



Equal Opportunity & Title IX

2019-2020 ANNUAL REPORT



UNIVERSITY *of*
DENVER

EQUAL OPPORTUNITY & TITLE IX

OFFICE OF EQUAL OPPORTUNITY & TITLE IX

The University provides equal opportunity in employment, educational activities and other programs to all employees, students and applicants. The Office of Equal Opportunity & Title IX (“EOIX”) collaborates with the University community to stop, prevent and remedy discrimination, harassment and gender-based violence. In addition, the Office administers and develops the Affirmative Action Plan and provides reasonable accommodations to employees for disability, religion or creed.

The Office of Equal Opportunity & Title IX provides prompt and equitable resolution of reports of prohibited conduct, such as discrimination, harassment and gender-based violence. The EOIX office conducts inquiries, manages neutral investigations, administers hearings in Title IX formal complaints, promotes accountability for violations of policies and procedures, and recommends other remedies designed to eliminate discrimination, harassment and gender-based violence, prevent its recurrence, and addresses its effects.

INTERIM EXECUTIVE DIRECTOR’S MESSAGE

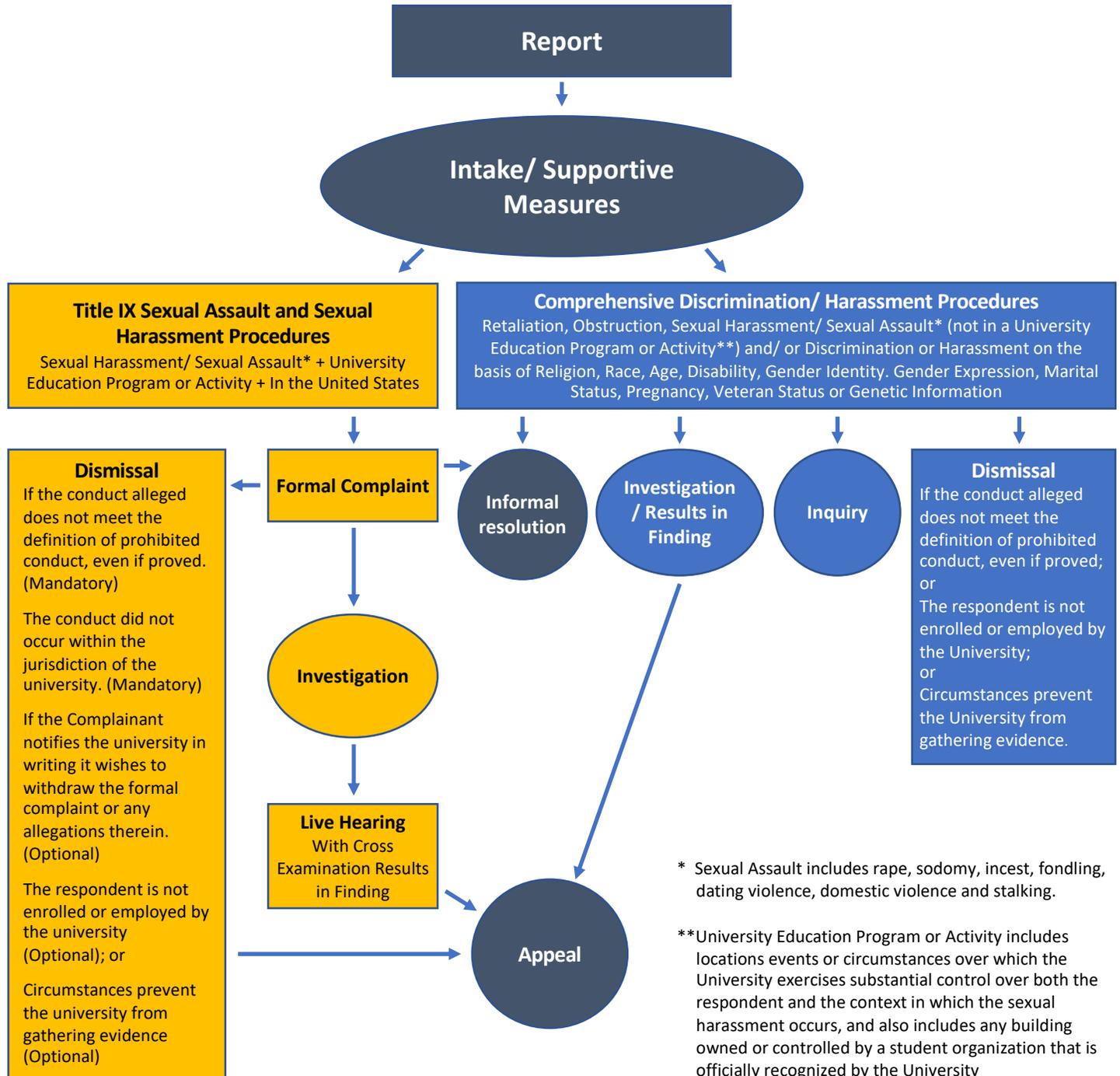
The 2019-2020 academic year saw many changes in the Office of Equal Opportunity & Title IX. Following powerful feedback from the community, increased awareness, growing caseload and changes to the regulations related to sexual assault, Chancellor Haefner restructured the Office to combine the functions of Equal Opportunity and Title IX. The Office now reports directly to the Office of the Chancellor. On January 4, 2021, Emily Babb will join the Office as the associate vice chancellor of equal opportunity & Title IX coordinator. Emily will lead the Office which includes a new deputy Title IX coordinator, an associate director of equal opportunity/ ADA coordinator and two full-time staff investigators.

On May 6, 2020, the U.S. Department of Education issued final Title IX regulations that created new legally binding requirements that impacts the way DU and all universities manage and adjudicate cases of sexual assault. The University began preparing for the release of the new regulations during the 2019-2020 academic year. Over one summer that included townhalls, work with internal and external counsel and collaborative work with a cross-functional drafting committee, the University published new Procedures effective on August 14, 2020.

Like many functions, the COVID-19 pandemic and social justice protests changed how we do our work and the type of complaints the Office has received. However, as you will see in this report, the need for the services of the Office remain strong. The Office and University is conscious that the work of equal opportunity is the work of all faculty, staff and students and goes beyond investigations. Accordingly, the University has asked all employees to invest their time in training to manage bias, honor diversity and inclusion, and prevent harassment.

NEW PROCEDURES

Due to the new Title IX regulations, which were announced on May 6, 2020 and required to be implemented by the University on August 14, 2020, the University now has two sets of procedures: (1) Comprehensive Discrimination Harassment Procedures and (2) Title IX Sexual Harassment Procedures. An overview of the process and the differences between the procedures follows:



PROGRESS

In the winter quarter of 2020, Chancellor Haefner listened to the concerns about DU's campus climate related to gender-based violence, and in partnership with students, gender-based violence advocates, student affairs staff and the EOIX office directors, developed an [action plan](#) to address these climate concerns. DU has embraced and invested in the action plan to improve the campus climate to create positive, proactive changes for our DU students. Highlighted below are key actions the EOIX office has taken in 2020 to improve how the university responds to allegations of gender-based violence and sexual assault:

- ▶ DU developed and updated policies and procedures in response to the new Title IX regulations: The Title IX Sexual Harassment Procedures, The Comprehensive Discrimination and Harassment Procedures, and the Ricks Center for Gifted Children Interim Title IX Sexual Harassment Policy.
- ▶ Developed a variety of written and online resources including:
 - New [Sexual Assault website](#) that provides clarity on how survivors can access support anonymously and confidentially.
 - A user-friendly one page handout identifying reporting options and seeking confidential and non-confidential resources on and off campus including advocacy, law enforcement, mental health and medical services.
 - EOIX Procedures Overview Graphic (see page 2 above) of the scope and steps included for each procedure.
- ▶ The EOIX team participated in over 14 hours of training throughout summer 2020. These trainings focused on the requirements of the new Title IX regulations, trauma informed interview techniques, DU's new Title IX procedures, and Colorado law. Additionally, appellate officers and others engaged in outcome and disciplinary matters participated in eight hours of training regarding the new Title IX regulations. DU's investigators have also attended several investigation seminars during the fall term 2020.
- ▶ The student campus climate survey for the 2020-2021 academic year will be sent to the campus community before the end of the fall quarter.
- ▶ Three mandatory online training modules were released for faculty, staff, and administrators: Diversity: Inclusion in the Modern Workplace; Preventing Harassment & Discrimination; and Managing Bias.
- ▶ The Healthy Masculinity Working Group has met regularly since its establishment in June 2020. The co-chairs of the working group are Todd Adams, vice chancellor for the Division of Student Affairs & Inclusive Excellence, Molly Hooker, deputy Title IX coordinator, and Dr. Amie Levesque, teaching assistant professor in the Department of Sociology and Criminology.

“I am determined and fully committed—as are senior leaders across campus—to making changes so that we can better support survivors and create a healthier, safer and more positive culture for all students.” - **Jeremy Haefner, Chancellor**

THE STATISTICS

The EOIX office received 227 reports of allegations of discrimination, harassment and gender-based violence during the 2019-2020 academic year. As shown in Figure 1, the majority of the allegations are sex or gender-based. Claims based on race/color discrimination saw an increase in reports for the 2019-2020 as indicated in Figure 2.

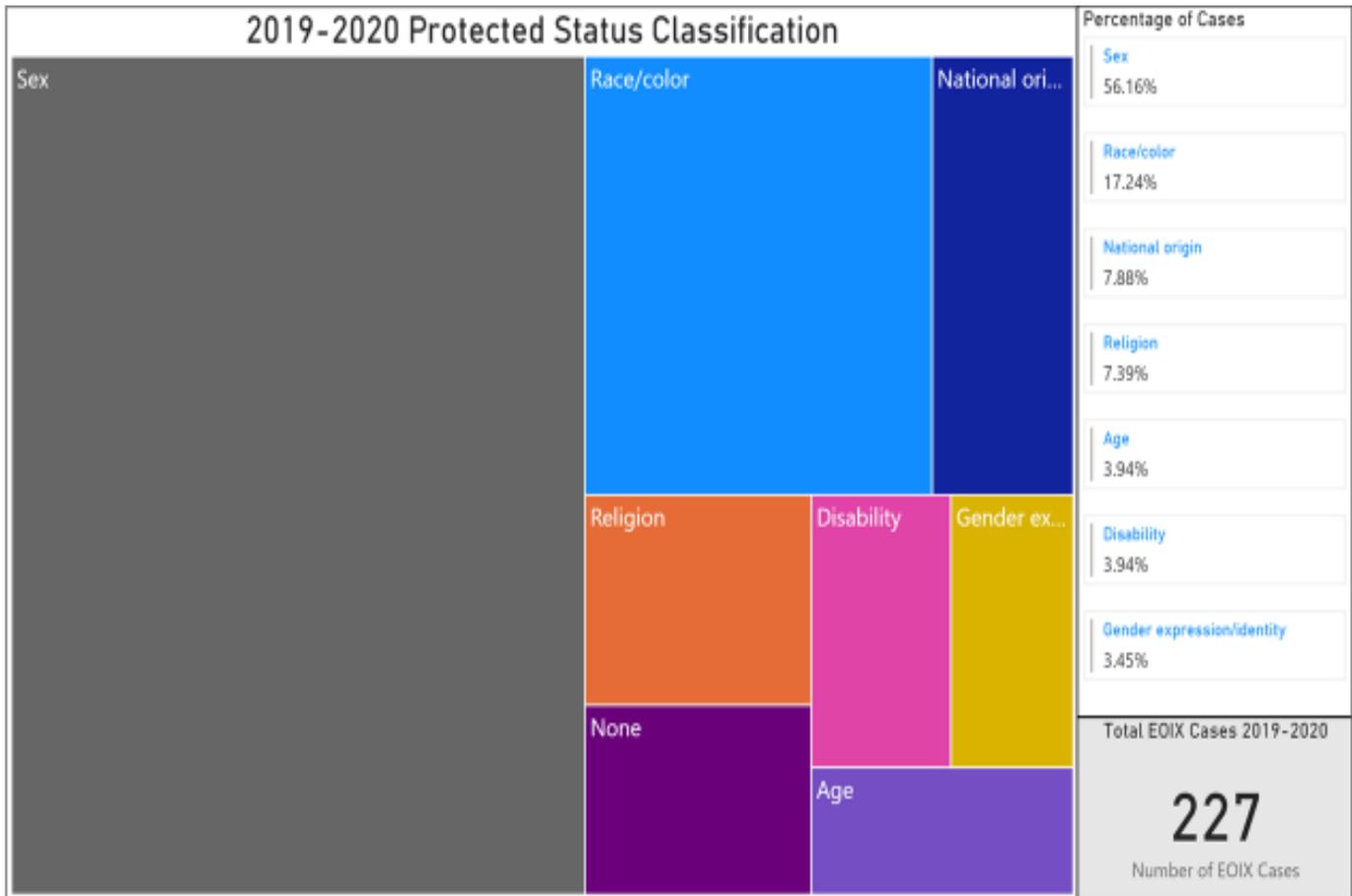


Figure 1

ADA Coordinator Statistics 2019-2020

82

Presentations with Close Captioning

34

ADA Accommodation Requests

The role of ADA coordinator transitioned into the EOIX office early in 2020, likely accounting for a decrease in allegations based on disability (in Figure 2 below) as the request are now counted in the ADA accommodations. The ADA coordinator also implemented closed captioning for the online presentations required by the COVID-19 pandemic.

Equal Opportunity & Title IX Three-Year Trend of Protected Classes



	Race/Color	Age	Disability	Religion	Veteran	National Origin	Sex
2017-2018	37	13	18	11	2	12	202
2018-2019	34	4	31	7	2	22	144
2019-2020	44	9	12	18	0	24	138

■ 2017-2018
 ■ 2018-2019
 ■ 2019-2020

Figure 2

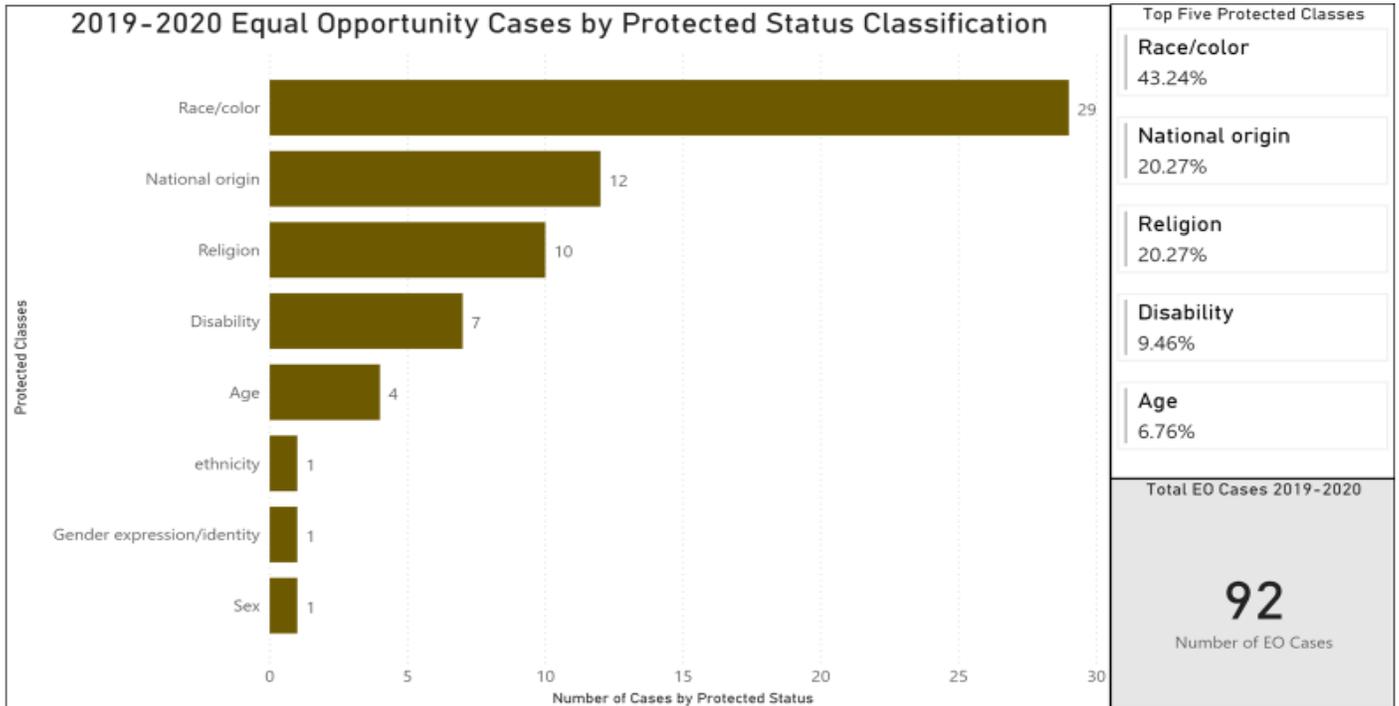


Figure 3

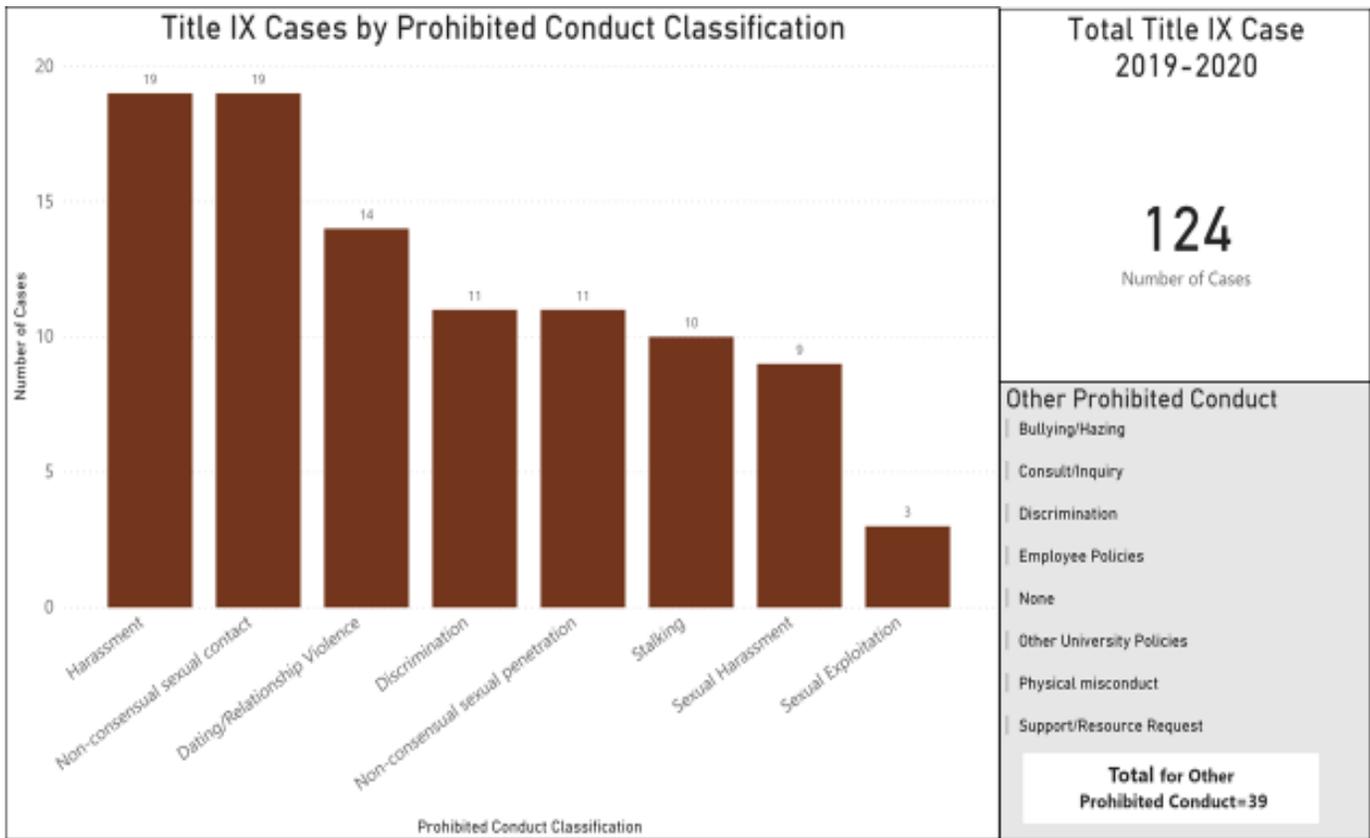


Figure 4

The EOIX office responds to complaints of harassment, discrimination and gender-based violence from all members of the University community, including faculty staff and students. Identified in Figures 5 and 6 are the affiliations of both complainants (those alleged to have experienced prohibited conduct) and respondents (those alleged to have committed prohibited conduct).

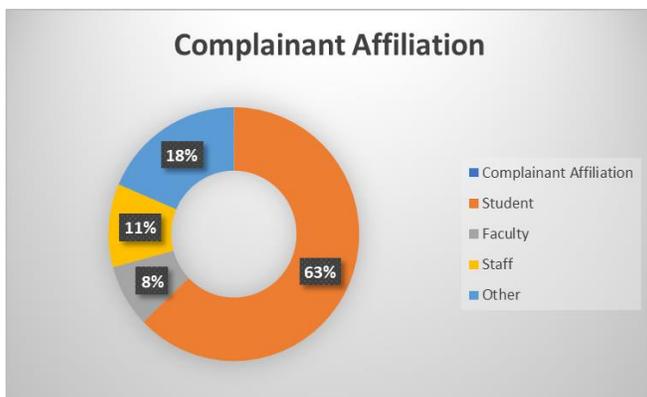


Figure 5

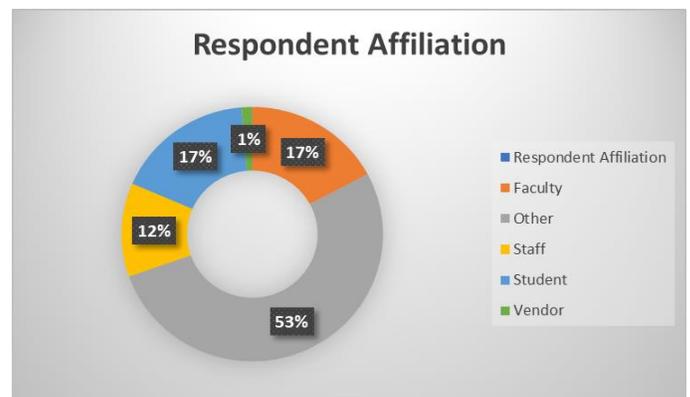


Figure 6

53% of respondents are not affiliated with the University, unknown or not identified by complainants, which generally means the University cannot pursue an investigation or inquiry.

However in all cases, complainants are offered supportive measures so that they can continue to access their employment or education. Such supportive measures include counseling, academic accommodations, changes in housing, referrals to advisors and law enforcement and no contact orders. Respondents receive similar

supportive measures. When possible, the University seeks to honor a complainant's wishes on how to resolve a matter. Figure 7 identifies how EOIX matters were resolved in the 2019-2020 academic year.

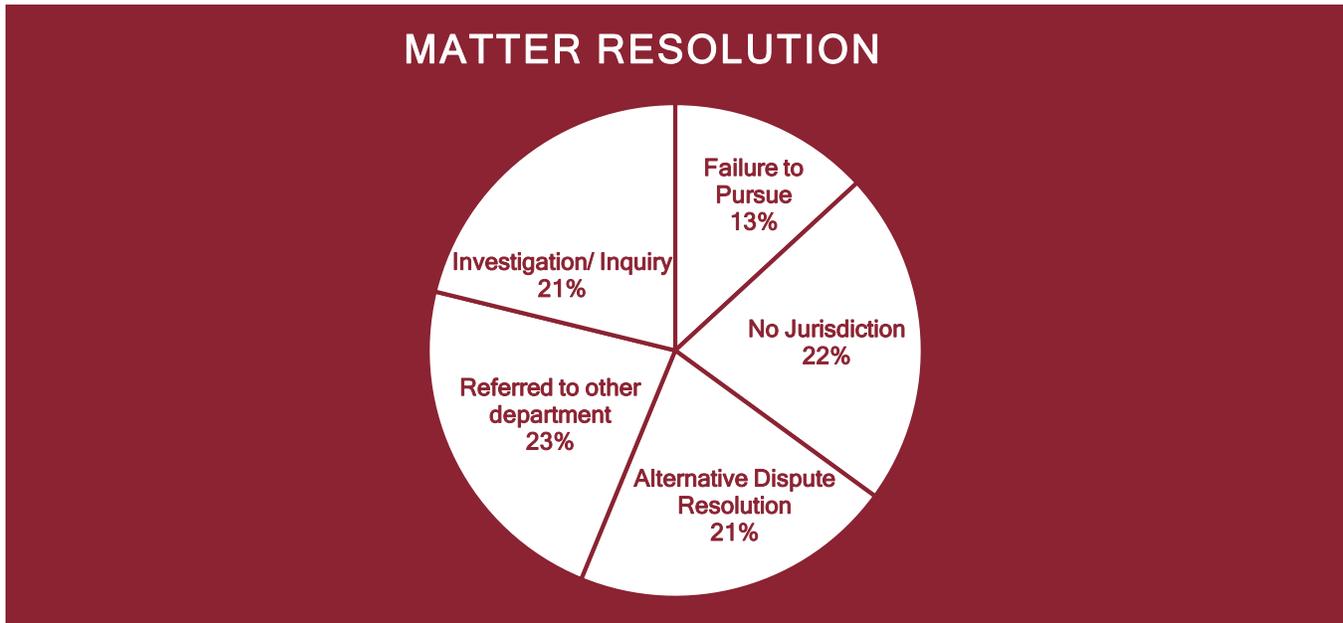


Figure 7

*Failure to Pursue is when a complainant does not respond to outreach by the EOIX office or elects to not pursue a resolution through the EOIX office.

Online Training Modules

EverFi is one of the largest national vendors providing curriculum to over 1,300 colleges and universities in the areas of Title IX, diversity, equity and inclusion, sexual assault prevention for athletes, alcohol awareness, and harassment and discrimination prevention. In partnership with the Health & Counseling Center and the Division of Athletics & Recreation, undergraduate students received EverFi trainings listed in Figure 8 below:

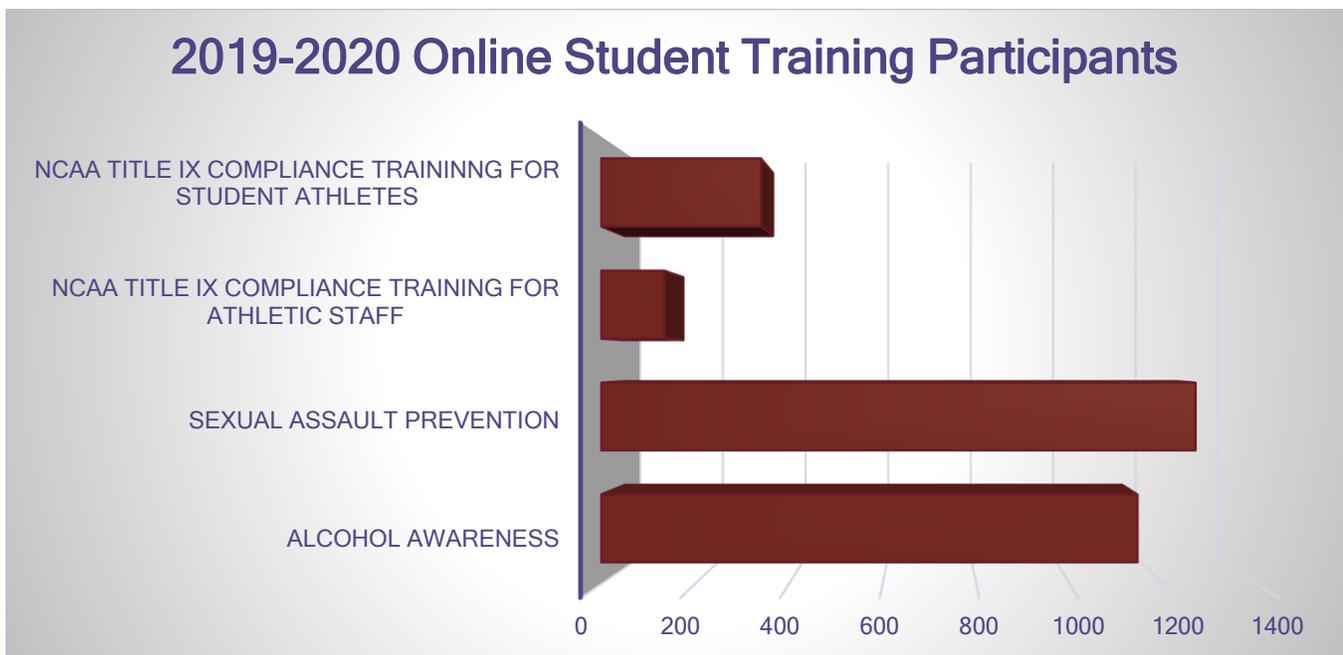


Figure 8

TRAINING AND EDUCATION

The EOIX office provides education and prevention programs to promote awareness of discrimination, harassment, gender-based violence, sexual harassment, sexual violence, dating and domestic violence, stalking, and retaliation, resulting in in person and online training to more than **3,000** students, faculty, and staff.

Student In-Person Training:

- ▶ **Intervene DU** Required for all undergraduates, covers strategies for appropriate interventions in cases of potential sexual assaults, racial bias, hazing, mental health, sexual harassment, intimate partner violence, and alcohol and drug-related emergencies.
- ▶ **Behind Closed Doors** Training for resident assistants to prepare them for various issues of discrimination, harassment and gender-based violence that may occur in University owned or operated housing.
- ▶ **Culture of Care** A presentation about Title IX to support students, parents, and family engagement.
- ▶ **EOIX and Campus Climate** Preparing student tour guides to educate potential students and their families about the University's response to discrimination, harassment, and gender-based violence.
- ▶ **Introduction to EO and Title IX** Presents procedures, definitions, prohibited conduct, how to report concerns, and the type of support and resolutions available.
- ▶ **Peer Educator Title IX Training**
- ▶ **Working in the #MeToo Era** Trains graduate students about sexual harassment, entering the workforce, and professional behavior.

Faculty & Staff In-Person Training:

- ▶ **Introduction to EO and Title IX** Presents procedures, definitions, prohibited conduct, how to report concerns, and the type of support and resolutions available.
- ▶ **Implicit Bias** Explores how implicit bias can impact hiring.
- ▶ **Microaggressions Training**
- ▶ **Navigating Cultural Differences: Interacting with Persons with Disabilities** Participants learn how to interact with persons with disabilities in the workplace.
- ▶ **Responsible Employee Training** to review the University's discrimination and harassment policy and procedures and mandatory reporting obligations
- ▶ **Search Committee** Focused on appropriate, non-discriminatory, interviewing, and selection criteria for faculty and staff serving on a search committee.
- ▶ **Staff Hiring Guidelines** Trains staff members about diversity, advertising, and recruiting methods.
- ▶ **Workplace Safety** In partnership with Campus Safety and Human Resources & Inclusive Community ("HRIC"), training staff about safety when working with people in crisis to de-escalate the potential for workplace violence.

93% of Students Completed

INTERVENE:DU



HERITAGE AND AWARENESS INITIATIVES



HRIC Lunch & Learn Series

This was the second year for the HRIC Lunch and Learn Series celebrating Heritage Months. Each of the events were well received by the staff, faculty, and guests who attended. DU community members are invited to attend each month.

- ▶ September - Hispanic Heritage Month:
 - Fiesta Colorado Presents- History of Ballet Folklorico and the Dances of the Americas
- ▶ October - Disability Employment Awareness Month:
 - Phamaly Theatre Company Presents: Arts, Accessibility and Representation- How Disability is the Next Frontier of Creativity
- ▶ November –
 - Veterans Day Celebration - Flag Raising Ceremony with Color Guard and presentation by Law Professor Ann Vessels regarding the Veterans Advocacy Project
 - Native American Heritage Month: Native American Education- The Struggle to Recover, presentation by Ms. Melody McCoy, Sr. Attorney, Native American Rights Fund
- ▶ February - Black History Month:
 - Black Chefs in the White House - presentation by Adrian Miller
- ▶ March - Women’s History Month:
 - Event cancelled due to COVID-19
- ▶ May - Asian American and Pacific Islander Heritage Month:
 - Presentation by Shifu Rama Kho, Senior Instructor at Shaolin Hung Mei Kung Fu, on “Legends and Culture of the Traditional Chinese Lion Dance”
- ▶ June - Pride Month:
 - Presentation by five DU staff and faculty “Crimson and Gold Rainbow: LGBTQ+ Experiences at DU”

RESOURCES

Make a Report

To make a report of harassment, discrimination or gender based violence please email Titleix@du.edu or file an [electronic report](#).

My Personal Portal

To update your preferred name, pronouns, gender designation, ethnicity, race, veteran, and disability self-identification information navigate to the Employee tab on [PioneerWeb](#) and then find the My Resources portal in the top left corner. Under My Resources, select the first option, My Personal Profile.

Campus Climate Survey

Past surveys of student perspectives of sexual harassment and rape culture can be viewed on the [Institutional Research](#) webpage. The next Campus Climate Survey will be conducted in the Fall of 2020.

ADA

Faculty and staff who seeking a workplace accommodation should contact the ADA coordinator, Rufina Hernández, for assistance at 303-871-7726 or rufina.hernandez@du.edu.

Policies & Procedures

The Comprehensive Discrimination and Harassment Procedures and Title IX Sexual Harassment Procedures can be found on the [Procedures](#) page.

Frequently Asked Questions

Quick guides, resources, and frequently asked questions about the Equal Opportunity & Title IX process can be viewed on the [Equal Opportunity & Title IX](#) webpage.

Support

To support individuals who may have experienced discrimination, harassment, or gender-based violence, you can find campus and off-campus resources for students and staff on the [Equal Opportunity & Title IX](#) webpage.

The Office of Equal Opportunity & Title IX

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Rufina Hernández JD, associate director of equal opportunity and ADA coordinator

Molly Hooker MA, deputy Title IX coordinator

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Notice of Non-Discrimination and Statement of Compliance with Title IX

A. Notice of Non-Discrimination

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

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

B. Statement of Compliance with Title IX

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

C. Affirmative Action Program

In support of equal employment opportunity, the University develops written affirmative action plan for women, minorities, individuals with disabilities, and covered veterans. The University’s plans are available at the Office of Equal Opportunity & Title IX (“the Office”), Mary Reed Building, 2199 S. University Blvd. Denver, CO 80208. The Office is responsible for compliance with state and federal equal employment opportunity laws and affirmative action regulations. The Office is also responsible for implementing the University’s Discrimination and Harassment Policy, Affirmative Action Plan, including equal employment practices, monitoring, internal reporting, and receiving and responding to Complaints of discrimination, harassment or retaliation. University policy and equal employment opportunity/affirmative action regulations and laws protect all employees and applicants for employment from coercion, intimidation, interference, or discrimination for filing a complaint or assisting in an investigation.

D. Pay Transparency Policy Statement

Employees are not prohibited from discussing their salaries and/or compensation with other employees and non-employees. The University will not discharge, discipline, or in any other manner discriminate against employees or applicants 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. (41 CFR 60-1.35(c)).

E. Equal Pay and Pay Equity

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 also committed to the principle of pay equity, and expressly prohibits disparate pay on the basis of an employee's race, color, national origin, ancestry, age, religion, creed, disability, sex, sexual orientation, gender identity, gender expression, marital status, pregnancy, military enlistment, veteran status, or genetic information. The University prohibits pay discrimination based on sex, discriminatory pay practices based on sex, and sex discrimination affecting compensation.

The Comprehensive Discrimination and Harassment Procedures and Title IX Sexual Harassment Procedures can be found on the [Procedures](#) page.