

# **Understanding the University's Discrimination & Harassment Policy and Resolution Options**

*Office of Equal Opportunity  
& Title IX*

February 4, 2022



# Federal and State Civil Rights Laws

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**Title VI of the Civil Rights Act of 1964** – prohibits discrimination based on race, color, or national origin in programs and activities that receive federal financial assistance

**Title IX of the Education Amendments of 1972** – prohibits discrimination based on sex in programs and activities that receive federal financial assistance

**Section 504 of the Rehabilitation Act of 1973** – prohibits discrimination based on disability in programs and activities that receive federal financial assistance

**Age Discrimination Act of 1975** – prohibits discrimination based on age in programs and activities that receive federal financial assistance

**Title VII of the Civil Rights Act of 1964** – prohibits discrimination based on race, color, religion, sex, and national origin in employment

**The Pregnancy Discrimination Act** – prohibits discrimination based on pregnancy/childbirth

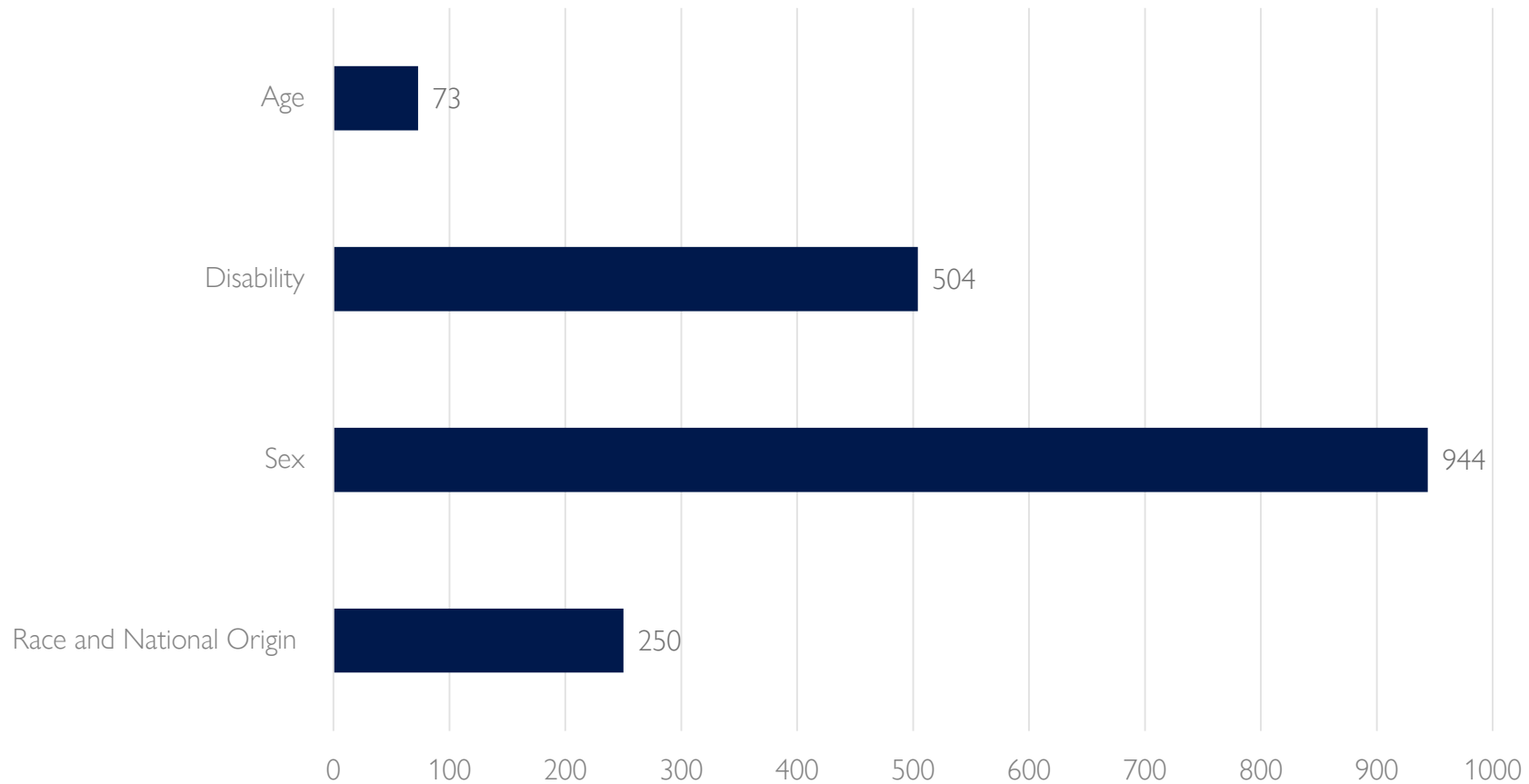
**The Age Discrimination in Employment Act of 1967** – prohibits discrimination based on age (Over 40) in employment

**Title I of the Americans with Disabilities Act of 1990** – prohibits discrimination based on age in employment

**The Equal Pay Act of 1963 and the Colorado Equal Pay for Equal Work Act**

# Dept. of Education Office for Civil Rights Open Investigations Involving Postsecondary Ed.

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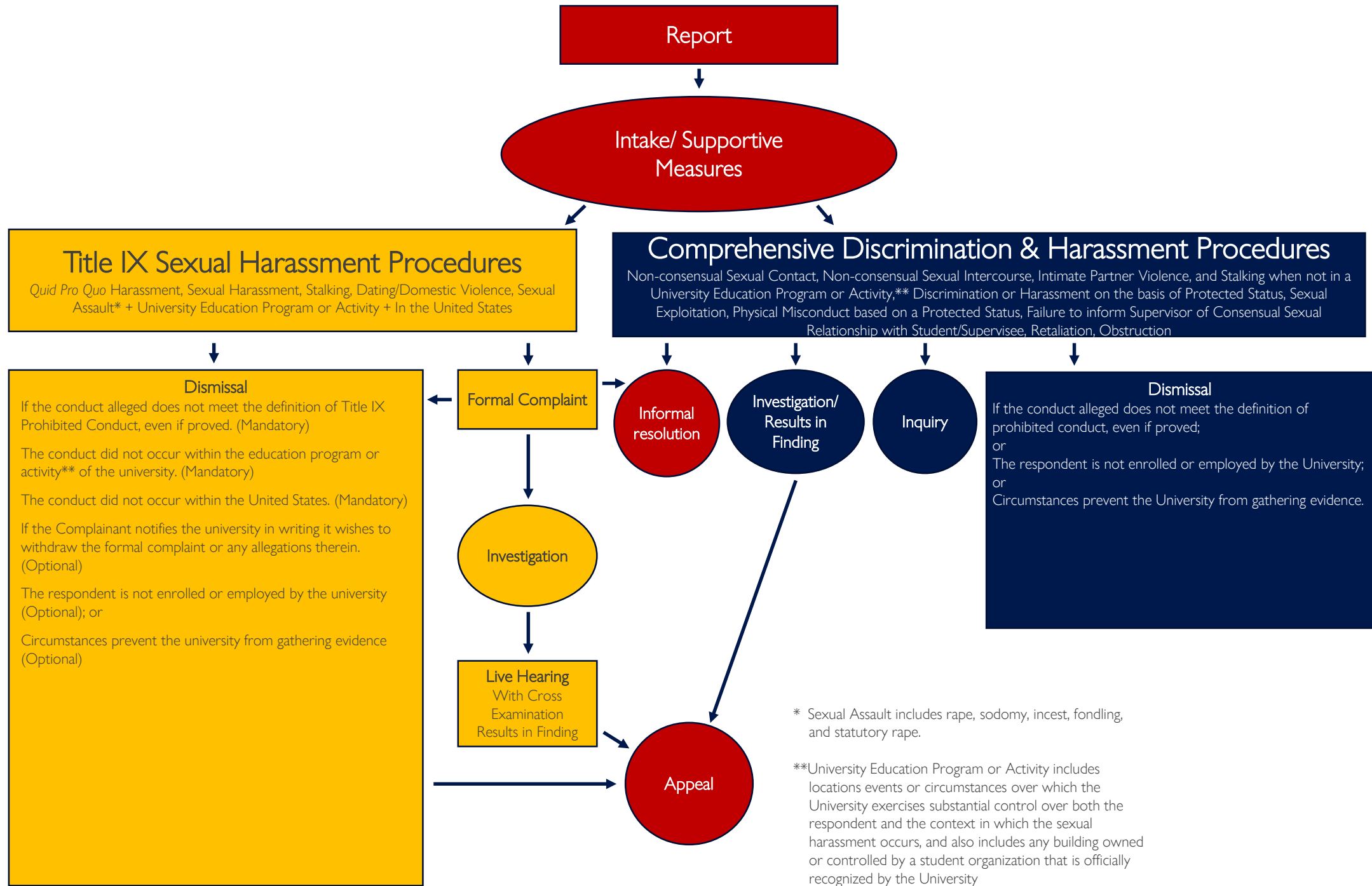


See <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/open-investigations/index.html> (last visited 2.2.2022)

# University's Discrimination & Harassment Policy-Prohibited Conduct

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- *Quid Pro Quo* Harassment
- Sexual Harassment
- Sexual Assault
- Stalking
- Dating Violence
- Domestic Violence
- Non-consensual sexual contact
- Non-consensual sexual intercourse
- Sexual Exploitation
- Intimate Partner Violence
- Discrimination on a Protected Status
  - Protected Status = race, color, national origin, ancestry, age, religion, creed, disability, sex, sexual orientation, gender identity, gender expression, genetic information, marital status, pregnancy, veterans status, military enlistment
- Harassment on a Protected Status
- Physical Misconduct based on a Protected Status
- Failure to inform supervisor of consensual sexual relationship with student/supervisee
- Retaliation
- Obstruction



# Intake and Initial Assessment

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- EOIX conducts initial outreach to Complainant – offers resources, supportive measures, resolution options, and opportunity to meet.
- EOIX conducts initial review to determine if alleged conduct falls within Discrimination and Harassment Policy.
  - If it does not, EOIX informs Complainant and refers to another office (SRR, SOS, DSP, HR, etc).
  - If it does, EOIX seeks to understand preferences with regard to resolution.
- EOIX may conduct some initial fact gathering to understand allegations and determine appropriate resolution.

# Resolution Options

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- **Inquiry**
  - Not available for Title IX Prohibited Conduct
  - At discretion of EOIX
  - To determine whether report can be resolved informally or whether a formal investigation is appropriate
  - Administrative Review
- **Informal Resolution**
  - Voluntary – all parties must agree to participate
  - Not available for Title IX Prohibited Conduct where employee is respondent
  - Examples: facilitated conversation, educational/coaching session, interventions, facilitated agreement
- **Formal Investigation**

# Factors Considered When Determining Resolution

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- Nature, scope, and **severity** of alleged Prohibited Conduct
- Whether incident involved a minor
- Respective roles of Complainant and Respondent
- Risk posed to individual or University community by not proceeding
- **Degree of harm or ramifications of Prohibited Conduct** on Complainant or University community
- Whether there have been other reports of Prohibited Conduct involving Respondent
- **Complainant's preferred resolution**
- Complainant's willingness to participation in investigation or other resolution
- If Complainant is unwilling to participate, whether the University has other means to obtain relevant evidence
- University's ability to identify a Respondent
- The facts that are reasonably in dispute
- The affiliation that Complainant, Respondent, and other involved person(s) have with the University
- University's obligation to promote a safe and non-discriminatory environment.
- The University's obligation to satisfy any other legal or regulatory requirements.



# Examples of When Equal Opportunity & Title IX Opens an Investigation

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- Alleged conduct, if true, could constitute Prohibited Conduct and:
  - Complainant requests a formal investigation; OR
  - Report(s) indicate(s) a potential pattern of Prohibited Conduct; OR
  - Report indicates a health and safety risk to the Complainant or University community.

# Formal Investigation

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- EOIX determines who the Respondent is for purposes of investigation.
- EOIX provides written notice of allegations to both parties.
- EOIX offers an informational meeting to both parties.
- Respondent is **presumed Not Responsible**; must be overcome by preponderance of the evidence.
- EOIX provides access to all information/evidence gathered to both parties with opportunity to review/respond.
- Either party may appeal the determination.

# Office of Equal Opportunity & Title IX

## Contact Information

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Office of Equal Opportunity &  
Title IX

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