Resolution Meeting and would likely alter the findings, responsibility determination, and/or the ultimate Outcomes; and/or

c) The Outcomes imposed are substantially disproportionate to the severity of the violation. Disagreement with the decision is not grounds for appeal.

2. **Appellate Officers.** The following persons are designated as Appellate Officers:
   
a) If the Case was heard by Housing and Residential Education (HRE), the Director of Student Rights & Responsibilities will review any appeal.

b) If the Case was heard by Student Rights & Responsibilities staff or the Student Accountability Board (SAB), the Vice Chancellor for Campus Life & Inclusive Excellence or their designee will review any appeal.

3. **Available Actions.** The Appellate Officer, will review the Appeal Form, Student Conduct Records, and any other applicable information to determine a decision on the appeal. Then, the Appellate Officer is limited to taking one of the following actions:
   
a) Deny the appeal and uphold the original decision based on not satisfying the Appeal Criteria.

b) Accept the appeal in whole or in part based on satisfying the Appeal Criteria and either:
   - send the Case back to Student Rights & Responsibilities for a new Case Resolution Meeting; or
   - dismiss the Case.

The Appellate Officer may not replace the judgment of the original Case Resolution Body; the appellate process exists solely to review the procedures used in the Student Conduct Proceedings.

The Appellate Officer will transmit a final decision on the appeal within five (5) business days after receipt of the appeal. If there are extenuating circumstances, all parties involved will be notified that an extension beyond five (5) business days is necessary in making a decision on the appeal.

**H. Campus Notification and Refunds.** The case resolution process is considered completed when either no appeal is received by the student within five (5) business days or an appeal is denied, rendering the decision by the Case Resolution Body as final. At this time, Student Rights & Responsibilities may notify campus entities of the decision as necessary in order to move forward with processes impacted by the Outcomes. For example, in Cases resulting in suspension or dismissal, Student Rights & Responsibilities will notify the offices impacted financially to update their records. Financial Aid Eligibility is based on the effective withdrawal date. The effective withdrawal date is the first date of notification to the Office of the Registrar or other designated offices that the student is no longer enrolled (see [http://www.du.edu/financialaid/undergraduate/policies/withdrawal.html](http://www.du.edu/financialaid/undergraduate/policies/withdrawal.html) for more information). Campus housing and food expense will be reimbursed at a pro-rated amount based on the date of the Outcome becomes final. Tuition will be reimbursed according to the posted Tuition Refund Calendar (see [http://www.du.edu/registrar/calendar/tuitionrefunddates.html](http://www.du.edu/registrar/calendar/tuitionrefunddates.html) based on the incident date. Other fees (i.e., parking permit, Greek membership, health insurance, student activities, etc.) may be refunded at the discretion of
the applicable office.

V. Case Resolution Bodies

When Student Rights & Responsibilities determines that a possible policy violation has occurred, the case is referred to one of the following Case Resolution Bodies for responsibility and/or outcome determination.

A. Student Accountability Board. The Student Accountability Board (SAB) is empowered to conduct Case Resolution Meetings involving student Respondents and issue all forms of Outcomes, up to and including dismissal from the University.

1. Authority. The SAB has the authority to determine if a Respondent is responsible for a violation of the Student Conduct Policies and to assign Outcomes as appropriate.

2. Composition. The SAB will be composed of three (3) eligible University Community members, selected from a pool of eligible SAB members, plus a Chairperson. The Chairperson will be the Director of Student Rights & Responsibilities or their designee. The role of the chairperson is to facilitate the SAB and to advise the SAB regarding the proper procedures to follow. Specific guidelines for who will serve are as follows:

   a) If the Respondent is an undergraduate student, at least one (1) member of the SAB will be an undergraduate student. If the Respondent is a graduate student, at least one (1) member of the SAB will be a graduate student.

   b) If possible, at least one (1) member of the SAB should be a University faculty member.

   c) If possible, at least one (1) member of the SAB should be a University staff member.

   d) If the Case involves an alleged violation of Academic Misconduct, at least one (1) member of the SAB must be a University faculty member.

   The SAB may conduct a meeting with only two (2) members, provided that no participating party objects.

3. Eligibility. In order to be eligible to serve on the SAB, individuals must meet the following requirements:

   a) Students must be registered as a full-time student in good standing after completing at least one (1) term of coursework at the University.

   b) Faculty must have been currently employed by the University and taught courses at the University for a minimum of one (1) academic term. Faculty must also have taught at least one (1) course within the most recent two (2) academic terms

   c) Staff must be currently employed part- or full-time, and must have been employed full- or part-time by the University for at least one (1) complete academic term.

   Student Rights & Responsibilities is responsible for recruiting, selecting, and training members of the SAB. Members of the SAB are expected to excuse themselves from a particular SAB meeting if there is the potential for their objectivity to be compromised.

4. SAB Procedures.

   a) The Chairperson calls the SAB to order.

   b) The Chairperson states the conditions of the SAB Meeting, including:

   - The SAB Meeting will be audio-recorded. This recording will be kept for a period of no less than seven (7) years from the date of the Respondent’s most recent case.

   - The SAB Meeting will be closed, with participation limited to the Respondent, the Complainant,
and any support persons and any witnesses.

- All statements will be restricted to matters relevant to the Case.
- Any person disrupting, interfering with or failing to abide by the rulings of the Chairperson may be removed from the SAB Meeting.
- Support persons, if present, are restricted to consulting with the party they are there to support. Support persons may not address witnesses or the SAB unless invited to do so by the Chairperson.
- Deliberations will be limited to the SAB and will not be audio-recorded.
- The SAB Meeting and the result of the SAB Meeting are considered part of the Respondent’s educational record, and are protected by FERPA.

c) The Chairperson asks the Complainant* and the Respondent if there are any objections to proceeding with the SAB Meeting at this time. The Chairperson is responsible for deciding if such objections are reasonable and what measures should be taken to address them.

d) The Chairperson presents the Report to the SAB and states the Alleged Policy Violations.

e) The Chairperson asks the Respondent to respond to the Alleged Policy Violations with a statement of either “Responsible” or “Not Responsible.”

f) The Complainant* makes an opening statement.

g) The Respondent makes an opening statement.

h) The Complainant* presents evidence and/or calls witnesses. The SAB has the option of questioning the Complainant* and witnesses.

i) The Respondent presents evidence and/or calls witnesses. The SAB has the option of questioning the Respondent and witnesses.

j) The Complainant* presents a closing statement.

k) The Respondent presents a closing statement.

l) The Chairperson concludes the SAB Meeting.

m) The SAB enters closed deliberations. A unanimous decision among the three (3) members is desirable for determining responsibility; however, a majority vote is acceptable if, in the Chairperson’s opinion, unanimity is not reasonably achievable.

n) If the SAB determines the student to be responsible for violation of the Student Conduct Policies, a unanimous decision among the three (3) voting members is desirable for determining Outcomes; however, a majority vote is acceptable if, in the Chairperson’s opinion, unanimity is not reasonably achievable.

*If a Complainant has been designated and chooses to attend the SAB Meeting.

Note: The Chairperson has the discretion to vary the specific order of the components listed above, so long as each of the components is included. Additionally, there may be multiple Complainants and Respondents involved in a SAB at one time. All Complainants will speak first, followed by all Respondents.

B. Director of Student Rights & Responsibilities. The Director of Student Rights & Responsibilities, or their designee, has the authority to impose Outcomes up to, and including, suspension.

C. Student Rights & Responsibilities Staff. Student Rights & Responsibilities staff members may be empowered by the Director of Student Rights & Responsibilities to impose Outcomes up to, and including, deferred suspension.
D. **Housing and Residential Education (HRE) Staff.** HRE staff may be empowered by the Director of Student Rights & Responsibilities to conduct Case Resolution Meetings for Cases that originate in the residence halls and are not assigned to a different Case Resolution Body. Generally, HRE staff may hear Cases involving alleged violations of policies set forth in the Guide to Residential Living and alleged violations of Student Conduct Policies. HRE staff members have the authority to assign Outcomes up to, and including, probation.

E. **Faculty.** The authority of faculty members to make decisions on Academic Actions in response to allegations of Academic Misconduct violations is inherent to their role at the University. Academic Actions may include, but are not limited to:
1. Failure of an assignment.
2. Failure of a course.
3. Termination from a program of study.

When Academic Misconduct violations are suspected, the faculty member involved should discuss these suspicions with the student, and then the faculty member should make a decision regarding Academic Actions. Academic Actions are not subject to the appellate process outlined in this document, but are instead governed by the applicable process for undergraduate grade appeals or graduate student appeal for academic grievances. [https://www.du.edu/registrar/regfaq.html](https://www.du.edu/registrar/regfaq.html)

If a faculty member finds a student responsible for Academic Misconduct, the faculty member should report their findings, and the Academic Action taken (if any), to Student Rights & Responsibilities by completing an Academic Misconduct Incident Report found on the Student Rights & Responsibilities website. Student Rights & Responsibilities staff will then determine what Student Conduct action may be appropriate, taking into consideration the nature of the alleged violation, the student’s previous Student Conduct record relating to Academic Misconduct violations, and the recommendations of the faculty member or academic unit.

F. **Restorative Justice Conference.** A Restorative Justice Conference (RJC) is empowered to conduct case resolution for those Cases involving student Respondent(s). An RJC is an alternative dispute resolution process and will only be considered when the student Respondent(s) have taken responsibility for violating the applicable Student Conduct Policies and have an interest in repairing the harm done by their actions.

Members of the greater University Community will serve on an RJC, including faculty, staff, students, alumni, neighbors and impacted parties. RJC use a collaborative process to create an “Outcomes Agreement” and can impose a variety of Outcomes focused on reconciliation, resolution, and/or the betterment of the overall community. If the members of an RJC successfully creates an Outcomes Agreement, the Respondent(s) cannot appeal the Outcomes. If the members of an RJC cannot come to an agreement about Outcomes, the RJC is considered unsuccessful, and the Case will be sent back to the student conduct process for traditional case resolution.

As noted previously in this document, the typical rights and responsibilities provided to students in the traditional Student Conduct Process may not be applicable in an RJC. Additionally, Restorative Justice Conferences are not used in cases involving alleged violations of Equal Opportunity and Title IX policies.
VI. Outcomes

A. Rationale. Outcomes are intended to be educational rather than punitive wherever possible. Outcomes are based on each student’s individual circumstances and balance the needs of the Respondent as well as the needs of the University Community.

Outcomes for violations of Student Conduct Policies will be determined utilizing six (6) main criteria:

1. The circumstances and severity of the violation including behavior and conduct that targets a person’s perceived or actual identity including race, color, national origin, age, religion, disability, sex, sexuality, gender identity, gender expression, marital status, or veteran status will have an impact on the student’s outcome.
2. A student’s previous Student Conduct record
3. The intent of the student
4. The impact of the situation
5. The level of demonstrated understanding
6. The influence of alcohol or other drugs

Outcomes are assigned for the entirety of an incident, not for each violation. All Outcomes will include a “Status” Outcome and at least one appropriate “Educational” Outcome.

B. Status Outcomes are those that define the student’s standing at the University. These include the following:

1. Warning. A warning is given to notify a student that their behavior and conduct has been inconsistent with the expectations of the University. A warning has no immediate effect upon a student’s status at the University. However, once given a warning, students should expect different Outcomes to result from any subsequent violations of the Student Conduct Policies.

2. Student Conduct Probation. Probation serves to notify a student that they must avoid any further violations for a specified period of time in order to remain a student at the University. Students on probation are not in good standing with the University; as a result, a student may be prohibited from participating in certain co-curricular activities while on probation. Any further violations of the Student Conduct Policies while on probation may result in a student’s suspension or dismissal from the University.

3. Deferred Suspension. Deferred Suspension serves to notify a student that they must avoid any further violations of the Student Conduct Policies for a specific period of time in order to remain a student at the University because their behavior and conduct has not met the standards expected by students. Unlike Student Conduct Probation, when a student on Deferred Suspension is alleged to be involved with any subsequent violations of the Student Conduct Policies, they will be issued an Interim Suspension until the University can determine their responsibility in the subsequent incident. Students on Deferred Suspension are not in good standing with the University; as a result, a student may be prohibited from participating in certain co-curricular activities. If the student is found responsible for any further violations of the Student Conduct Policies while on Deferred Suspension, the student will likely be dismissed from the University.

4. Suspension. A student who has been suspended from the University may not participate in any University activities, academic or otherwise, for a specific period of time, and will be restricted from all University Premises and activities. A suspended student who wishes to re-enroll must apply for readmission to the University and must also apply to the Director of Student Rights & Responsibilities. The Director of Student Rights & Responsibilities will determine whether any and all requirements for readmission have been satisfactorily completed. The University does not accept courses that the student may have completed at another institution while suspended.
5. **Dismissal.** A student who has been dismissed from the *University* is permanently prohibited from participating in any *University* activities, academic or otherwise, and will be permanently restricted from all *University Premises* and activities.

C. **Educational Outcomes** are assigned in order to facilitate the learning process. These *Outcomes* are intended to encourage a student to reflect on the impact of the decisions they have made and help students develop the skills necessary to be successful at the *University*. Types of *Educational Outcomes* include, but are not limited to:

1. **Written Assignments.** A student is required to write a reflection paper, maintain a journal, write a review of a policy, etc.
2. **Worksheets.** A student is required to answer a series of questions designed to help them evaluate the decisions that led to the violation and avoid making similar decisions in the future.
3. **Programs & Activities.** A student is required to complete community service hours, attend a program, design a poster board, etc.
4. **Interventions.** The student is required to undergo a counseling assessment, complete a drug and/or alcohol evaluation, or attend a workshop, etc.
5. **Restrictions.** The student is restricted from contacting one or more individuals, hosting guests on campus, using the *University* computer network, etc.
6. **Referrals.** The student is referred to another process, such as mediation or counseling, to resolve some of the issues resulting from the violation.

Failure to complete any *Educational Outcomes* by the specified deadline will result in a hold being placed on a student’s registration account with the *University*, and may result in further disciplinary action.

**VII. Interim Actions**

A. **Rationale.** All students have the right to continue their education free from the threat of harassment, abuse, retribution, or violence. The *University* may take whatever measures it deems necessary in order to protect the safety, security, or integrity of a *Complainant*, the *University*, or any member of the *University Community*. Such measures include, but are not limited to, involuntary removal from a course, program, activity, or *University Premises* pending case resolution, modifications to living arrangements, and reporting incidents to law enforcement or other non-*University* agencies. The Vice Chancellor for Campus Life & Inclusive Excellence or their designee, in consultation with the appropriate faculty and/or administrators, is empowered to impose any interim action.

The *University* also recognizes its obligation to students who have been accused of misconduct but have not yet gone through the student conduct process. Therefore, interim action should not unduly interfere with a *Respondent’s* academic progress except as deemed necessary to protect the *University*, any member of the *University Community*, or the *University’s* mission.

The *University* may impose interim actions while it undertakes any review or until a final decision is made through a student conduct process. Any interim action upheld through a formal case resolution process will become a formal *Outcome*, which is appealable through the Appeals Process. Should no formal case resolution process occur following the issuance of an interim action, the *University* will make a determination on the continuance of the interim action and notify the parties involved. No Contact Orders and Location Restriction Orders expire upon graduation of the student upon which the order is issued, unless otherwise stated in formal correspondence to parties involved.

For more information regarding additional interim measures, please see the Office of Equal Opportunity &
B. Interim Suspension.

The Vice Chancellor for Campus Life & Inclusive Excellence or their designee may suspend a student for an interim period prior to case resolution. An interim suspension will be effective immediately, without prior notice, whenever the Vice Chancellor for Campus Life & Inclusive Excellence or their designee determines that the continued presence of the student on the University Premises poses a substantial threat to any member of the University Community or the stability and continuance of normal University functions. During an interim suspension, the student may be denied access to University Premises and all University activities or privileges for which the student might otherwise be eligible, as the Vice Chancellor for Campus Life & Inclusive Excellence or their designee may determine to be appropriate. Whenever an interim suspension is imposed, case resolution will be completed as promptly as possible. The interim suspension may remain in effect until a final decision has been reached, including any appropriate appellate process.

C. Removal for Disruptive Classroom Behavior.

In case of emergency, please call 911, then 303.871.3000.

Individual instructors have the right to determine whether specific student classroom behavior and conduct is disruptive. In extenuating circumstances, instructors may require a student to leave an individual class meeting for disruptive behavior and conduct; however, instructors are not authorized to remove a student from the course without following the procedure set forth in this document. Should such removal be deemed necessary, instructors must follow the procedure outlined below as soon as possible.

To begin the process, all faculty members must file a Pioneers Care Report:

The Department of Campus Safety will evaluate all concerns regarding community safety. All other concerns will be directed through the Disruptive Classroom Behavior procedure. Upon receiving the Pioneers Care report, a representative from both Campus Life & Inclusive Excellence and the Office of the Provost will determine whether to proceed through the Student Conduct Process, through the Disruptive Classroom Behavior procedure, or jointly through both. If appropriate, the Office of Equal Opportunity & Title IX may be involved.

Additionally, student members of a class may approach the instructor to discuss behavior and conduct of other classmates that they consider disruptive. The instructor may file a Pioneers Care Report on the behalf of the student or the student may file a report independently.

Disruptive Classroom Behavior

If the student’s presence in the class represents a significant impediment to the educational process, that student may be officially withdrawn from the class. The withdrawal procedure will be followed if attempts at informal resolution between the instructor and the student have failed or are not possible.

1. The instructor, student, and the appropriate dean or dean’s designee will meet to attempt to resolve the concern. This meeting should be scheduled as soon as possible after the faculty member files the report and ideally before the next class session. Another faculty or staff member (including Student Rights & Responsibilities, dean’s office staff, or Campus Safety staff) may be asked to attend this meeting. The student may bring a support person to this meeting. The student must notify the Office of Student Rights & Responsibilities of identity of the support person prior to them attending the meeting. The support person
may not speak on behalf of or actively participate in this meeting. This meeting will not be rescheduled to accommodate a support person. This meeting should take place within two (2) business days of the report. Unless there are specific circumstances warranted by a concern for safety, this step is preferred. The instructor need not lead the meeting but should be present at this initial meeting with the student.

2. If the student fails to attend the meeting, the instructor may proceed with a request to the relevant dean’s office for an involuntary removal of the student from the class.

3. As soon as possible, and no later than five (5) business days from the initial meeting, the dean or dean’s designee will determine whether or not to move forward with removing the student from the class. The student is not permitted to return to class during this review. The dean or dean’s designee shall communicate the decision to the student. The instructor shall provide the student with materials, assignments, and other course information the instructor deems essential to assist the student with remaining current in the course.

4. If the dean or dean’s designee determines that the request to remove the student from the class is warranted, the student will be provided the opportunity to drop the class voluntarily. If the student does not drop the class voluntarily, the student will be dropped from the class by the Office of the Registrar.

5. If it is determined that removal is not warranted, the student shall be allowed to return to the class immediately. The student may be required to sign a Behavioral Contract, which will be kept on file with Student Rights & Responsibilities. This contract will outline the appropriate and inappropriate conduct and expectations for conduct for the remainder of the class as well as the consequences for violating the contract.

6. The student may appeal the decision to the Office of the Provost and Executive Vice Chancellor. This appeal must be submitted in writing no later than five (5) business days from the date of the dean’s (or designee’s) decision. Appeals will only be considered by the Provost or Provost’s designee in the following circumstances:

   a. The existence of procedural errors so substantial that they greatly impacted the findings, responsibility determination, and/or the ultimate outcomes;

   b. Presentation of new and significant evidence which was not reasonably available at the time of the initial meeting and would likely alter the findings, responsibility determination, and/or the ultimate outcomes; and/or

   c. The outcomes imposed are substantially disproportionate to the severity of the violation.

   Disagreement with the decision is not grounds for appeal.

During the appeal process, the student is not permitted to attend class sessions or activities. The instructor shall provide the student with materials, assignments, and other course information the instructor deems essential to assist the student with remaining current in the course.

The appeal will be considered, and a decision rendered to the student, no later than five (5) business days from the date of receipt of the appeal by the Provost or Provost’s designee. This decision is final.

VIII. Student Conduct Records

A. Maintaining Records. The Office of Student Rights & Responsibilities will be responsible for maintaining all official University records related to Student Conduct. A Student Conduct record will include copies of all Cases in which a student is found responsible for violating at least one Student Conduct Policy, as well as copies of all correspondence and other documentation related to the Case.

The policies regarding the retention of Student Conduct records are as follows:

1. The University will maintain Student Conduct files for a period of no less than seven (7) years following the most recent finding of violation, as determined by the rules governing reporting under the Clery Act.

2. The University will maintain Student Conduct files of students who have been dismissed from the University indefinitely.

3. The University will retain, as necessary, appropriate statistical information related to Student Conduct Policy violations in order to comply with legislative reporting requirements.
B. **Release of Records:** Numerous members of the University faculty and staff receive requests from students or former students to complete forms that include a request for information about Student Conduct records at the University. These forms typically serve the following purposes: Undergraduate transfer to another institution; Graduate/professional/law school admission; Admission to the Bar (by state); Security clearances for employment (typically federal), etc. Access and release of records of Student Conduct proceedings are governed by applicable FERPA and other privacy laws. Unless required by law, Student Conduct records will not be released without the expressed permission from the student.

When a student requests and authorizes the release of information through the online “Institutional Action Letter Request Form”, the University will provide a brief statement with an overview of the student’s conduct history. The information released will include the findings, rationale, outcomes, and will indicate whether or not a student is in good conduct standing. Specific documents, including pictures and videos, are not released to any entity unless required by law. Per University policy, students may review their Student Conduct Record in person by making an appointment with the Office of the Registrar or, for a summary, they can complete the online request noted above.

Records for alternative resolution processes, such as Medical Amnesty, are considered internal records for University purposes and will not be released through the Release of Records process as outlined above.

C. **Parental Notification Policy.** The University considers Student Conduct records to be part of a student’s educational record. Accordingly, the University complies with all applicable legislation, including but not limited to the Family Educational Rights and Privacy Act (FERPA). Further, the University’s primary relationship is with its students, and not with their parents or guardians.

However, the University recognizes that parents or guardians maintain an interest in their students’ behavior and conduct while at college, and that parents or guardians can play a positive role in preventing further misconduct. Therefore, the University may notify the parents or guardians of any student under the age of twenty-one (21) whose current enrollment ends due to suspension or dismissal. The University also reserves the right to notify the parents or guardians of any dependent student under the age of twenty-one (21) who has been found responsible for violating any drug or alcohol policies. The Director of Student Rights & Responsibilities has the discretion to defer notification.

This notification is intended as a means to encourage communication between students and their parents or guardians to provide the greatest level of support for the student. Regardless of whether notification has occurred, the University’s priority and obligation is to correspond and otherwise conduct business directly with students, and not through parents, guardians, or any other third party.

D. **Public Notification Policy.** The University recognizes the shared interest of the greater community in the resolution of Student Conduct Cases. Student Rights & Responsibilities will update their website on an annual basis with statistics on the student conduct process. These statistics may include the number of students found responsible for violating each of the Student Conduct Policies, as well as a summary of the outcomes assigned in the student conduct process.

IX. **Student Organizations**

A. **Authority.** The policies and procedures governing Student Organizations at the University are applicable to all Student Organizations. The Office of Student Rights & Responsibilities maintains the authority to investigate and adjudicate any violation of University Policies as they relate to Student Organizations, including, but not limited to violations of policies contained in the Honor Code, the Student Organization Handbook, or any other applicable University Policies. The Director of Student Rights & Responsibilities
can delegate responsibility for investigation or adjudication of alleged policy violations at their discretion.

B. **Jurisdiction.** The *University* will address any allegation that a *Student Organization* may have violated *University Policies*, including the Honor Code and Student Conduct Policies and Procedures, the Student Organization Handbook, the *University of Denver Alcohol Policy*, or national organization policies, as applicable. The *University* may address both individual behavior and conduct through the Student Conduct Process, as well as organizational behavior and conduct as appropriate. The investigation of individuals does not absolve the *Student Organization* of responsibility, nor does the process to address organizational responsibility absolve individuals of their responsibility under the Honor Code.

C. **Process.** Conduct action taken against *Student Organizations* is an extension of the *University’s* student conduct process. Student Rights & Responsibilities, in consultation with relevant campus partners including, but not limited to, Athletics, Student Engagement, Campus Life & Inclusive Excellence staff, etc., shall take whatever action deemed necessary to respond to complaints involving *Student Organizations* and/or to prevent future violations. In instances where is the *University* determines that the safety and welfare of a student or students is immediately at risk, *Student Organizations* can face interim suspension until such time that an investigation and/or a *Case Resolution Meeting* can occur.

Conduct action taken against *Student Organizations* shall be separate from action taken against individual members. Individual students involved in the Student Conduct Process for a *Student Organization* may be subject to the individual student conduct process according to their involvement in a *Case*. All *Student Organization* Conduct records will be maintained with Student Rights & Responsibilities for a minimum of seven (7) years following the most recent finding of violation.

*For more information regarding the policies and procedures related to Student Organizations, please see the Office of Student Rights & Responsibilities website: [http://www.du.edu/studentlife/studentconduct/](http://www.du.edu/studentlife/studentconduct/).*