



UNIVERSITY *of*  
DENVER



**Office of Equal Opportunity & Title IX  
Comprehensive Discrimination and  
Harassment Procedures  
2022-2023  
(Effective August 15, 2022)**

University of Denver

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(Effective August 15, 2022)

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1. **Notice of Non-Discrimination**

**A. Notice of Non-Discrimination**

The University of Denver prohibits discrimination on the basis of race, color, national origin, ancestry, age (40 years and over in the employment context), religion, creed, disability, sex, sexual orientation, gender identity, gender expression, genetic information, marital status, pregnancy, veterans status, military enlistment and any other class of individuals protected from discrimination under federal, state, or local law, regulation, or ordinance in any of the University's educational programs and activities, and in the employment (including application for employment) and admissions (including application for admission) context, as required by Title IX of the Education Amendments of 1972; Title III of the Americans with Disabilities Act of 1990, as amended in 2008; Section 504 of the Rehabilitation Act of 1973; Title VI and VII of the Civil Rights Act of 1964; the Age Discrimination Act of 1975; the Age Discrimination in Employment Act of 1967; and any other federal, state, and local laws, regulations, or ordinances that prohibit discrimination, harassment, and/or retaliation.

The University prohibits unlawful harassment of Students, Employees, and Third Parties on the basis of any protected characteristic as identified above.

The University also prohibits retaliation against any individual for the purpose of interfering with any right or privilege secured by University policy or law, or because the individual makes a good faith report or formal complaint, testifies, assists, participates, or refuses to participate in any manner in an investigation, proceeding, or hearing under the University's Comprehensive Discrimination & Harassment Procedures or Title IX Sexual Harassment Procedures.

The University has designated the Associate Vice Chancellor for Equal Opportunity & Title IX (Associate Vice Chancellor) to coordinate the University's compliance with federal and state civil rights laws regarding protected characteristics, including Title IX and those other laws and regulations referenced above:

Emily Babb, JD  
Associate Vice Chancellor for Equal Opportunity & Title IX/Title IX Coordinator  
Office of Equal Opportunity & Title IX  
Driscoll Center South, Suite 30  
2050 E. Evans Avenue  
Denver CO 80208  
[\(303\) 871-7016](tel:(303)871-7016)  
<https://www.du.edu/equalopportunity/index.html>  
[titleix@du.edu](mailto:titleix@du.edu) or [Emily.Babb@du.edu](mailto:Emily.Babb@du.edu)

Molly Hooker  
Deputy Title IX Coordinator  
Office of Equal Opportunity & Title IX  
Driscoll Center South, Suite 30  
2050 E. Evans Avenue  
Denver CO 80208  
[\(303\) 871-7016](tel:(303)871-7016)

<https://www.du.edu/equalopportunity/index.html>  
[titleix@du.edu](mailto:titleix@du.edu) or [Molly.Hooker@du.edu](mailto:Molly.Hooker@du.edu)

The University complies with all federal and state laws that protect individuals with disabilities from discrimination based on their disability or perceived disability status. As such, reasonable accommodations and auxiliary aids and services are available to individuals with disabilities when such modifications and services are necessary to access the University's programs and services. The University's ADA/504 Coordinator is:

Joshua Kaufman  
ADA Coordinator  
Office of Equal Opportunity & Title IX  
Driscoll Center South, Suite 30  
2050 E. Evans Avenue  
Denver CO 80208  
[\(303\) 871-3941](tel:3038713941)  
<https://www.du.edu/equalopportunity/index.html>  
[ADACoordinator@du.edu](mailto:ADACoordinator@du.edu)

[The Disability Services Program \(DSP\)](#) coordinates reasonable accommodations to afford equal opportunity and full participation in University programs for undergraduate and graduate Students with disabilities. DSP is the only office on campus authorized to review and determine Students' eligibility for temporary accommodations or ongoing accommodations associated with a disability, medical condition, or mental health condition.

Inquiries about Title IX or the University's prohibitions against discrimination, harassment, and retaliation can be directed to the Associate Vice Chancellor, the ADA/504 Coordinator (for disability-related questions) or to the U.S. Department of Education, Office for Civil Rights, at the contact information below.

Complaints and inquiries regarding discrimination, harassment, and retaliation involving federal laws may be directed to:

Equal Employment Opportunity Commission	Denver Office
Denver Field Office	Office for Civil Rights
950 17 <sup>th</sup> St., Suite 300	U.S. Department of Education
Denver, CO 80202	Cesar E. Chavez Memorial Building
Telephone: (800) 669-4000	1244 Speer Boulevard, Suite 310
FAX: 303-866-1085	Denver, CO 80204-3582
TTY: (800) 669-6820	Telephone: 303-844-5695
ASL Video: 844-234-5144	FAX: 303-844-4303
	TDD: 800-877-8339
	Email: <a href="mailto:OCR.Denver@ed.gov">OCR.Denver@ed.gov</a>

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

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

#### **B. 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)).

#### **C. 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 (for employment 40 and over), religion, creed, disability, sex, sexual orientation, gender identity, gender expression, marital status, pregnancy, 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.

## **2. Purpose**

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



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

- Discrimination (including pay discrimination) and Harassment on the basis of race, color, national origin, ancestry, age (for employment 40 and over), religion, creed, disability, sex, sexual orientation, gender identity, gender expression, marital status, pregnancy, genetic information, military enlistment, or veteran status;
- Sexual Harassment and Gender-based Violence, where the allegations do not meet the criteria set forth in the University's Title IX Sexual Harassment Procedures ("Title IX Procedures");
- Failure to provide reasonable accommodations for disability, religion, or creed; and
- Retaliation against any individual or group of individuals involved in an investigation or resolution of a report under these Procedures and/or the Title IX Procedures.

The Office will consider, recommend, and implement Supportive Measures for the Parties and the community, conduct neutral investigations, promote accountability for violations of policies and procedures, and recommend other Remedies designed to eliminate Prohibited Conduct, prevent its recurrence, and address its effects.

The Office is responsible for administering these Procedures. Any inquiries about these Procedures should be referred to the University's Associate Vice Chancellor of Equal Opportunity & Title IX/Title IX Coordinator (Associate Vice Chancellor)<sup>1</sup> or the Assistant Secretary of the U.S. Department of Education for the Office of Civil Rights, who may be contacted as follows:

Contact Information for the [Office of Equal Opportunity & Title IX](#):

Emily Babb, JD  
Associate Vice Chancellor of Equal Opportunity & Title IX,  
Title IX Coordinator  
University of Denver  
Office of Equal Opportunity & Title IX  
Driscoll Center South, Suite 30  
2050 E. Evans Ave.  
Denver CO 80208  
Phone: 303-871-7016  
[TitleIX@du.edu](mailto:TitleIX@du.edu)

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

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<sup>1</sup> The Associate Vice Chancellor for Equal Opportunity & Title IX/Title IX Coordinator may, in their discretion, designate responsibilities to the Deputy Title IX Coordinator, Deputy Equal Opportunity Coordinator, or other trained personnel in the University.

**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](mailto: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](mailto:OCR.Denver@ed.gov)

**3. Scope and Jurisdiction**

These Procedures apply to Discrimination/Harassment Prohibited Conduct as defined by the University's [Discrimination and Harassment Policy](#) that was reported on or after the effective date of these Procedures August 15, 2022 and supersede any conflicting information in any other University policy with respect to the definitions and procedures applicable to alleged Prohibited Conduct. These Procedures also apply to conduct that falls within the definition of Title IX Prohibited Conduct but that occurred on or before August 13, 2020 and was reported on or after the effective date of these Procedures. The University will apply the definitions in place at the time the conduct is alleged to have occurred.

All members of the University of Denver community are subject to these Procedures, including Students, Employees, and Third Parties. These Procedures apply to all Discrimination/Harassment Prohibited Conduct that occurs on University Premises. In some cases, the Title IX Procedures may also apply to Prohibited Conduct that occurs on University Premises. These Procedures may apply to Discrimination/Harassment Prohibited Conduct that occurs off campus, including online or electronic conduct, if the University finds that the conduct:

- a. occurred in the context of employment or an education program or activity of the University;
- b. had (or could reasonably be expected to have) continuing adverse effects on University Premises, including posing a reasonable risk of harm to the community; or
- c. had (or could reasonably be expected to have) continuing adverse effects in employment or an education program or activity off University Premises. Examples of covered employment or education program or activity include but are not limited to University-approved study abroad programs, athletic competitions, research or internship programs.

The Associate Vice Chancellor, in their sole discretion, shall determine whether these Procedures or the Title IX Procedures, or both, apply to the Prohibited Conduct.

For Students, these Procedures apply to conduct that takes place from the date on which the Student is admitted at the University and until the Student withdraws or graduates, including periods during any leaves of absence, term breaks, and between terms. For faculty and staff, these Procedures apply to conduct that takes place from the date on which the individual accepts an offer of employment until their employment ceases. If a Student graduates or withdraws or an Employee voluntarily resigns prior to final resolution of any matter, the Office may retain jurisdiction and the discretion to address the matter as necessary to fulfill the University's obligations under applicable laws and regulations.



Third Parties, including visitors to and guests of the University, are both protected from and subject to the restrictions on Discrimination/Harassment Prohibited Conduct, as defined in these Procedures. However, visitors and guests do not have any contractual rights pursuant to these Procedures. Visitors and guests may initiate a report of Prohibited Conduct committed against them by members of the University community, but visitors and guests are limited in their rights pursuant to these Procedures. The University can trespass visitors and guests who have been alleged to have engaged in Discrimination/Harassment Prohibited Conduct without any rights to the resolution processes described in these Procedures. Further, members of the University community who host guests may be held accountable for the misconduct of their guests pursuant to applicable University policies.

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

#### 4. **Definitions**

##### **A. Associate Vice Chancellor**

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

##### **B. Business Days**

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

##### **C. Complainant**

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

##### **D. Complaint**

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

##### **E. Disciplinary Action**

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

##### **F. Employee(s)**

All full-time and part-time faculty, University staff, student Employees, wage (including temporary Employees), professional research staff, and post-doctoral fellows.

##### **G. Gender-based Violence**

Gender-based Violence is an umbrella term for the following Prohibited Conduct:

1. Sexual Assault

- a. Rape
- b. Sodomy
- c. Sexual Assault with an Object
- d. Fondling
- e. Incest
- f. Statutory Rape
2. Non-Consensual Sexual Contact
3. Non-Consensual Sexual Intercourse
4. Domestic Violence
5. Dating Violence
6. Intimate Partner Violence
7. Stalking

#### **H. Investigator**

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

#### **I. Outcomes**

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

#### **J. Outcome Council**

A body composed of University staff and faculty convened by the Office of Student Rights & Responsibilities to determine the Outcomes for a Respondent Student found responsible for Prohibited Conduct.

#### **K. Party/ Parties**

Complainant(s) and/ or Respondent(s).

#### **L. Preponderance of the Evidence**

The standard of proof applied under these Procedures in which, an allegation is proven if, based on the credible, relevant information acquired during the inquiry or investigation on the one side outweighs the credible, relevant information on the other side, such that it is more likely than not the alleged fact or conduct occurred.

#### **M. Prohibited Conduct**

Words or conduct prohibited by the University set forth in the University's Discrimination and Harassment Policy:

##### **Discrimination/Harassment Prohibited Conduct**

1. Discrimination on the basis of a Protected Status
2. Discrimination in Violation of the Equal Pay Act and/or Colorado Equal Pay for Equal Work Act
3. Harassment on the basis of a Protected Status
4. Non-Consensual Sexual Contact
5. Non-Consensual Sexual Intercourse
6. Sexual Exploitation
7. Intimate Partner Violence

8. Stalking
9. Physical Misconduct based on a Protected Status
10. Failure to Inform Supervisor of a Consensual Sexual Relationship with a Student or a Supervisee
11. Retaliation
12. Obstruction

**Title IX Prohibited Conduct**

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

**N. Protected Status**

Race, color, national origin, ancestry, age (for employment 40 and over), religion, creed, disability, sex, sexual orientation, gender identity, gender expression, marital status, pregnancy, genetic information, military enlistment, or veteran status.

**O. Reasonable person**

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

**P. Remedies**

The measures provided to a Complainant and/or the University Community following an Investigation pursuant to these Procedures in which a Respondent is found responsible for Prohibited Conduct.

**Q. Reporting Party or Reporter**

Any individual who has reported allegations of Prohibited Conduct pursuant to these Procedures. The Reporting Party need not be the Complainant.

**R. Respondent**

An individual or group who has been reported to have engaged in conduct that could constitute Prohibited Conduct.

**S. Responsible Employee**

All individuals who have the obligation to report alleged Prohibited Conduct to the Office of Equal Opportunity & Title IX pursuant to the University's Reporting by University Employees of Disclosures Relating to the University's Discrimination and Harassment Policy.

**T. Student(s)**

Any individual registered for or auditing classes at the University; enrolled in any University program; or on University premises for any purpose related to the same regardless if the class, program or other education activity is credit earning or part of a degree or non-degree program. An individual is also considered a Student if they have completed the immediately preceding term and are enrolled for a subsequent term or program; or if they are representing the University between terms or programs; or, if they are not officially enrolled for a particular term, but they have a continuing relationship with the University.

**U. Supportive Measures**

Non-disciplinary, non-punitive individualized services offered to Complainant, Respondent, and/or Witnesses, as appropriate and reasonably available.

**V. Third Party / Third Parties**

Contractors, vendors, visitors, guests, prospective Students, applicants, alumni, or other Third Parties.

**W. University Premises**

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

**X. Witness(es)**

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

**Y. Written Notice**

Notice by email is an official form of delivery. Delivery via email will be sent to a Student's or an Employee's @du.edu or @law.du.edu email address. Notice may also be delivered in person or to an individual's University or permanent address, as reported by the individual to the University.

**5. Prohibited Conduct**

Title IX Prohibited Conduct includes the following specifically defined forms of alleged conduct—*Quid Pro Quo* Harassment (Employee-Student), Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking—where the conduct occurred in the United States and in the University's education program or activity. Education program or activity includes the locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the Title IX Prohibited Conduct occurs, and also includes any property owned or controlled by a Student organization that is officially recognized by the University.

The [Title IX Sexual Harassment Procedures](#) apply to reports of Title IX Prohibited Conduct that allegedly occurred on or after August 14, 2020.

Discrimination/Harassment Prohibited Conduct includes the following specifically defined forms of alleged conduct: Discrimination on the basis of a Protected Status, Discrimination in violation of the Equal Pay Act and/or Colorado Equal Pay for Equal Work Act, Harassment on the basis of a Protected Status, Non-Consensual Sexual Contact, Non-Consensual Sexual Intercourse, Sexual Exploitation, Intimate Partner Violence, Stalking, Physical Misconduct based on a protected status, Failure to Inform Supervisor of a Consensual Sexual Relationship with a Student or Supervisee, Retaliation, and Obstruction—when such

conduct does not meet the definition of Title IX Prohibited Conduct and when the conduct (a) occurred on property owned or controlled by the University; (b) occurred in the context of employment or an education program or activity of the University, including but not limited to University-sponsored study abroad, research, on-line, or internship programs (c) had (or could reasonably be expected to have) continuing adverse effects on University premises, including posing a risk of harm to the community, or (3) had (or could reasonably be expected to have) continuing adverse effects in employment or an education program or activity off University premises.

The [Comprehensive Discrimination and Harassment Procedures](#) apply to reports of Discrimination/Harassment Prohibited Conduct and to reports of Title IX Prohibited Conduct that allegedly occurred on or before August 13, 2020.

## 6. Reporting

The University has a strong interest in supporting community members who experience Discrimination, Harassment, or Gender-based Violence. The University encourages all individuals or Witnesses to report any incident to the University and, if the incident involves potential criminal conduct, to also report to law enforcement. Individuals have several reporting options within and outside the University. Individuals may pursue these options simultaneously or any one of them separately.

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. The University provides support to assist each individual in making these important decisions and, to the extent legally permissible, will respect an individual's autonomy in deciding how to proceed. In this process, the University will balance the individual's interest with the University's obligation to provide a safe and non-discriminatory environment for all members of the University community.

The University will review and address all reports by following these Procedures and will 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 Supportive Measures to provide for the safety of the individual and the University community. The University may place a non-student Employee Respondent on administrative leave during the pendency of an investigation or other resolution under these Procedures. The University, in its discretion and based on the circumstances, will determine whether to impose any administrative leave with or without pay or benefits.

If a report of Prohibited Conduct discloses a serious and immediate threat to the University community, the University's 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 VAWA, the Office of Equal Opportunity & Title IX will provide information regarding reported criminal incidents to the University's Clery Coordinator for inclusion in the Daily Crime Log and in the University's Annual Security Report. The University may also share aggregate data about reports, Outcomes, and/or Disciplinary Action without including personally identifiable information.

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

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

**B. Reporting to the University**

Responsible Employees are defined in the University's Reporting by University Employees on Disclosures Relating to the University's Discrimination and Harassment Policy. Responsible Employees will refer all reports of Prohibited Conduct to the Office of Equal Opportunity & Title IX to facilitate resolution pursuant to these Procedures. At any time, any person may report Prohibited Conduct, in person, by mail, by telephone, by electronic mail or other electronic submission to the Office of Equal Opportunity & Title IX, or by any other means that results in the Associate Vice Chancellor receiving the person's verbal or written report.

The University encourages Complainants to report incidents of Prohibited Conduct directly to the Office of Equal Opportunity & Title IX by:

- Contacting the Associate Vice Chancellor of Equal Opportunity & Title IX/ Title IX Coordinator or Deputy Coordinators

Emily Babb, JD, Title IX Coordinator  
University of Denver,  
Driscoll Center South, Suite 30  
2050 E. Evans Avenue  
Denver CO 80208  
(303) 871-7016  
<https://www.du.edu/equalopportunity/index.html>  
[titleix@du.edu](mailto:titleix@du.edu) or [Emily.Babb@du.edu](mailto:Emily.Babb@du.edu)

Molly Hooker, Deputy Title IX Coordinator  
University of Denver,  
Driscoll Center South, Suite 30  
2050 E. Evans Avenue  
Denver CO 80208  
(303) 871-7016  
<https://www.du.edu/equalopportunity/index.html>

[titleix@du.edu](mailto:titleix@du.edu) or [Molly.Hooker@du.edu](mailto:Molly.Hooker@du.edu)

- Contacting the Office of Equal Opportunity & Title IX

Office of Equal Opportunity & Title IX  
Driscoll Center South, Suite 30  
2050 E. Evans Avenue  
Denver CO 80208  
Phone: 303-871-7016

[equalopportunity@du.edu](mailto:equalopportunity@du.edu)  
<https://www.du.edu/equalopportunity/>  
Equal Opportunity [Online Report Form](#)

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

Department of Campus Safety  
University of Denver  
2130 S. High St., MSC 6200  
Denver, CO 80208  
General Reports: 303-871-2334  
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  
University of Denver - Community Commons  
2055 E. Evans Avenue, Suite 3001  
Denver, CO 80208  
303-871-2150  
[srr@du.edu](mailto:srr@du.edu)  
<https://www.du.edu/Studentlife/Studentconduct/rightsresponsibilities.html>

Student Outreach & Support (SOS) Referral  
University of Denver - Community Commons  
2055 E. Evans Avenue, Suite 3100  
[SOS@du.edu](mailto:SOS@du.edu)  
SOS Referral [Online Report Form](#)

Housing and Residential Education (HRE)  
HRE staff including Resident Assistants (RAs), Graduate Resident Director (GRDs)  
Dimond Family Residential Village  
2020 S. High Street, #P112  
Denver, CO 80210  
Phone: 303-871-2246



[housing@du.edu](mailto:housing@du.edu)  
<https://www.du.edu/housing/>

### **C. Anonymous Reporting**

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

### **D. Timeliness and Location of Incident**

Although there is no time limit on reporting Prohibited Conduct, the University encourages Complainants and other individuals to promptly report allegations of Prohibited Conduct, preferably within 180 days of the last incident of Prohibited Conduct. Delays in reporting can prevent the University from gathering evidence sufficient to initiate an investigation or reach a determination of responsibility. If the Respondent is no longer a Student or Employee, the University may not be able to impose Outcomes and/or Disciplinary Action against the Respondent. Nevertheless, the University will still seek to provide Supportive Measures for a Complainant and take steps to end the Prohibited Conduct, prevent its recurrence, and address its effects.

The University also encourages the reporting of conduct occurring off University Premises including online or electronic conduct that occurred in the context of employment or an education program or activity of the University, or that has continuing adverse effects on University Premises or on an off-campus employment or education program or activity, so that the University may address under these Procedures or other University policies and procedures, as applicable.

### **E. Amnesty for Personal Use of Drugs or Alcohol**

The University recognizes that Students may be reluctant to seek assistance from a University official or emergency services after experiencing Prohibited Conduct or may be reluctant to seek assistance for themselves or others who may have experienced Sexual Harassment because they fear being held responsible by the University for alcohol or drug violations under the Honor Code related to the incident.

The University generally will not pursue disciplinary action under the Honor Code against a Student who makes a good faith report to an University official, contacts emergency services or who participates as a Party or Witness in participates as a Party or Witness in the grievance process related to Title IX Prohibited Conduct, for personal consumption of alcohol or other drugs that would otherwise be a violation of the Honor Code, provided the misconduct did not endanger the health or safety of others. However, this does not extend to the distribution, sale, or otherwise providing another individual with alcohol or drugs for the purposes of inducing incapacitation, as defined in the University's Discrimination and Harassment Policy.

The University may, however, refer the Student for an evaluation related to their health status or substance use or otherwise engage with the Student in an assessment or educational discussion or pursue other non-disciplinary option regarding alcohol or other drug use.

The University also provides the Medical Amnesty Process as set forth in the Honor Code.

## 7. **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 allegations of Prohibited Conduct whether as a Complainant, a Respondent, or a Witness, will have equal access to support consistent with their needs and available University resources.

Any participant may request reasonable assistance or support (i.e., for disability, language barriers, or location/proximity concerns) to allow their full participation in any process under these Procedures. A participant must submit such requests to the Office of Equal Opportunity & Title IX in a timely manner at least two (2) business days before any meeting time. For interpreting or Communication Access Realtime Translation (CART) services, requests should be made as soon as possible.

For Employees, visitors, or guests, please contact the ADA Coordinator. For Student academic and non-academic accommodations based on a disability, medical condition, or mental health condition, please see the Disability Services Program Handbook for Students with Disabilities, Medical, and Mental Health Conditions.

## 8. **Privacy & Confidentiality**

The Office of Equal Opportunity & Title IX is not a confidential resource. For any report of Prohibited Conduct, the University will respect and safeguard the privacy interests of all individuals involved balanced with the need for a careful assessment of the allegation and any necessary steps to eliminate the conduct, prevent its recurrence, and address its effects.

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

Confidentiality means that a client or patient (including Students, staff, and faculty) sharing information with a designated confidential campus or community professional can expect that the professional will only disclose such information with the individual's express written permission, unless there is a continuing threat of serious harm to the patient/client or to others, or there is a legal obligation to reveal such information (e.g. where there is suspected abuse or neglect of a minor). An individual can seek confidential assistance and support by speaking with specially designated confidential resources. The University has published a list specifying where Students may access the services of Confidential Employees, including the University's Health & Counseling Center (HCC) and Center for Advocacy, Prevention, and Empowerment (CAPE).

## 9. **Initial Assessment, Intake, and Consolidation**

### A. Initial Assessment

When the Office of Equal Opportunity & Title IX receives a report of Prohibited Conduct, the Associate Vice Chancellor, Deputy Title IX Coordinator, Deputy Equal Opportunity Coordinator, and/or their designee will conduct an initial assessment of the reported information to facilitate an integrated and coordinated response to reports of Prohibited Conduct under these Procedures. As part of the initial assessment, the Associate Vice Chancellor will:

1. As applicable, evaluate any immediate health or safety concerns raised in the report, in consultation with the Department of Campus Safety, 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 to the University community. Assess the report to determine whether the conduct alleged in the report, if proved, would constitute Prohibited Conduct as defined by the University's Discrimination and Harassment Policy;
2. Consider the Complainant's expressed preference for resolution; and
3. Determine whether any Supportive Measures are appropriate to address the Complainant's safety, wellbeing, and continued access to educational and employment opportunities, as applicable.

If the Associate Vice Chancellor concludes that the allegations contained in the report would not fall within the scope of Prohibited Conduct under the University's Discrimination and Harassment Policy, the Associate Vice Chancellor will, as appropriate, refer the matter to the applicable administrator or University unit, provide the Complainant with resources, and/or close the matter.

### B. Intake

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

1. Review the University's [Discrimination and Harassment Policy, Section 3.10.010](#) and these Procedures, discuss the expectations and responsibilities of a Complainant, and answer any questions that the Complainant may have;
2. 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 applicable state or federal criminal statutes and, if requested, assist the Complainant with notifying law enforcement;
3. Notify the Complainant of the availability of medical treatment to address any physical and mental health concerns and to preserve evidence;
4. Provide the Complainant with information about:
  - a. On-and off-campus resources;
  - b. The available range of Supportive Measures, when appropriate;
5. Provide an explanation of the procedural options, including informal resolution, investigation, and the possibility of Disciplinary Action and/or Outcomes;
6. Discuss the Complainant's expressed preference for the manner of resolution and any barriers to proceeding in that manner;
7. Explain the University's prohibition on Retaliation; and
8. Explain the role of a support person or advisor.

Although 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 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 non-discriminatory environment. When the Associate Vice Chancellor considers whether the Complainant's resolution preferences may be honored, the Associate Vice Chancellor will consider the following factors in evaluating such request(s): (1) the totality of the known circumstances, (2) the presence of any risk factors as outlined below, (3) the potential impact of such action(s) on the Complainant, (4) any evidence showing Respondent made statements of admission or otherwise accepted responsibility for the Prohibited Conduct, (5) the existence of any independent information or evidence regarding the Prohibited Conduct, and (6) any other available and relevant information.

Risk factors include:

- Whether the Respondent has prior arrests, is the subject of prior reports and/or complaints related to any form of Prohibited Conduct, or has any history of violent behavior
- Whether the Respondent has a history of failing to comply with any University No Contact Order, other University protective measures, and/or any judicial protective order
- Whether Respondent has threatened to commit violence or any form of Prohibited Conduct
- Whether the Prohibited Conduct involved multiple Respondents
- Whether the Prohibited Conduct involved physical violence. Physical violence means exerting control over another person through the use of physical force. Examples of physical violence including hitting, punching, slapping, kicking, restraining, strangling, and brandishing or using any weapon
- Whether the report reveals a pattern of Prohibited Conduct (e.g., by the Respondent, by a particular group or organization, around a particular recurring event or activity, or at a particular location)
- Whether the Prohibited Conduct was facilitated through the use of "date-rape" or similar drugs or intoxicants
- Whether the Complainant is (or was at the time of the Prohibited Conduct) a minor (under 18)
- Whether any other aggravating circumstances or signs of predatory behavior are present

When a Complainant does not wish to file a Complaint on their own behalf, or when the Office has received multiple reports or identifies a pattern of concerning conduct, the Associate Vice Chancellor may, in their discretion, proceed with an inquiry or investigation in which the University is the Complainant. When making this decision, the Associate Vice Chancellor will balance the autonomy of the Complainant with the University's responsibility to investigate and consider the factors set forth in the paragraph above. When the University is the Complainant, a Reporting Party is treated as a complaining Witness and will only see their statement and be informed of the outcome of the investigation. The University will not coerce or retaliate against a Reporting Party to persuade them to participate in the investigation.

### **C. Consolidation**

1. The Associate Vice Chancellor has the discretion to consolidate multiple reports against a Respondent into one investigation or multiple Complaints where the allegations of Prohibited Conduct arise out of the same facts or circumstances.
2. The Associate Vice Chancellor may, in consultation with other University administrators, elect to consolidate the investigation of Complaints of Prohibited Conduct under these Procedures with complaints of violations of other University policies where the allegations arise out of the same facts or circumstances.
  - a. For purposes of such consolidation, the Investigator may conduct a single investigation.
  - b. Following the completion of the investigation, the University may decide, in its sole discretion, whether to proceed with all allegations under these Procedures or whether to proceed with the allegations related to violations of other University policies under the applicable procedures (e.g., Honor Code).
3. The Associate Vice Chancellor may also consolidate a single Complainant or multiple Complainants, a single Respondent or multiple Respondents, and allegations of conduct that is temporally or logically connected.
4. If Complaints involving multiple Complainants and/or multiple Respondents are consolidated, each Party will have access to all of the information being considered, including information provided by all involved Complainants, all involved Respondents, and all involved Witnesses.
5. The University will communicate the chosen course of action to the parties.
6. The decision to consolidate is not subject to appeal.

#### 10. **Advisors and Support Persons**

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

Advisors or support persons may not:

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

The Office will not consider or accept submissions and information from an advisor or support person. If an advisor or support person attempts to present information or submit documents on behalf of any Party, the Office will notify the Party and provide the Party a reasonable amount of time to submit the information or documents directly, however the Office will not extend procedural deadlines for this reason. If the Party elects not to submit the information or documents, the Office will not consider such information in the investigation or any resolution.

Where a Party is a Student, prior to an advisor or support person participating in any meeting or receiving any documents as part of any process under these Procedures, the Party must execute a FERPA waiver permitting the advisor or support person to have access to the Party's education records related to the process. Advisors

and support persons may accompany and be present at any meeting or interview and may consult directly with the Party whom they are assisting provided that this occurs in a manner that does not disrupt or delay the meeting or interview.

The University will not allow advisors or support persons the opportunity to review any document or to attend any meeting in the absence of the Party they are assisting. The University may exclude advisors or support persons who act in a manner contrary to these limitations or otherwise disrupt any proceeding 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 process under these Procedures, their participation in the process is subject to the limitations described above.

If an investigation involves allegations of both Title IX Prohibited Conduct under the Title IX Procedures and Prohibited Conduct under these Procedures, the Title IX Procedures will govern the use of advisors and support persons.

## 11. Supportive Measures

- A. Supportive Measures are available regardless of whether the matter is reported to the University for purposes of initiating any formal grievance proceeding and before, after, and regardless of whether a Complaint is filed. A Complainant who requests Supportive Measures retains the right to file a Complaint, either at the time the Supportive Measure is requested or at a later date.
- B. Supportive Measures are designed to restore or preserve equal access to the University's Education Program or Activity without unreasonably burdening the other Party. Supportive Measures are not punitive in nature and are designed to protect the safety of all Parties or the University's educational environment.
- C. Supportive Measures may include, but are not limited to
  1. Counseling through the MySSP Student Support Program
  2. Assistance in seeking academic assistance, including modified class schedules (including transfer to another section), permission to withdraw from and/or retake a class or attend a class via alternative means (e.g., online or independent study) and extension of assignment deadlines or other course-related adjustments
  3. Assistance in modifying University employment arrangements, including changes in work schedules, job assignments, work locations, and/or assigned parking
  4. Campus escort services
  5. Mutual restrictions on contact between the Parties
  6. Assistance in requesting leaves of absence
  7. Modifications to University housing arrangements, including immediate temporary relocation to safe living quarters and/or permanent reassignment of University housing
  8. Assistance in arranging a meeting with law enforcement to discuss reporting or safety planning
  9. Assistance in modifying assigned parking
  10. Increased security and monitoring of certain areas of the campus
  11. Any other remedy which can be tailored to the involved individuals to achieve the goals of these Procedures

- D. The Associate Vice Chancellor will consult with other relevant University administrators to determine whether any Supportive Measures are appropriate to protect the safety, well-being, and continued access to educational and employment opportunities. The Associate Vice Chancellor will offer, or arrange to have offered, Supportive Measures to the Complainant, with consideration given to the Complainant's wishes with respect to appropriate Supportive Measures. In addition to the Complainant, the Respondent and other Witnesses may also receive Supportive Measures, as appropriate and reasonably available, without fee or charge. The Associate Vice Chancellor will serve as the point of contact for any individual requesting Supportive Measures.
- E. The Associate Vice Chancellor may determine the necessity of Supportive Measures concerning an Employee's job conditions, academic adjustments for a Student, or student housing assignments. Where the Supportive Measures may affect the other Party's participation in the University's Educational Program or Activity, the Associate Vice Chancellor will consult with the Vice Chancellor for Human Resources, the Vice Chancellor for Student Affairs or their designee, or appropriate faculty and/or administrators, as applicable. The Associate Vice Chancellor will notify the leadership of the relevant unit to implement the Supportive Measures. The Associate Vice Chancellor is responsible for coordinating the effective implementation of Supportive Measures.
- F. The University will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the Supportive Measures.
- G. The University will consider Supportive Measures on a case-by-case basis at the time of reporting and throughout the resolution process. Supportive Measures should not unduly interfere with a Complainant's or Respondent's academic progress or employment duties beyond that deemed necessary to protect the University, any member of the University community, or the University's mission. The University will balance these interests by carefully considering the facts of each case.
- H. Supportive Measures do not include Disciplinary Actions or Outcomes. The University shall not impose Disciplinary Actions or Outcomes on a Respondent unless and until a determination regarding responsibility for Prohibited Conduct is made at the conclusion of the investigation.
- I. The University may remove a Respondent from its Education Program or Activity on an emergency basis if the University:
  - 1. Undertakes an individualized safety and risk analysis;
  - 2. Determines that an immediate threat to the physical health or safety of the Parties or any other Student or other individual arising from the allegations of Prohibited Conduct justifies removal; and
  - 3. Provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

## 12. Types of Resolutions

The Associate Vice Chancellor, in consultation with other University administrators as appropriate, is



responsible for determining the appropriate means of resolution based on the circumstances of each report. The University may resolve reports in one of the following manners:

1. Inquiry
2. Informal Resolution
3. Formal investigation

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

1. The nature, scope, and severity of the alleged Prohibited Conduct, including whether the reported Prohibited Conduct involved harassment, discrimination, or physical violence (with additional consideration for the use of a weapon);
2. Whether the incident involved a minor (under 18);
3. The respective roles of the Complainant and Respondent;
4. The risk posed to any individual or to the University community by not proceeding, including the risk of additional violence;
5. The degree of harm or the ramifications of the alleged Prohibited Conduct on the Complainant or University community;
6. Whether there have been other reports regarding alleged Prohibited Conduct by the Respondent;
7. Whether the report reveals a pattern of alleged Prohibited Conduct at a given location or by a particular group;
8. The Complainant's preferred means of resolution;
9. The Complainant's willingness to participate in an investigation or other means of resolution;
10. If the Complainant is unwilling to participate, whether the University possesses other means to obtain relevant evidence;
11. The University's ability to identify a Respondent;
12. The facts that are reasonably in dispute;
13. The affiliation that the Complainant, Respondent, and other involved person(s) have with the University;
14. The University's obligation to promote a safe and non-discriminatory environment; and
15. The University's obligation to satisfy any other legal or regulatory requirements.

### 13. Inquiry

The Associate Vice Chancellor has the discretion and authority to determine that a report can be resolved through an inquiry process at the earliest stage after receiving a report. The Associate Vice Chancellor may initiate an inquiry to gather information and attempt to resolve the report. The Associate Vice Chancellor may also initiate an administrative review as part of the inquiry. Upon initiation of an administrative review, the Associate Vice Chancellor will notify the head of the unit of the commencement and scope of the review.

Following the inquiry, the Associate Vice Chancellor may refer the matter to the appropriate administrator and may suggest remedial action. The Associate Vice Chancellor also has the discretion to initiate a formal

investigation where the inquiry cannot resolve the concern or when the information gathered indicates that a formal investigation is necessary.

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

Unlike in a formal investigation, the Complainant and Respondent do not have the right to review all information gathered through the course of an inquiry. The Associate Vice Chancellor has the discretion to redact, remove, or summarize, including, but not limited to, personally identifiable information, personnel records, witness statements, and other evidence that the Associate Vice Chancellor determines would negatively impact the operation and mission of the University if disclosed to either Party.

#### 14. **Informal Resolution**

##### **A. Informal Resolution**

Informal resolution is an alternative resolution process that does not include a full investigation. Informal resolution is typically a spectrum of facilitated, or structured, and adaptable processes between Complainant, Respondent, and/or other affected community members that seeks to identify and meet the needs of the Parties, acknowledge harm and seek to repair the harm (to the extent possible) experienced by the Complainant and/or the University community.

##### **B. Availability of informal resolution:**

1. The University will not require that the Parties participate in the informal resolution process.
2. After receiving a Complaint, the Associate Vice Chancellor may offer the informal resolution process to the Parties.
3. The Associate Vice Chancellor reserves the right to determine whether the informal resolution process is appropriate in a specific case. If, during the course of a formal investigation, either party requests informal resolution, the formal investigation may be paused or ended to initiate informal resolution.
4. The University may offer informal resolution to take action through the imposition of individual and community remedies designed to preserve the parties' access to educational, extracurricular and employment activities at the University and/or to eliminate a hostile environment.
5. However, any time prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and resume the investigation described in Section 15 below. The Associate Vice Chancellor has the discretion to end the informal resolution process at any time before the resolution is finalized.

##### **C. Additional procedures for informal resolution in cases of Gender-based Violence,**

The informal resolution process is not available to resolve allegations of Prohibited Conduct involving Gender-based Violence in which the Complainant is a Student of the University and the Respondent is an Employee of the University.

If a Complaint involves Gender-based Violence and the Associate Vice Chancellor determines that informal resolution process is appropriate, the Associate Vice Chancellor will issue Written Notice to the Parties disclosing:

1. The allegations.
2. The requirements of the informal resolution process, including the circumstances under which it precludes the Parties from resuming a Complaint arising from the same allegations.
3. The informal resolution process is only available if the Parties voluntarily consent in writing to the informal resolution process. If the Parties voluntarily consent, the University may implement the informal resolution process any time prior to reaching a determination regarding responsibility.
4. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
5. That either Party may withdraw from the informal resolution process prior to agreeing to a resolution and resume the investigation.

#### **D. Resolution**

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

#### **E. For Students**

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

#### **F. For Employee Respondents**

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

### **15. Formal Investigation**

### **A. Initiation of an Investigation**

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

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

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

The Parties have two (2) business days from receipt of the names of the Investigator to raise any objection to the Investigator based upon actual conflict of interest, bias, or prejudice. The Associate Vice Chancellor will assess the circumstances and determine whether to assign a different Investigator to the matter. The Party must object in writing, specifically describe the purported conflict of interest or bias, and provide any evidence to support this concern.

### **B. Notice of Investigation**

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

The notice letter will

1. Identify the Complainant(s) and Respondent(s);
2. Provide a concise summary of the of the alleged Prohibited Conduct (including when and where it occurred, if known) and specify the date, time (if known), location and nature of the alleged Prohibited Conduct and any other relevant conduct;
3. Notify the Parties that an investigation has been initiated against the Respondent(s);
4. Identify the applicable Procedures;
5. Identify the assigned Investigator(s);
6. Inform the Parties how to challenge participation by the Investigator(s) on the basis of bias, conflict of interest or prejudice;
7. Identify the potential Prohibited Conduct violations and other potential University policy violations consolidated into the investigation (if any);
8. Invite the Parties to attend an informational meeting;
9. Explain that Retaliation is prohibited;
10. Inform the Parties of the right to inspect and review evidence;
11. Instruct the Parties to preserve any potentially relevant evidence in any format;
12. Include a statement that the Respondent is presumed not responsible for alleged Prohibited Conduct unless and until a determination regarding responsibility for Prohibited Conduct is made at the conclusion of the investigation;
13. Describe the Parties' right to an advisor and support person of their choice; and
14. For Students, provide a statement that the Honor Code includes prohibitions on intentionally

giving false or misleading information to a University official.

If, during the course of an investigation, the University decides to investigate additional allegations about the Complainant or Respondent relating to the same facts or circumstances, but that were not included in the earlier written notice, the University will provide written notice of the additional allegations to the Parties whose identities are known.

### **C. Informational Meeting**

Each Party wishing to participate in an informational meeting will have five (5) business days after receiving notice to complete the informational meeting with the Associate Vice Chancellor before the investigation moves forward. At the informational meeting, the Associate Vice Chancellor will review these Procedures for the investigation, discuss the rights and responsibilities of a Party, and answer any questions that the Party may have.

At any time during the investigation, any Party may request an additional informational meeting to review these Procedures and answer any questions that the Party may have about the Procedures.

### **D. Participation and Interviews of Parties and Witnesses**

No Party or Witness is required to participate in the formal investigation, and the Investigator will draw no adverse inference from a decision by any party or witness not to participate. However, if either Party declines to participate or limits the extent of their participation, such decision may limit the ability of the University to thoroughly investigate and resolve the Complaint. After completing the informational meeting, or upon the expiration of the deadline to have an informational meeting, Complainant and Respondent will be invited to complete an initial interview with an Investigator. The initial interview typically will be completed within ten (10) business days of the Investigator's request for an interview, or the investigation will move forward without the initial interview. The Investigator or Associate Vice Chancellor may grant extensions for good cause upon written request by a Party.

The Investigator will record, with permission of the Party or Witness, and transcribe (or arrange for transcription of) all interviews. For Parties or Witnesses who elect not to have their interview recorded, the Investigator will prepare a statement of the interview. Each Party or Witness will be given the opportunity to review the interview statement of their own interview and correct spelling/grammar and factual errors and provide clarification if needed. The Investigator may address any substantive comments or corrections submitted in the investigative report.

The Investigator may have follow-up questions for a Complainant, Respondent, or Witnesses after their respective initial interviews. Each participant will have a reasonable time to complete any follow-up interview requested by an Investigator, but if a follow-up interview is not completed within that time frame, the investigation will move forward.

### **E. Evidence**

The investigation will be conducted in a manner that is respectful of individual privacy concerns. The Investigator, not the Complainant or the Respondent, is responsible for gathering relevant evidence to the extent reasonably possible. However, each Party will be given the opportunity to identify potential Witnesses, provide other relevant information, such as documents, communications, photographs, and other evidence, and suggest questions to be posed to the other Party or Witness.

The Investigator will review all information the Parties identify or provide as well as any other evidence the Investigator obtains. The Investigator will determine the relevance, credibility, and probative value of the information developed or received during the investigation. The Investigator may ask a Party or Witness to describe the relevance of the information submitted. The Investigator may exclude evidence that is not relevant. Irrelevant evidence includes but is not limited to: statements of personal opinion rather than direct observations or reasonable inferences from the facts, and statements of the general reputation for any character trait (e.g.: honesty).

In general, a Complainant's or Respondent's prior or subsequent sexual history is not relevant, and the Investigator will not consider such information during an investigation, provided that in a case involving Gender-based Violence the Investigator may consider evidence concerning specific incidents of the Complainant's prior sexual behavior with respect to the Respondent, when offered to prove Consent. Any Party seeking to introduce information about prior sexual history or pattern evidence (as identified above) should bring this information to the attention of the Investigator at the earliest opportunity. The University, through the Investigator, may choose to consider this information with appropriate notice to the Parties. Where a sufficient informational foundation exists, the Investigator, in consultation with the Associate Vice Chancellor, will assess the relevance, form, and reliability of the information.

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

In general, a person's medical and counseling records are confidential unless that person voluntarily chooses to share a licensed health care professional's direct observations of that person's physical or mental health condition. Additionally, personnel records are generally confidential; however, the Investigator may review relevant personnel records. If relevant, the Investigator will summarize the information from the confidential records in the preliminary report for both parties to review, and the Investigator will make available the relevant portions of such records, with appropriate redactions for the non-sharing Party's review. The Investigator may seek relevant information from other University offices, such as course evaluations, course syllabi and schedules, course materials, housing records, swipe card data, parking data, campus video records, as appropriate for the investigation. The Investigator may visit relevant sites or locations and record observations through written, photographic, or other means.

The Investigator may consult experts who have no connection to the reported incident when expertise on a specific issue or submitted evidence is needed to gain a fuller understanding of the issue or of the relevance or value of the evidence. In instances where the Investigator plans to consult an expert, prior to such consultation, the Investigator will share the expert's identity with both Parties. The Parties have two (2) business days from receipt of the name of the expert to raise any objection to the expert based upon actual conflict of interest, bias or prejudice. The Associate Vice Chancellor will assess the circumstances and determine whether to consult a different expert to the matter. The Party must object in writing, specifically describe the purported conflict of interest, bias, or prejudice, and provide any evidence to support this concern.

The Investigator will generally not accept or consider 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). Should a Party submit

any such information, the Investigator will seek to interview the external investigator, polygraph examiner or other individual, to determine whether to include such information. This provision does not apply to external investigators or experts hired or consulted by the University pursuant to these Procedures.

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

1. The previous allegation or incident was substantially similar to the present allegation;
2. The information indicates a pattern of behavior and substantial conformity with that pattern by the Respondent; or
3. The Respondent was subject to a previous credible allegation, participated in an alternative resolution to a Complaint, and/or was previously found responsible for Prohibited Conduct.

#### **F. Preliminary Report**

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

The Investigator will concurrently provide the Complainant and Respondent with access to review the preliminary report via the University's chosen cloud storage platform. The Complainant and Respondent have ten (10) business days from the time they are given access to the preliminary report to submit any comments, feedback, additional documents, evidence, requests for additional investigation, names of additional potential Witnesses, or any other information they deem relevant to the Investigator. Each Party may meet with the Investigator to provide this additional information in lieu of or in addition to written comments. Although the Associate Vice Chancellor may, upon written request, grant an extension for good cause to both Parties, provided that such extension will not exceed an additional ten (10) business days and such an extension may cause University resolution to exceed the timeframes specified in these Procedures.

If the Investigator receives information from a Party in response to the preliminary report that warrants further substantive investigation or review, the Investigator, in consultation with the Associate Vice Chancellor, has the discretion to extend the investigation. If the Investigator extends the investigation, the Investigator will notify the Parties in writing, issue an amended preliminary report, and provide the Complainant and Respondent access to such report for review and comment for at least five (5) business days.

#### **G. Final Investigative Report**

After receiving any comments submitted by the Complainant and/or Respondent, or after the comment period has lapsed without receiving comments, the Investigator will address any relevant issues, pursue any additional investigative steps as needed, and issue a final investigative report.

The final investigative report will contain all information from the preliminary report, any response to the preliminary report submitted by the Complainant and/or Respondent, and any additional information gathered. If the Respondent admits responsibility, the Investigator's final investigative report may contain a



short summary of the allegations and the Respondent's admission of responsibility.

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

The Investigator will deliver the final investigative report and all attached materials to the Associate Vice Chancellor. The Associate Vice Chancellor will concurrently provide the Complainant and Respondent with access, via the University's chosen cloud storage platform, to review the final investigative report and all attached materials, including information submitted by the Parties in response to the preliminary report and all information and materials gathered as additional investigative steps, which are not otherwise privileged. At the same time, the Associate Vice Chancellor will issue a determination letter to both Parties indicating whether or not a Respondent was found responsible for Prohibited Conduct. The Associate Vice Chancellor will also send a copy of this letter to necessary administrators and supervisors. Where there is a determination of responsibility for Prohibited Conduct, the determination letter will contain information regarding the next steps for Disciplinary Action or Outcomes.

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

#### **H. Time Frames**

1. The University will make a good faith effort to address and resolve all reports, exclusive of appeals, within an average of sixty (60) to ninety (90) business days, without jeopardizing the rights of a Party.
2. To help facilitate completion of the investigation in a timely manner, the University has established time frames for certain components of the investigation. 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.
3. The University will strive to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.
4. The University will provide regular updates to the Parties of the status of the investigation.
5. Complainants and Respondents have the right to determine whether, and to what extent, they will participate in the investigation. However, the investigation will move forward to the next stage whether or not a Party or Witness completes the identified component by the applicable time frame.
6. Based on extenuating circumstances, the Complainant and/or Respondent may seek an extension by written request to the Associate Vice Chancellor submitted prior to the original deadline. The Associate Vice Chancellor will have sole discretion to grant or deny the extension. The Associate Vice Chancellor may require proof to verify the circumstance(s) on which the request is based. The Associate Vice Chancellor will notify the Parties of any

extension granted. Where a time frame applies to both Parties, the extension will be given to both Parties.

7. The University's failure to meet any of the time frames outlined within these Procedures, or to provide written notice of the extension of these time frames, shall not be grounds for dismissing any allegations of Prohibited Conduct or for an appeal of any matter, nor shall such failure limit the University's ability to complete an investigation, issue findings, impose Outcomes, enact Disciplinary Actions, or limit the University's ability to take any other required administrative action under these Procedures.
8. At the request of law enforcement, the University may agree to temporarily defer part or all of its fact-gathering until law enforcement has completed its initial evidence-gathering phase. The University will nevertheless communicate with the Parties about resources and support, procedural options, anticipated timing, and the implementation of any necessary Supportive Measures to protect the safety, well-being, and continued equal access to a University education program, employment or activity.

## 16. Remedies/Disciplinary Action/Outcomes

### A. Remedies

1. Remedies are designed to restore or preserve equal access to the University's Education Program or Activity.
2. Remedies may eliminate a hostile environment for the Complainant and/or provide safety protections for the Complainant or the University Community.
3. Remedies may be disciplinary or punitive.
4. Remedies may include arrangements that were provided as Supportive Measures during the investigation.
5. In the event the investigative report finds the Respondent responsible for Prohibited Conduct, in consultation with the Associate Vice Chancellor or other appropriate University officials, the Outcome Council (for Respondents who are Students) or the University official(s) responsible for determining discipline (for Respondents who are not Students) will determine Remedies.

### B. Disciplinary Action

1. The following University officials will determine Disciplinary Actions:
  - a. For Employees who are staff, the Respondent's supervisor or other responsible administrator will determine the appropriate Disciplinary Action in consultation with the Division of Human Resources & Inclusive Community and the Associate Vice Chancellor. The Respondent's supervisor, or the Division of Human Resources & Inclusive Community, shall determine the Disciplinary Action within ten (10) business days of receipt of the final investigation report and notify the Associate Vice Chancellor of the Disciplinary Action imposed. If the Respondent's supervisor requires additional time, they shall request an extension of time from the Associate Vice Chancellor. The Associate Vice Chancellor will inform the Parties simultaneously and in writing of any extensions of time.
  - b. For Employees who are faculty, the Vice Provost for Faculty Affairs will determine the appropriate Disciplinary Action in consultation with the dean of the applicable college or school. The Vice Provost for Faculty Affairs shall determine the Disciplinary Action within ten (10) business days of receipt of the final investigation report and notify the Associate Vice Chancellor of the Disciplinary Action imposed. If the Vice Provost for Faculty Affairs requires additional time, they shall request an extension of time from the Associate Vice

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

2. In determining Disciplinary Action, the decision-maker has the following objectives:
  - a. Promoting safety and protecting the University community;
  - b. Sanctioning individuals for engaging in Prohibited Conduct and deterring them from similar future behavior;
  - c. Ending Prohibited Conduct;
  - d. Taking steps reasonably calculated to prevent the future reoccurrence of the Prohibited Conduct;
  - e. Restoring the Complainant to their pre-deprivation status, to the extent practical and possible.
3. In determining Disciplinary Action, the decision-maker will consider whether the nature of the conduct at issue warrants removal from the University, either permanent (termination) or temporary (suspension). The decision-maker will also consider other factors including, but are not limited to:
  - i. the nature of the Prohibited Conduct at issue,
  - ii. the degree of physical violence (if any) associated with the Prohibited Conduct,
  - iii. the impact of the Prohibited Conduct on the Complainant or University community,
  - iv. prior disciplinary history of the Respondent or relevant or related criminal convictions (if known) (shared only upon a finding of responsibility for the allegation),
  - v. whether the Respondent has accepted responsibility for the Prohibited Conduct,
  - vi. previous University response to similar conduct, and
  - vii. the maintenance of a safe, nondiscriminatory, and respectful living, learning, and working environment; and
  - viii. any other mitigating, aggravating, or compelling factors.
4. Disciplinary Action for Employees may vary, up to and including termination of employment, based on the circumstances of the matter, and includes but is not limited to:
  - a. Prohibition from various academic or managerial responsibilities involving the Complainant or others;
  - b. Informal or formal coaching;
  - c. Training or education;
  - d. A letter of reprimand placed in a Respondent's personnel file;
  - e. Restrictions on a Respondent's access to University programs or facilities;
  - f. Limitations on merit pay or other salary increases for a specific period; or
  - g. Demotion, suspension, or dismissal/termination from the University, or a recommendation that a separate process required to impose such action be commenced. Such a process shall rely on the written determination pursuant to these Procedures and may only address appropriate Disciplinary Action.

### **C. Outcomes**

If the Respondent who is a Student is found responsible for Prohibited Conduct:

1. The Associate Vice Chancellor will notify the Chair of the Outcome Council in writing when a finding of responsibility requires convening of the Outcome Council and provide the final

investigation report and all related materials to the Outcome Council. The Associate Vice Chancellor will notify the parties in writing when the final investigation report is referred to the Outcome Council and provide the Parties with the names of the Outcome Council members who will hear the matter. The Parties have two (2) business days from receipt of the names of the Outcome Council members to raise any objection based upon actual conflict of interest, bias, or prejudice. The Party must object in writing, specifically describe the purported conflict of interest, prejudice, or bias, and provide any evidence to support this concern. The Associate Vice Chancellor will assess the circumstances and determine whether to assign a different Outcome Council member to the matter.

2. The Outcome Council will convene within ten (10) business days of receipt of the Final Investigation Report and exhibits and will determine the appropriate Outcomes for the Respondent and Remedies for the Complainant. The Chair of the Outcome Council may request a reasonable extension for good cause. The criteria for selection of the Outcome Council are set forth in the [Honor Code](#).
3. In determining Outcomes, the Outcome Council has the following primary objectives:
  - a. Promoting safety or deterring individuals from similar future behavior;
  - b. Protecting the University community;
  - c. Ending the Prohibited Conduct;
  - d. Taking steps reasonably calculated to prevent the future reoccurrence of the Prohibited Conduct;
  - e. Restoring the Complainant to their pre-deprivation status, to the extent practical and possible.
4. The Outcome Council considers the following criteria in determining Outcomes to meet those objectives:
  - a. Nature and severity of the Prohibited Conduct;
  - b. The degree of physical violence (if any) associated with the Prohibited Conduct;
  - c. Number of Complainants;
  - d. Number of impacted individuals;
  - e. Prior Student Rights & Responsibilities history or relevant or related criminal convictions (if known) of the Respondent;
  - f. Whether the Respondent has accepted responsibility
  - g. The impact the Prohibited Conduct has had on the Complainant(s), University Community, community members, University and community safety, and University environment;
  - h. the maintenance of a safe, nondiscriminatory, and respectful living, learning, and working environment; and
  - i. Any other mitigating, aggravating, or compelling factors.
5. The range of Outcome includes:
  - a. Status Outcomes, including Warning, Probation, Deferred Suspension, Suspension, and Dismissal;
  - b. Educational Outcomes, including but not limited to Written Assignments, Worksheets, Programs & Activities; Interventions; Restrictions; and Referrals.
6. The Outcome Council will concurrently notify the Complainant, Respondent, their respective advisors (if any), and the Associate Vice Chancellor in writing of the remedies and Outcomes determined to be appropriate by the Outcome Council. The Outcome Council determination will provide both Parties information on their right to appeal pursuant to these Procedures.

## 17. Appeal

**A. Appealable Issues**

Either Party may appeal a determination regarding responsibility. No other issue may be appealed.

**B. Bases for Appeal**

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

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence not reasonably available at the time the determination regarding responsibility was made that could affect the outcome of the matter;
  - a. This basis for appeal is not satisfied simply because evidence was not presented during the proceedings if the evidence was reasonably available at the time the determination was made.
3. The Associate Vice Chancellor, Investigator, or Outcome Council member(s) had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, that affected the outcome of the matter.
4. Where the Respondent is a Student, the Outcomes imposed are substantially disproportionate to the severity of 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. In any request for an appeal, the burden of proof lies with the Party requesting the appeal.

**C. Filing an Appeal**

1. If a Party wishes to file an appeal, the Party must submit the appeal to the Associate Vice Chancellor in writing no later than five (5) business days after the written determination letter or the Outcome Council Determination in matters (where the Respondent is a Student and there is a finding of responsibility) is sent to the Party.
2. The written appeal must state with specificity:
  - a. The issues being appealed;
  - b. The bases for the appeal; and
  - c. If new evidence is offered, the appeal must describe with specificity the new evidence and how it could affect the outcome of the matter.

**D. Time Frame for Completion of Appeal**

1. The University will make a good faith effort to complete the appeal within fifteen (15) business days from the date the appeal is provided to the Appellate Officer.
2. The time frame for completion of appeal may be extended for good cause. If the time frame for completion of appeal is extended, the Associate Vice Chancellor will notify both Parties in writing of the delay or extension and the reasons for the delay or extension.

**E. Appeal Procedure**

1. After receiving a timely written appeal, the Associate Vice Chancellor will notify the Parties in writing:
  - a. That the appeal was submitted;

- b. The opportunity for the Party who did not submit an appeal to:
      - i. Review the appeal statement of the other Party; and
      - ii. Submit a written statement in support of or challenging the issues being appealed within five (5) business days of the date of the written notice of appeal.
  2. The Appellate Officer shall not be the same person as the decision-makers that reached the determination regarding responsibility, the Investigator(s), the Associate Vice Chancellor, any member of the Outcome Council for the matter, or the University official(s) who determined Disciplinary Action in the matter.
    - a. The Appellate Officers are as follows:
      - i. For Students, the Vice Chancellor for Student Affairs or designee;
      - ii. For Employees who are staff, the Vice Chancellor for Human Resources or designee; and
      - iii. For Employees who are faculty, the Provost and Executive Vice Chancellor or designee.
    - b. The University will notify both Parties of the identity of the Appellate Officer, and the Parties will have two (2) business days from receipt of the name to raise any objection to the participation of the Appellate Officer based on an actual conflict of interest, bias, or prejudice. The Associate Vice Chancellor will assess the circumstances and determine whether to assign a different Appellate Officer to the matter. The Party must object in writing, specifically describe the purported conflict of interest, bias, or prejudice, and provide evidence to support this concern.
  3. The Appellate Officer will consider the appeal, including any written statements submitted by the Parties. The Appellate Officer may also consider the investigative report, including any Party's written response to the investigative report, but may not engage in independent fact finding such as interviewing the Parties or other Witnesses.
    - a. The Appellate Officer may take one of the following actions:
      - i. Deny the appeal based on not satisfying the Appeal Criteria and uphold the written determination issued by the decision-maker
      - ii. Accept the appeal in whole or in part based on satisfying the Appeal Criteria and:
        1. Send the matter back for supplemental investigation;
        2. If the defect cannot be cured through supplemental investigation, then the Appellate Officer may order a new investigation; or
        3. Dismiss the Complaint.
  4. The Appellate Officer will prepare a written determination of appeal, which will describe the result of the appeal and the rationale for the result and will provide the written determination to the Associate Vice Chancellor. The Associate Vice Chancellor will provide the written determination of appeal concurrently to the Parties.
  5. The result of the appeal is final.

#### **F. Grievance of Disciplinary Action for Employees**

In addition to the appellate rights set forth in this Section 17, Employees may file a grievance in accordance with the following procedures:

1. Faculty members may pursue their applicable rights pursuant to the Policies and Procedures Relating to Faculty Appointment, Promotion, & Tenure;

2. Staff may pursue a grievance pursuant to the Employee Grievance procedures outlined in the Employee Handbook; and
3. Employees who are subject to a collective bargaining agreement must pursue their grievance rights pursuant to that agreement.

## 18. Recordkeeping and Recordings

The Office of Equal Opportunity & Title IX documents each report or investigation of Prohibited Conduct, requests for assistance, and resolutions under these Procedures. Consistent with University's [Records Management Policy](#), the Office of Equal Opportunity & Title IX will maintain separate, secure records in order to track patterns and systemic behaviors. The University will not store records related to the investigation of any allegations of Prohibited Conduct in personnel files of Employees reporting alleged conduct, and instead the Office of Equal Opportunity & Title IX shall retain such records in a separate, secure location. However, the University will document any disciplinary action taken against an Employee found responsible for Prohibited Conduct in the Employee's personnel file. The University will keep such records confidential to the extent permitted by law.

The University has the right to make electronic recordings of any meeting, interview, or other proceeding under these Procedures. Each Party, Witness, advisor, and support person is prohibited from making an electronic recording of any meeting, interview, or other proceeding under these Procedures.

The University shall retain for a period of seven (7) years after the date of case closure or for Students seven (7) years from the completion of all Outcomes:

1. The official file relating to a formal resolution, including any investigation, sanctioning, and/or appeals processes involving allegations of Prohibitive Conduct.
2. In cases in which a Respondent was found to have violated the [Policy](#) and was dismissed or terminated, the University may retain such official case files indefinitely.

## 19. Additional Considerations

### A. Responsibilities of Parties

Throughout their involvement in any process under these Procedures, the Complainant, Respondent, Witnesses, as well as Third Parties, have the following responsibilities:

1. Provide the University with truthful information and operate in good faith with University officials.
2. Not engage in Retaliation or Obstruction against any person who is perceived to have participated in any process pursuant to these Procedures.
3. Notify one's advisor or support person of the time, date, and location of any meeting associated with any process pursuant to these Procedures. The Investigator is not required to reschedule meetings to accommodate the schedule of an advisor or support person.
4. Provide notification to the Investigator that an advisor or support person will be present for meetings no later than 48 hours before the scheduled meeting.
5. Provide the University with accurate address and other contact information so that notifications are not unduly delayed.
6. Promptly open and read any communication from the Office of Equal Opportunity & Title IX, the Office of Student Rights & Responsibilities, or any other University administrator involved



in any process pursuant to these Procedures.

**B. External Agreements**

The University will not recognize or enforce agreements between the Parties outside those contemplated by these Procedures. However, the University will recognize 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.

**C. External Resources**

An individual who believes that they have 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 U.S. Department of Education Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), or the Colorado Civil Rights Division (CCRD), within the agency's applicable time limits.

In addition, any person who is dissatisfied with the University's internal procedures for handling complaints, or with the result of the investigation or the Outcomes and/or Disciplinary Action imposed, may seek redress through these means to the extent allowed by law. The Complainant should be aware that filing a report 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 the laws and regulations identified in these procedures, to meet the strict procedural timelines and the ability of the Equal Employment Opportunity Commission (EEOC) to investigate the complaint and protect the individual's right to file a private lawsuit, should promptly contact:

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

Denver Field Office  
950 17th Street  
Suite 300  
Denver, CO 80202  
United States  
(800) 669-4000  
(800) 669-6820 (TTY)  
844-234-5122 (ASL Video Phone)

20. **Education and Prevention Programs**

The University is committed to offering educational programs to promote awareness of Discrimination, Harassment, Gender-based Violence, 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. All incoming Students receive training on the University's policies and procedures, as well as prevention and awareness programming. During on-boarding and annually, Employees are required to undertake training on the University's policies and procedures, as well as prevention and awareness programming. The University's Office of Equal Opportunity & Title IX, the [Center for Advocacy, Prevention and Empowerment \(CAPE\)](#), and the [Department of Health Promotion](#) provide education and prevention programming and are willing to tailor programming to address specific campus needs and climate.

**21. Revisions**

Pursuant to University's [Discrimination and Harassment Policy, Section 3.10.010](#), the University may, in its sole discretion, update these Procedures at any time for any reason, including as necessary to comply with applicable local, state, and federal laws and regulations and/or directives from relevant government agencies. Where these Procedures are silent on a procedural issue, and no other applicable policy governs the issue, the Associate Vice Chancellor has discretion to adopt sound practices.

The University will make such updates subject to approval from the Provost and Executive Vice Chancellor and the Senior Vice Chancellor for Business and Financial Affairs and effective upon publication to the University community.