Office of Equal Opportunity & Title IX
Title IX Sexual Harassment Procedures
–2022-2023

(Effective August 15, 2022[1])

University of Denver

[1] These procedures were revised effective April 15, 2023 to address personnel changes in the Office of Equal Opportunity & Title IX.

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

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 and the Title IX Coordinator 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:

Howard Kallem, JD
Interim Associate Vice Chancellor for Equal Opportunity & Title IX
Office of Equal Opportunity & Title IX
Driscoll Center South, Suite 30
2050 E. Evans Avenue
Denver CO 80208
(303) 871-7016
https://www.du.edu/equalopportunity/index.html
Equalopportunity@du.edu or Howard.Kallem@du.edu

Molly Hooker
Interim Title IX Coordinator/
Office of Equal Opportunity & Title IX
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 or 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 Ave.
Denver CO 80208
(303) 871-7016
https://www.du.edu/equalopportunity/index.html
https://accessibility.du.edu/
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 Title IX Coordinator, 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

U.S. Department of Education U.S. Equal Employment
Office for Civil Rights Opportunity Commission
Denver Regional Office Denver Field Office
Cesar E. Chavez Memorial Building 950 17th Street, Suite 300
1244 Speer Boulevard, Suite 310 Denver, CO 80202
Denver, CO 80204-3582
Telephone: (800) 669-4000 Telephone: (303) 844-5695
FAX: (303) 866-1085 FAX: (303) 844-4303
TTY: (800) 669-6820 TDD: (800) 877-8339
ASL Video Phone: (844) 234-5122
Email: OCR.Denver@ed.gov

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
Telephone: (800) 397-6251
TTY: (202) 693-133

II. Purpose

A. The Office of Equal Opportunity & Title IX has established these Procedures to administer and enforce the University's Discrimination and Harassment Policy ("Policy")as it applies to sexual harassment as defined by Title IX.[2] The Policy and these Procedures are intended to comply with the requirements of Title IX, 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 laws of the State of Colorado with respect to its application to sexual misconduct, and other applicable laws and regulations.

B. Consistent with federal, state and local law, and the Policy, the University, through the Office of Equal Opportunity & Title IX, takes action to provide a prompt and equitable resolution of complaints by individuals participating in or attempting to participate in the University's Education Program or Activity alleging:
   1. Sexual Harassment, as defined by the U.S. Department of Education's Title IX regulations and Section IV.A.1 of these Procedures; and
   2. Retaliation against any individual or group of individuals involved in an investigation and/or resolution of a report under these Procedures, provided that the University will address allegations of Retaliation pursuant to the Office of Equal Opportunity & Title IX Comprehensive Discrimination and Harassment Procedures.

C. The Office of Equal Opportunity & Title IX is responsible for administering the Procedures. Any inquiries about the Procedures should be referred to the Title IX Coordinator[3] or the Assistant Secretary of the U.S. Department of Education for the Office of Civil Rights, who may be contacted as follows:

[2] These Procedures should be read in conjunction with the Discrimination and Harassment Policy. Capitalized terms used and not otherwise defined in this Procedure are defined in the Discrimination and Harassment Policy.
[3] The Title IX Coordinator may, in their discretion, designate responsibilities to the Deputy Title IX Coordinator, Deputy Equal Opportunity Coordinator, Interim Deputy Coordinator for Equal Opportunity and Title IX Investigations, or other Title IX trained personnel in the University.

Molly Hooker
Interim Title IX Coordinator
University of Denver
Driscoll Center South, Suite 30
2050 E. Evans Avenue
Denver, CO 80208
Phone: 303-871-7016
TitleIX@du.edu

Assistant Secretary of the U.S.
Department of Education for the
Office of Civil Rights
Lyndon Baines Johnson
Department of Education Building
400 Maryland Avenue, SW
Washington, DC 20202-1100
Phone: 800-421-3481
Fax: 202-453-6012
OCR@ed.gov

The Office of Equal Opportunity & Title IX will consider, recommend, and implement Supportive Measures for the parties involved and the community, conduct prompt and equitable investigations, promote accountability for violations of policies and procedures, and recommend other remedies designed to eliminate Sexual Harassment, prevent its recurrence, and address its effects.

III. Scope and Jurisdiction

A. These Procedures apply to all reported instances of alleged Title IX Prohibited Conduct where the following conditions are met:
    1. The Title IX Prohibited Conduct is alleged to have been perpetrated against a person in the United States;
    2. The Title IX Prohibited Conduct is alleged to have occurred on or after August 14, 2020;[4]
    3. The Title IX Prohibited Conduct is alleged to have taken place within the University's Education Program or Activity; and
    4. At the time of filing or signing the Formal Complaint, the Complainant is participating in or attempting to participate in the University's Education Program or Activity.

B. The University may address alleged incidents of discrimination, harassment, or other misconduct on the basis of Protected Status that are not covered by these Procedures using other University policies and procedures, including but not limited to:
    1. Office of Equal Opportunity & Title IX Comprehensive Discrimination and Harassment Procedures
    2. Honor Code with the Student Rights & Responsibilities Policies and Procedures

[4] The University will address 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 August 15, 2022 under the Office of Equal Opportunity & Title IX Comprehensive Discrimination and Harassment Procedures.

C. These Procedures apply to Title IX Prohibited Conduct as defined by the University's Discrimination and Harassment Policy that occurred on or after August 14, 2020 was reported on or after the effective date of these Procedures. These Procedures supersede any conflicting information in any other University policy with respect to the procedures applicable to alleged Title IX Prohibited Conduct. The University may apply a different policy or procedures under certain circumstances where required by a change in the law, regulation, or federal agency guidance.

D. The Associate Vice Chancellor for Equal Opportunity & Title IX and the Title IX Coordinator, in their sole discretion, shall determine whether these Procedures or the Comprehensive Discrimination and Harassment Procedures, or both, apply to the Title IX Prohibited Conduct.

E. All members of the University of Denver community are subject to these Procedures, including Students, Employees, and Third Parties.
   1. Members of the community are responsible for conducting themselves in accordance with these Procedures and other University policies and procedures.
   2. For Employees, these Procedures apply to the conduct that takes place from the date on which the individual accepts an offer of employment with the University until their employment ceases.
   3. If a Student graduates or withdraws or an Employee voluntarily resigns prior to final resolution of any matter, the Office of Equal Opportunity & Title IX retains jurisdiction and the discretion to address the matter as necessary to fulfill the University's obligations under Title IX.

F. Visitors and Guests
   1. Visitors to and guests of the University are both protected from and subject to the restrictions on Sexual Harassment, 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 Sexual Harassment committed against them by members of the University community, but visitors and guests are limited in their rights pursuant to these Procedures.
   2. The University can trespass visitors and guests who have been alleged to have engaged in Sexual Harassment without any rights to the resolution processes described in these Procedures. Members of the University community who host guests may be held accountable for the misconduct of their guests pursuant to applicable University policies.

IV. Definitions

A. Definitions of Conduct Prohibited by these Procedures
   1. Title IX Prohibited Conduct

Title IX Prohibited Conduct includes the following alleged conduct (as defined in University's Discrimination and Harassment Policy) where the alleged conduct occurred in the United States and in the University's Education Program or Activity:

- *Quid Pro Quo* Harassment
- Sexual Harassment
- Sexual Assault
- Dating Violence
- Domestic Violence, and
- Stalking

B. Additional Definitions that Apply throughout these Procedures

1. Associate Vice Chancellor of Equal Opportunity & Title IX
   The Associate Vice Chancellor of Equal Opportunity & Title IX or their designee.
2. 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.
3. Complainant
   An individual who is alleged to have experienced conduct that could constitute Title IX Prohibited Conduct, and, for purposes of a Formal Complaint, who is participating or attempting to participate in a University Education Program or Activity. The person is considered a Complainant regardless of whether they choose to file a Formal Complaint.
4. Disciplinary Action
   Any action levied by the University against an Employee who is found responsible for Title IX Prohibited Conduct under these Procedures.
5. Education Program or Activity
   Includes 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.
6. Employee(s)
   All full-time and part-time faculty, University staff, student Employees, wage (including temporary employees), professional research staff, and post-doctoral fellows.
7. Formal Complaint
   A document filed by a Complainant or signed by the Title IX Coordinator alleging Title IX Prohibited Conduct against a Respondent and requesting that the University investigate the allegation of Title IX Prohibited Conduct. A signature includes a physical or digital signature or other indication that the Complainant or Title IX Coordinator is the person filing the complaint. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, by email, or using the online portal on the Title IX website.
8. Investigator
   The individual or individuals designated by the Title IX Coordinator to be responsible for gathering evidence and drafting an investigative report.
9. Outcomes
   The University statuses and educational opportunities, restrictions, and/or expectations for a Student found responsible for Title IX Prohibited Conduct.

10. Outcome Council
    A body composed of University staff and faculty convened by the Office of Student Rights & Responsibilities to determine the Outcomes for a Student who is a Respondent found responsible for Title IX Prohibited Conduct.
11. Party/Parties
    Complainant(s) and/or Respondent(s).
12. 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 investigation and provided at the hearing on one side outweighs the credible, relevant information on the other side, such that is it more likely than not the alleged fact or conduct occurred.
13. 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.
14. Reasonable Person
    A Reasonable Person under similar circumstances and with similar identities to the Complainant or Respondent.
15. Remedies
    The measures provided to a Complainant and/or the University Community following a grievance process pursuant to these Procedures in which a Respondent is found responsible for Title IX Prohibited Conduct.
16. Reporting Party or Reporter
    Any individual who has reported allegations of Title IX Prohibited Conduct pursuant to these Procedures. The Reporting Party need not be the Complainant.
17. Respondent
    An individual or group who has been reported to have engaged in conduct that could constitute Title IX Prohibited Conduct.
18. 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.
19. 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.
20. Supportive Measures
    Non-disciplinary, non-punitive individualized services offered to the Complainant, Respondent, and/or Witnesses, as appropriate and reasonably available.

21. Third Party / Third Parties
    Contractors, vendors, visitors, guests, prospective Students, applicants, alumni, or other third parties.
22. Title IX Coordinator
    Title IX Coordinator means the Title IX Coordinator or their designee.
23. Witness(es)
    A person asked to provide information or a statement under these Procedures.
24. Written Notice
    Notice by email to a Student's or Employee's University Official Email address ending in @du.edu or @law.du.edu or to the known email address of a Third Party. Notice may also be delivered in person or to an individual's University or permanent address, as reported by the individual to the University.

V. Reporting

A. At any time, any person may report Title IX Prohibited Conduct (whether or not the person reporting is the person alleged to have experienced the conduct), in person, by mail, by telephone, by electronic mail or other electronic submission to the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

B. After receiving a report, the Assistant Vice Chancellor and the Title IX Coordinator may conduct an initial assessment of the reported information to determine whether the nature or circumstances of the report are within the scope of these Procedures. If the Title IX Coordinator determines that the reported information does not fall within the scope of these Procedures, the Title IX Coordinator will, as appropriate, process the report under other appropriate procedures, refer to the matter to an appropriate administrator, provide the Complainant with resources, and/or close the matter.

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

Howard Kallem, JD
Interim Associate Vice Chancellor of Equal Opportunity & Title IX
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
Equalopportunity@du.edu or Howard.Kallem@du.edu
https://www.du.edu/equalopportunity/titleix/index.html
Title IX Online Report Form

Molly Hooker
Interim 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 or Molly Hooker
https://www.du.edu/equalopportunity/titleix/index.html
Title IX Online Report Form

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

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
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
SOS Referral Online Report Form

Housing and Residential Education Staff, including Resident Assistants (RAs), Graduate Resident Director (GRDs)
Housing and Residential Education
Dimond Family Residential Village
2020 S. High Street, #P112
Denver, CO 80210
Phone: 303-871-2246
housing@du.edu
https://www.du.edu/housing/

For employment-related concerns:

Human Resources & Inclusive Community
Mary Reed Building, Room 403
2199 S. University Boulevard
Denver, CO 80210
AskHRPartners@du.edu
https://www.du.edu/human-resources/about-us/hr-partners

E. Upon receiving a report of alleged Title IX Prohibited Conduct, the Title IX Coordinator must promptly
    1. Inform the Complainant in writing of their right to simultaneously or subsequently file a Formal Complaint pursuant to these Procedures and the process for doing so.
    2. Contact the Complainant to discuss the availability of Supportive Measures with or without the filing of a Formal Complaint.
    3. Consider the Complainant's wishes with respect to Supportive Measures
    4. Offer Supportive Measures as provided in Section VI below.

F. 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 Title IX Protected Conduct to the Title IX Coordinator to facilitate resolution pursuant to these Procedures.

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

    Information related to a report under these Procedures may be shared with those University Employees who have a "need to know" in order to offer Supportive Measures, assist in 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 any 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 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).

H. Anonymous Reporting

1. Any individual other than a Responsible Employee can make a report without disclosing one's own name, identifying the Respondent, or requesting any action.
2. Anonymous reports are referred to Department of Campus Safety and the Title IX Coordinator for review for appropriate action.
3. The University will review all anonymous reports, and where there is sufficient information, include applicable information in Clery Act reporting.
4. 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.

I. Individuals have several reporting options within and outside the University. Individuals may pursue these options simultaneously or any one of them separately. The University has resources to support a Complainant regardless of the course of action chosen. The University encourages Complainants to contact local law enforcement to report incidents of Title IX Prohibited Conduct that may also be crimes under state or federal criminal statutes. The University will assist a Complainant, at the Complainant's request, in contacting local law enforcement and will cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process. The University 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.

J. If a report of Title IX 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.

K. Timeliness and Location of Incident

1. Although there is no time limit on reporting Title IX Prohibited Conduct, the University encourages Complainants and other individuals to promptly report allegations of Title IX Prohibited Conduct, preferably within 180 days of the last incident of Title IX Prohibited Conduct. Delays in reporting can prevent the University from gathering evidence sufficient to reach a determination as to the allegations and may result in a dismissal of a Formal Complaint.

2. 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 Title IX Prohibited Conduct, prevent its recurrence, and address its effects.
3. 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 in employment or an Education Program or Activity, so that the University may address such conduct under these Procedures or other University policies and procedures, as applicable.

L. Amnesty for Personal Use of Drugs or Alcohol
   1. 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.
   2. 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.
   3. 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.
   4. The University also provides the Medical Amnesty Process as set forth in the Honor Code.

VI. 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 Formal Complaint is filed. A Complainant who requests Supportive Measures retains the right to file a Formal 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.

C. Supportive Measures are not punitive in nature and are designed to protect the safety of all Parties or the University's educational environment. 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 Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

E. Supportive Measures may also be requested by and made available to Respondents, Witnesses, and other impacted members of the University community. The Title IX Coordinator will serve as the point of contact for any individual requesting Supportive Measures.

F. Supportive Measures do not include Disciplinary Actions or Outcomes. The University shall not impose Disciplinary Actions or Outcomes on a Respondent unless and until after the Formal Resolution Process, as detailed in Section IX below, is completed.

G. 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.

H. The University may place a non-student Employee Respondent on administrative leave during the pendency of the Formal Resolution Process set forth in Section IX below. The University will not place a non-student Employee Respondent alleged to have committed Sexual Harassment on administrative leave due solely to the Sexual Harassment allegations that constitute Title IX Prohibited Conduct unless and until a Formal Complaint has been filed with the University. The University, in its discretion and based on the circumstances, will determine whether any administrative leave imposed is to be imposed with or without pay or benefits.

I. 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.

VII. Bias, Training, and Presumptions

A. Any individual designated as a Title IX Coordinator, Deputy Title IX Coordinator, Investigator, Hearing Officer, Decision-Maker for Disciplinary Action, Outcome Council Member, Appellate Officer, or person designated to facilitate an Informal Resolution Process must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.
    1. The University will provide training to the Title IX Coordinator, Deputy Title IX Coordinator, Investigators, Hearing Officers, Decision-Makers for Disciplinary Action, Outcome Council Members, Appellate Officers, and any person who facilitates the Informal Resolution Process. The University will make the training materials used publicly available on the Office of Equal Opportunity & Title IX website.
    2. The University will provide training to Hearing Officers on the following:
        a) How to conduct a hearing;
        b) Issues of relevance, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant;
        c) The definitions in the Policy, including but not limited to Consent;
        d) How to serve impartially by, among other things, avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and other relevant issues;
        e) The effects of trauma on individuals involved in allegations of Sexual Harassment; and
        f) Any technology that might be used during a hearing.
    3. The University will provide training to all Investigators and the staff of the Office of Equal Opportunity & Title IX on the following:
        a) The Policy, including but not limited:
            i. The definition of Consent;
            ii. The scope of the University's Education Program or Activity.
        b) These Procedures, including but not limited to: the presumption that a Respondent is not responsible and issues of relevance;

c) How to conduct an investigation;
d) How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
e) An explanation of relevant state and federal laws concerning sexual misconduct;
f) Options for involving law enforcement; and
g) The effects of trauma on individuals involved in allegations of Sexual Harassment.

4. The University will provide training to Decision-Makers for Disciplinary Action and Outcome Council Members on the following:
   a) The definitions in the Policy, including but not limited to Consent;
   b) The scope of the University's Education Program or Activity.
   c) How to conduct an investigation;
   d) How to conduct a hearing;
   e) Issues of relevance, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant;
   f) How to serve impartially by, among other things, avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and other relevant issues; and
   g) The effects of trauma on individuals involved in allegations of Sexual Harassment.
5. The University will provide training to Appellate Officers on the following:
   a) The definitions in the Policy, including but not limited to Consent;
   b) The scope of the University's Education Program or Activity.
   c) How to conduct an investigation;
   d) How to conduct a hearing;
   e) Issues of relevance, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant;
   f) How to serve impartially by, among other things, avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and other relevant issues; and
   g) The effects of trauma on individuals involved in allegations of Sexual Harassment.

B. All Complaints are presumed to be made in good faith and all Complainants have the right to be taken seriously.

C. A Respondent is presumed not responsible for alleged conduct unless and until a determination regarding responsibility by a Preponderance of the Evidence is made at the conclusion of the Formal Resolution Process set forth in Section IX below

D. At any point during the grievance process, Parties or Witnesses may request disability-related or language assistance accommodations by contacting the Title IX Coordinator who will facilitate interactions with the Disability Services Program or the ADA Coordinator, as appropriate.

E. The University will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence.

F. The University will not make credibility determinations based on a person's status as a Complainant, Respondent, or Witness.

G. The University will endeavor to complete the processes set forth in these Procedures, including any appeals and any Informal Resolution Process if selected, within a reasonably prompt timeframe. The University may extend these timeframes for good cause with Written Notice to the Parties of the delay or extension and the reason for such delay or extension. Good cause may include considerations such as the absence of a Party, a Party's advisor, or a Witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

VIII. Informal Resolution Process

A. Informal Resolution

Informal Resolution is an alternative resolution process that does not include a full investigation or hearing. Informal Resolution is typically a spectrum of facilitated, or structured, and adaptable processes between the Complainant, the 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 Process

1. The University will not require that the Parties participate in the Informal Resolution Process.
2. After a Formal Complaint is filed, the Title IX Coordinator may offer the Informal Resolution Process to the Parties in certain circumstances. The Title IX Coordinator reserves the right to determine whether the Informal Resolution Process is appropriate in a specific case.
    a) The Informal Resolution Process is only available after a Formal Complaint is filed and only if all Parties voluntarily consent, in writing, to the Informal Resolution Process.
        i. However, any time prior to agreeing to a resolution, any Party has the right to withdraw from the Informal Resolution Process and resume the Formal Resolution Process described in Section IX below.
    b) The Informal Resolution Process is not available to resolve allegations of Sexual Harassment in which the Complainant is a Student of the University and the Respondent is an Employee of the University.
3. If the Parties voluntarily consent, the University may implement the Informal Resolution Process any time prior to reaching a determination regarding responsibility.

C. Notice of Availability of Informal Resolution Process

1. If the Informal Resolution Process is available, the Title IX Coordinator will issue Written Notice to the Parties disclosing:
    a) The allegations;

b) The requirements of the Informal Resolution Process, including the circumstances under which it precludes the Parties from resuming a Formal Complaint arising from the same allegations;
c) Any consequences resulting from participating in the Informal Resolution Process, including the records that will be maintained or could be shared;
d) That either Party may withdraw from the Informal Resolution Process and resume the Formal Resolution process prior to agreeing to a resolution.

D. Resolution

After the Parties have agreed to an Informal Resolution Process, reached a resolution, and the Title IX Coordinator has accepted the result of that process, the resolution is binding, and the Parties generally are precluded from resuming or restarting the Formal Resolution Process related to the Formal Complaint. No Party can appeal a binding resolution.

E. Timeframe

The University will make a good faith effort to complete the Informal Resolution Process within an average of sixty (60) to ninety (90) business days, without jeopardizing the rights of a Party.

IX. Formal Resolution Process

A. Formal Complaint

1. A Complainant has the option to file a Formal Complaint against a Respondent alleging Title IX Prohibited Conduct and requesting that the University investigate those allegations. To file a Formal Complaint, the Complainant should contact the Title IX Coordinator and sign and submit the University's Formal Complaint form online, in person, or by email by contacting the Title IX Coordinator as follows:

   Molly Hooker
   Interim Title IX Coordinator
   University of Denver
   Office of Equal Opportunity & Title IX
   Driscoll Center South, Suite 30
   2050 E. Evans Ave.
   Denver CO 80208
   303-871-7016
   TitleIX@du.edu or Molly.Hooker@du.edu

2. When a Complainant does not wish to file a Formal Complaint on their own behalf, the Title IX Coordinator may, in their discretion, prepare and file a Formal Complaint by signing the Formal Complaint form. In assessing whether to file a Formal Complaint, the Title IX Coordinator 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:

a) 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;
b) 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;
c) Whether Respondent has threatened to commit violence or any form of Prohibited Conduct;
d) Whether the alleged Title IX Prohibited Conduct involved multiple Respondents;
e) Whether the alleged Title IX 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;
f) 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);
g) Whether the alleged Title IX Prohibited Conduct was facilitated through the use of "date-rape" or similar drugs or intoxicants;
h) Whether the Complainant is (or was at the time of the alleged Title IX Prohibited Conduct) a minor (under 18);
i) Whether any other aggravating circumstances or signs of predatory behavior are present.

When the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not the Complainant or otherwise a Party. While the Complainant may choose to not participate in the grievance process initiated by the Title IX Coordinator's signing of a Formal Complaint, the Complainant will still be treated as a Party entitled to inspect and review evidence and to receive all notices, including the notice of allegations, the notice of hearing, and the notice of Outcome. At no time will the University coerce or retaliate against a Complainant in order to convince the Complainant to participate in the grievance process.

B. Dismissal of a Formal Complaint

1. The Title IX Coordinator will dismiss a Formal Complaint, and the University shall not conduct any investigation under these Procedures, if:
   a) The conduct alleged in the Formal Complaint would not constitute Title IX Prohibited Conduct as defined by the University's Discrimination and Harassment Policy even if proved; or
   b) The conduct alleged in the Formal Complaint did not occur within the Scope and Jurisdiction of these Procedures, as described in Section II above.
   c) The Title IX Coordinator, in their discretion, may dismiss a Formal Complaint, or any allegations therein, at any time during the investigation or hearing, if:

a. The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; and/or
b. The Respondent is not enrolled or employed by the University; and/or
c. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

2. The dismissal of a Formal Complaint under Section IX.B.1 of these Procedures does not preclude the University from conducting an investigation or taking action under other applicable University policies and procedures with regard to conduct that is not subject to these Procedures.
3. Upon dismissal of the Formal Complaint or any allegations therein, the Title IX Coordinator will promptly send Written Notice of the dismissal and the reasons therefor simultaneously to the Parties.
4. Either Party may appeal the decision to dismiss a Formal Complaint.

C. Consolidation

1. The Title IX Coordinator may consolidate Formal Complaints as to allegations of Title IX Prohibited Conduct where the allegations arise out of the same facts or circumstances.
2. The Title IX Coordinator may, in consultation with other University administrators, elect to consolidate the investigation of Formal Complaints as to allegations of Title IX Prohibited Conduct 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., the Honor Code).
3. The Title IX Coordinator 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 Formal 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 decision to consolidate is not subject to appeal.

D. Timeframe for Conclusion

1. The University will make a good faith effort to complete the Formal Resolution Process, including the hearing but excluding appeals, within an average of sixty (60) to ninety (90) business days, without jeopardizing the rights of a Party.
2. The timeframe 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. However, the University's failure to meet the timeframes specified herein, or failure to provide notice of the extension of these timeframes, shall not be grounds for dismissing any matter and shall not be the basis of an appeal of any matter; nor shall any such failure limit the University's ability to complete the Formal Resolution Process, impose Outcomes, enact Disciplinary Actions, or limit the University's ability take any other required administrative action under these Procedures.
4. The University will provide regular updates to the Parties of the status of the Formal Resolution Process.

E. Written Notice

1. Upon receipt of a Formal Complaint, the Title IX Coordinator will issue Written Notice of allegations to the Respondent and Complainant, if known.
2. The Written Notice will be provided to each Party with sufficient time to prepare a response before any initial interview.
3. The Written Notice will include the following:
    a) A description of the University's Title IX Procedures, including the Informal Resolution Process;
    b) A description of the allegations including sufficient details such as:
        i. The identities of the Parties involved in the incident;
        ii. The alleged conduct constituting Sexual Harassment;
        iii. The date and location of the alleged incident;
    c) A statement that the Respondent is presumed not responsible for alleged conduct unless and until a determination regarding responsibility is made at the conclusion of the Formal Resolution Process set forth in Section IX below.
    d) The identity of the assigned Investigator(s) and information on how the Parties may challenge the participation by the Investigator(s) on the basis of bias or conflict of interest;
    e) A statement that the Parties have the right to an advisor of their choice;
    f) A statement that the Parties have the right to inspect and review evidence;
    g) A statement instructing the Parties to preserve any potentially relevant evidence in any format;
    h) A statement that Retaliation is prohibited; and
    i) For Students, a statement that the Honor Code includes prohibitions on intentionally giving false or misleading information to a University official.
4. 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 notice of the additional allegations to the Parties whose identities are known.

F. Advisors and Support Persons

1. Throughout the Title IX process, each Party has the right to have one (1) advisor of their choice and one support person of their choice. A Party may have the same advisor and

support person throughout the process or may choose to have a different advisor or support person at various stages of the process, such as during interviews, meetings with the Title IX Coordinator, or the hearing.

2. The University will communicate with a Party directly and not through an advisor or support person.
3. The University establishes the following restrictions on the extent to which an advisor or support person may participate in the process, and these restrictions apply equally to Complainants and Respondents.
    a) Advisors and support persons may not:
        i. Present information on behalf of the Party;
        ii. Submit documents on behalf of the Party;
        iii. Discuss any matter directly with University administrators or Investigator in the absence of the Party.
    b) Except for the role of an advisor as specifically set forth in Section IX below, advisors and support persons may not speak on behalf of the Party or otherwise actively participate in any proceeding.
    c) The Office will not consider or accept submissions or 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, such information will not be considered in the investigation or any resolution.
4. If a Party does not have an advisor present during the hearing, the University will appoint an advisor of its choice for the Party for the sole purpose of conducting cross-examination.
5. Although the advisor may be, but need not be, an attorney, their participation in the process is subject to the limitations described herein.
6. The advisor may be present at any proceedings that are part of the Formal Resolution Process. If a Party wishes to have an advisor present at a proceeding, the University will work within reason to schedule the proceeding so the advisor may attend, without unreasonably delaying the progress of the Formal Resolution Process. The advisor may consult directly with the Party whom they are advising in a manner that does not disrupt or delay the proceeding.
7. The University may exclude advisors and support persons who act in a manner contrary to these limitations or otherwise disrupt any proceeding from that proceeding and/or future proceedings. This includes excluding an advisor and/or support person from the Hearing if they violate standards of decorum.

G. Investigation

1. The University will investigate the allegations in a Formal Complaint.
2. The University, and not the Complainant or the Respondent, has the burden of gathering evidence sufficient to reach a determination regarding responsibility.
3. The Investigator may gather evidence by:

a) Collecting relevant documents and other information;
b) Interviewing the Parties and Witnesses; and/or
c) Receiving documents, Witness lists, requests to gather documentation or other information from the Complainant, Respondent, Witnesses, or Third Parties.

4. The University will not restrict the ability of either Party to discuss the allegations under investigation or to gather and present relevant evidence.
5. The University encourages Parties to raise all issues or allegations that may arise out of the same facts or circumstances at the outset of the investigation.
6. The University cannot access, consider, disclose, or otherwise use a Party's records that are made or maintained by a health care professional acting in their professional capacity, and which are made or maintained in connection with the provision of treatment to the Party, unless the University obtains that Party's voluntary written consent to do so for the resolution process.
7. During the investigation, each Party has an equal opportunity to present Witnesses who have relevant information, including fact and expert witnesses, and other inculpatory and exculpatory evidence to the Investigator, such as documents, communications, photographs, and other evidence, and suggest questions to be posed to the other Party or Witness.
8. The Investigator will provide Written Notice of the date, time, location, participants, and purpose of any investigative interview or other meeting to any Party whose participation is invited or expected with sufficient time for the Party to prepare to participate.
9. The Investigator will record, with permission of the Party or Witness, and transcribe all interviews. For Parties and Witnesses who elect not to have their interview recorded, the Investigator will prepare a statement of the interview. The Party or Witness will be given the opportunity to review the interview statements of their own interview and correct spelling/grammar and factual errors and provide clarification if needed by the deadline designated by the Investigator.
10. Prior to conclusion of the investigation, the Investigator will make available to each Party and to each Party's advisor, if any, via the University's chosen cloud storage platform all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint whether or not the University intends to rely on such evidence in reaching a determination regarding responsibility. The Parties and each Party's advisor may not download, photograph, copy or otherwise duplicate, share or transmit the evidence provided by the Investigator.
    a) Each Party may submit a written response, which the Investigator will consider prior to conclusion of the investigation and completion of the investigative report.
    b) The written response, if any, must be submitted to the Investigator by the deadline designated by the Investigator, which will be at least ten (10) business days after the Investigator makes the evidence available to the Party, unless the deadline is extended for good cause.
    c) If the Investigator receives information from a Party in response to the evidence that warrants further substantive investigation or review, the Investigator, in

consultation with the Title IX Coordinator, has the discretion to extend the investigation. If the Investigator extends the investigation, the Investigator will notify the parties in writing, issue the additional evidence, and provide the Parties access to such evidence for review and comment for ten (10) business days.

11. The Investigator will create an investigative report that fairly summarizes relevant evidence.
    a) The Investigator must conduct an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence.
    b) Any information not provided to the Investigator prior to the final investigative report will not be allowed during the hearing unless the Party offering the evidence can clearly demonstrate that such information was not reasonably available to the Parties at the time of the investigation through the exercise of reasonable diligence or that the evidence has significant relevance to a material fact at issue in the investigation.
    c) If, after the final investigative report is issued, a Party provides or identifies evidence that they did not previously provide or identify despite that evidence being reasonably available to them during the investigation process, the Hearing Officer may, at their discretion, draw a negative inference from the Party's delay in providing or identifying the evidence.
12. At least ten (10) business days prior to the scheduled hearing, the Title IX Coordinator will make available via the University's chosen cloud storage platform to each Party and to each Party's advisor, if any, the investigative report.
    a) Each Party may submit a written response, which the Title IX Coordinator will submit to the Hearing Officer for consideration at the hearing.
    b) The written response, if any, must be submitted to the Title IX Coordinator by the deadline designated by the Title IX Coordinator, unless the deadline is extended for good cause. The written response, if any, will be provided to the Parties prior to the hearing.
13. After the investigative report is issued but no later than five (5) business days before scheduled hearing, either Party may request an Informal Resolution Process subject to the provisions set forth in Section VIII.

H. Hearing

1. General Conduct of the Hearing
    a) The University will appoint a Hearing Officer to serve as the Decision-Maker at the hearing.
        i. The University will notify both Parties of the identity of Hearing Officer at least seven (7) business days prior to date of the hearing.
        ii. The Parties have two (2) business days from receipt of the names to raise any objection to the participation of the Hearing Officer based on actual conflict of interest, bias, or prejudice.
    b) The Hearing Officer has discretion to determine whether to hold a pre-hearing meeting or to have the Parties submit written materials to address the following:
        i. The Party's designated advisor to conduct cross-examination;

ii. The Witnesses a Party will request to call; and
iii. Decisions regarding relevance of evidence.

c) Prior to the hearing, the Hearing Officer will review the investigative report and the written responses provided by the Parties, if any.
d) The Hearing Officer will conduct a live hearing, with all questioning conducted in real time.
e) The hearing may occur in person or virtually in a manner allowing the participants to simultaneously see and hear the Party or Witness answering questions.
    i. If either Party submits a request for a virtual hearing no later than five (5) business days prior to the scheduled hearing, the hearing will occur virtually.
f) The University will record the hearing and make a transcript of the hearing available to the Parties for inspection and review via the University's chosen cloud storage platform.
g) Both Parties must be accompanied by an advisor to the hearing. If a Party does not have an advisor for the hearing, the University will provide without fee or charge to that Party an advisor of the University's choice for that Party.
h) Each Party's advisor must conduct any cross-examination of the other Party and any Witnesses. Apart from conducting cross-examination, the Parties' advisors do not have a speaking role at the hearing; an advisors' participation is limited to conferring with the Party at intervals set by the Hearing Officer.
i) The University has the authority to establish standards of decorum for the hearing that apply equally to each Party, Witness or advisor. The standards of decorum may, among other things, address the process for cross-examination, including rules and practices to facilitate cross-examination that is relevant, respectful, and not abusive. The Office of Equal Opportunity & Title IX will maintain the standards of decorum, and provide the standards of decorum to the parties with the Notice of Hearing.

2. Standard of Evidence
    a) The Hearing Officer will make a determination of responsibility using the Preponderance of the Evidence standard.
3. Relevant Evidence Considered
    a) In making a determination of responsibility, the Hearing Officer may only consider relevant evidence.
    b) In making a determination of Outcomes or Disciplinary Action, the Outcomes Council and Decision-Maker for Disciplinary Action may only consider relevant evidence.
    c) Relevant evidence is evidence having any tendency to make the existence of any fact that is of consequence to the determinations to be made more probable or less probable than it would be without the evidence.
    d) The Hearing Officer will not consider:
        i. Evidence about the Parties' sexual predisposition or prior sexual behavior, except that the Hearing Officer may consider:

a. Evidence about the Parties' prior sexual behavior, when offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant; or
b. Evidence concerning specific incidents of the Complainant's prior sexual behavior with respect to the Respondent, when offered to prove Consent.

ii. Information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

e) The Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a Party's or Witness's absence from the hearing or refusal to answer cross-examination or other questions.
f) The Hearing Officer will conduct an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence.
   i. Any information not provided to the Investigator prior to the final investigative report will not be allowed during the hearing unless the Party offering the evidence can clearly demonstrate that such information was not reasonably available to the Party through the exercise of reasonable diligence at the time of the investigation or that the evidence has significant relevance to a material fact at issue in the investigation.
   ii. If, after the final investigative report is issued, a Party provides or identifies evidence that they did not previously provide or identify despite that evidence being reasonably available to them during the investigation process, the Hearing Officer may, at their discretion, draw a negative inference from the Party's delay in providing or identifying the evidence.

4. Party Statements and Witness Examination
   a) Each Party will have an equal amount of time in which to make a statement of their case.
   b) The Hearing Officer may ask questions of any Party or Witness.
   c) The Hearing Officer will allow each Party's advisor to cross-examine Witnesses by asking all relevant questions and follow up questions, including those challenging credibility.
   d) Cross examination may not be conducted by either Party. Cross examination must be conducted by an advisor acting on a Party's behalf.
   e) Before a Party or Witness answers a question, the Hearing Officer will determine whether the question is relevant and explain any decision to exclude a question as not relevant.
   f) After the Party's advisors have completed their cross-examination, the Hearing Officer will again have an opportunity to ask any additional questions or any Party or Witness.
   g) Each Party will have an equal amount of time in which to make a closing statement.

I. Written Determination

1. After considering the investigative report, including any Party's written response to the investigative report, and all relevant evidence presented at the hearing, the Hearing Officer will issue a written determination.
2. Before the Hearing Officer issues the written determination, if the Hearing Officer has made a finding of responsibility, the Hearing Officer will provide the Outcome Council or Decision-Maker for Disciplinary Action with the written determination for purposes of determining Remedies, Outcomes and Disciplinary Action, respectively. The Outcome Council or Decision-Maker for Disciplinary Action will communicate the Remedies, Outcomes and Disciplinary Action to the Hearing Officer, in writing.
3. Following the determination from the Outcome Council or Decision-Maker for Disciplinary Action, the Title IX Coordinator will provide the written determination simultaneously to the Parties.
4. The written determination will include:
    a) Identification of the allegations potentially constituting Sexual Harassment;
    b) A description of the procedural steps from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, interviews, site visits, methods used to gather other evidence, and hearings held;
    c) Findings of fact supporting the determination;
    d) Conclusions regarding the application of these Procedures to the facts;
    e) A statement of, and rationale for, the result as to each allegation, including:
        i. A determination regarding responsibility;
        ii. Any Disciplinary Actions or Outcomes imposed on the Respondent;
        iii. Whether any Remedies will be provided to the Complainant;
    f) Procedures and permissible bases for the Parties to appeal.
5. The written determination becomes final five (5) business days after it is sent to the Parties unless an appeal is filed.

J. Remedies/Outcomes/Disciplinary Actions

1. Remedies are designed to restore or preserve equal access to the University's Education Program or Activity. Remedies, to allow Complainant access, may be disciplinary or punitive against the Respondent.
2. In the event the Hearing Officer finds the Respondent responsible for Sexual Harassment
    a) The Outcome Council or the Decision-Maker for Disciplinary Action may consult with the Title IX Coordinator or other appropriate University official in determining Remedies. The Remedies should eliminate a hostile environment for the Complainant and/or provide safety protections for the Complainant or the University Community.
    b) If the Respondent is a Student, the Outcome Council will determine the appropriate Outcomes for the Respondent and Remedies for the Complainant.
        i. The University will notify both Parties of identity of the members of the Outcome Council at least seven (7) business days prior to convening the Outcome Council. The Parties have two (2) business days from receipt of

the names to raise any objection to the participation of the member based on actual conflict of interest, bias, or prejudice.

ii. The criteria for selection of the Outcome Council are set forth in the Honor Code.

iii. 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 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.

iv. The Outcome Council considers the following criteria in determining Outcomes to meet those objectives:
   a. Nature and severity of the action;
   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.

v. The range of Outcomes include:
   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.

c) If the Respondent is not a Student, then the Decision-Maker for Disciplinary Action is as follows:

i. 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. The Respondent's supervisor, or the Division of Human Resources & Inclusive Community, shall also notify the Title IX Coordinator and Hearing Officer of the Disciplinary Action imposed.

ii. 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 also notify the Title IX Coordinator and Hearing Officer of the Disciplinary Action imposed. Disciplinary Action involving faculty is further subject to the Policies and Procedures Relating to Faculty Appointment, Promotion and Tenure.

iii. The University will notify both Parties of identity of the Decision-Maker for Disciplinary Action at least seven (7) business days prior to the hearing. The Parties have two (2) business days from receipt of the name to raise any objection to the participation of the member based on actual conflict of interest, bias, or prejudice.

iv. In determining Disciplinary Action, the Decision-Maker for Disciplinary Action has the following objectives:
    a. Promoting safety and protecting the University community;
    b. Sanctioning individuals for engaging in Prohibited Conduct and deterring individuals 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.

v. In determining Disciplinary Action, the Decision-Maker for Disciplinary Action will consider whether the nature of the conduct at issue warrants removal from the University, either permanent (termination) or temporary (suspension). The Decision-Maker for Disciplinary Action will also consider other factors including, but are not limited to:
    a. The nature of the Prohibited Conduct;
    b. The degree of physical violence (if any) associated with the Prohibited Conduct;
    c. The impact of the Prohibited Conduct on the Complainant or University community;
    d. Prior disciplinary history of the Respondent or relevant or related criminal convictions (if known) (shared only upon a finding of responsibility for the allegation);
    e. Whether the Respondent has accepted responsibility for the Prohibited Conduct;
    f. Previous University response to similar conduct;
    g. The maintenance of a safe, nondiscriminatory, and respectful living, learning, and working environment; and
    h. Any other mitigating, aggravating, or compelling factors.

vi. 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.

K. Appeal

1. Appealable Issues
   a) Either Party may appeal:
      i. Dismissal of a Formal Complaint or any allegations therein; or
      ii. A Written Determination regarding responsibility and Outcomes and Disciplinary Actions.
   b) No other issue may be appealed.
2. Bases for Appeal
   a) A Party may only appeal on one or more of the following bases:
      i. Procedural irregularity that affected the outcome of the matter;
      ii. New and relevant evidence not reasonably available at the time the determination regarding responsibility or dismissal of the Formal Complaint 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.
      iii. The Title IX Coordinator, Investigator, Hearing Officer, Outcome Council, or Decision Maker for Disciplinary Action 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; or
      iv. Where the Respondent is a Student, the Outcomes imposed are substantially disproportionate to the severity of the violation.
   b) 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.
3. Filing an Appeal
   a) If a Party wishes to file an appeal, the Party must submit the appeal to the Title IX Coordinator in writing no later than five (5) business days after:
      i. The notice of dismissal of the Formal Complaint; or
      ii. Written determination is sent to the Party.

b) The written appeal must state with specificity:
    i. The issues being appealed; and
    ii. The bases for the appeal.

4. Timeframe for Completion of Appeal
    a) The University will make a good faith effort to complete the appeal within fifteen (15) business days of the date the appeal is provided to the Appellate Officer.
    b) The timeframe for completion of appeal may be extended for good cause. If the timeframe for completion of appeal is extended, the Title IX Coordinator will notify both Parties in writing of the delay or extension and the reasons for the delay or extension.
5. Appeal Procedure
    a) After receiving a timely written appeal, the Title IX Coordinator will notify the Parties in writing:
        i. That the appeal was submitted;
        ii. The opportunity for the Party who did not submit an appeal to:
            a. Review the appeal statement of the other Party; and
            b. 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.
    b) The Appellate Officer shall not be the same person as the decision-makers that reached the determination regarding responsibility or dismissal of the Formal Complaint, the investigator(s), or the Title IX Coordinator.
        i. The Appellate Officers are as follows:
            a. For Students, the Vice Chancellor for Student Affairs or designee;
            b. For Employees who are staff, the Vice Chancellor for Human Resources or designee; and
            c. For Employees who are faculty, the Provost and Executive Vice Chancellor or designee.
        ii. 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 member based on actual conflict of interest, bias, or prejudice.
    c) The Appellate Officer will consider the appeal, including any written statements submitted by the Parties.
    d) The Appellate Officer may also consider the investigative report, including any Party's written response to the investigative report, all relevant evidence presented at the hearing, and the transcript of the hearing.
    e) 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 following the hearing;
        ii. Accept the appeal in whole or in part based on satisfying the Appeal Criteria and either:
            a. Send the matter back for supplemental investigation or hearing;

b. If the defect cannot be cured through supplemental investigation or hearing, then the Appellate Officer may order a new investigation and/or new hearing, as appropriate; or
c. Dismiss the Formal Complaint.

iii. If the Respondent is a Student, and the Appellate Officer determines that the Outcome(s) imposed are disproportionate to the violation, the Appellate Officer may return the matter to the Outcome Council with or without recommendations.

f) 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 Title IX Coordinator. The Title IX Coordinator will provide the written determination of appeal simultaneously to the Parties.
g) The result of the appeal is final.

6. Grievance of Disciplinary Action for Employees. In addition to the appellate rights set forth in Section IX.K.5 above, Employees may file a grievance in accordance with the following procedures:
   a) Faculty members may pursue their applicable rights pursuant to the policies and procedures relating to Faculty Appointment, Promotion & Tenure;
   b) Staff may pursue a grievance pursuant to the Employee Grievance procedures outlined in the Employee Handbook; and
   c) Employees who are subject to a collective bargaining agreement must pursue their grievance rights pursuant to that agreement.

X. Recordkeeping and Recordings

A. 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, hearing, sanctioning, and/or appeals processes involving allegations of Sexual Harassment.
   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.

B. The Office of Equal Opportunity & Title IX documents each report or investigation, 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.
   1. The University will not store records related to the investigation of any allegations of Sexual Harassment 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 Sexual Harassment in the Employee's personnel file. The University will keep such records confidential to the extent permitted by law.

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

XI. Revision & Amendment

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 Title IX Coordinator has the discretion to adopt sound practice.

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.