

 UNIVERSITY OF DENVER	UNIVERSITY OF DENVER POLICY MANUAL DISCRIMINATION AND HARASSMENT	
<u>Responsible Department:</u> Office of Civil Rights and Equal Opportunity <u>Recommended By:</u> Provost, Senior Vice Chancellor for Business & Financial Affairs, and AVC for Civil Rights and Equal Opportunity/Title IX Coordinator/Title VI Coordinator <u>Approved By:</u> Chancellor	<u>Policy Number</u> CREO 3.10.010	<u>Effective Date</u> 9/14/2026

I. INTRODUCTION

The University is an institution of higher learning dedicated to open inquiry and the exchange of ideas where community members are curious, speak and listen open-mindedly, and learn from the past in order to shape the future. The University has a long history of supporting academic freedom and freedom of expression and providing a forum where competing ideas and perspectives can co-exist.

The University is also committed to creating and maintaining a safe, welcoming, and inclusive learning, living and working environment in which community members are treated with dignity, decency, and respect. The accomplishment of this goal is essential to the academic mission of the University.

This Policy is consistent with the University's deep commitments to both protecting individuals and groups from identity-based discrimination and harassment and preserving freedom of thought and expression. Discrimination, harassment, gender-based violence, and retaliation against members of the University community in violation of this Policy do not constitute protected expression or the proper exercise of academic freedom.

When the University becomes aware that a member of the University community may have been subjected to or affected by discrimination, harassment, or gender-based violence, the University will take prompt, appropriate action to enforce this Policy. The University's Office of Civil Rights and Equal Opportunity("CREO") is responsible for enforcing this Policy pursuant to the University's Comprehensive Discrimination and Harassment Procedures and Title IX Sexual Harassment Procedures (collectively, the "Procedures"), which offer options for informal and formal resolution.

This Policy and the Procedures are intended to comply with the prohibitions of all applicable federal, state, and local non-discrimination laws.

II. POLICY OVERVIEW

A. Title IX

Consistent with federal laws and regulations, the University does not discriminate, nor does the University permit discrimination on the basis of sex in its Education Programs and Activities, including sexual misconduct, pay discrimination based on sex, discriminatory pay practices based on sex, and sex discrimination affecting compensation. The University has adopted the Title IX Sexual Harassment Procedures to implement this Policy, which provide for the prompt and equitable resolution of complaints alleging any action which would be prohibited by this Policy or by Title IX of the Education Amendment Act of 1972 ("Title IX"), which provides:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Discrimination on the basis of sex is also prohibited by Title VII of the Civil Rights Act of 1964 and state law.

B. Equal Opportunity/Title VI

The University also provides equal opportunity in employment, education activities, and other programs to all Employees, Students, and applicants. As required by federal, state, and/or local laws or regulations, the University prohibits discrimination in any condition of employment or opportunity because of, and does not discriminate based on, an individual's actual or perceived race, color, national origin (including shared ancestry or ethnic characteristics),¹ ancestry, age, religion, creed, disability, sex, sexual orientation, gender identity, gender expression, marital status, pregnancy, childbirth and related medical conditions,²

¹ Consistent with the U.S. Department of Education's Office for Civil Rights' ("OCR") interpretation of higher education institutions' obligations under Title VI of the Civil Rights Act of 1964, the University will interpret national origin to include, among other categories, shared Jewish, Palestinian, Arab, Muslim, and/or South Asian ancestry or ethnic characteristics. The University will respond to reports of discrimination and harassment involving antisemitism, Islamophobia, or other unlawful discrimination based on actual or perceived shared ancestry or ethnic characteristics or citizenship or residency in a country with a dominant religion or distinct religious identity consistent with this Policy and the applicable Procedures.

² The University complies with prohibitions under federal and state law, as well as applicable ordinances, against discrimination on the basis of pregnancy, childbirth and related medical conditions in employment.

genetic information,³ citizenship or immigration status,⁴ military enlistment, or veteran status (each a “Protected Status”).

C. Federal Pay Transparency

Employees are not prohibited from discussing their salaries and/or compensation with other employees and non-employees. Consistent with the University’s obligations under federal pay transparency regulations, 41 C.F.R. 60-1.35(c), the University will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the University, or (c) consistent with the University’s legal duty to furnish information.

D. Equal Pay Act, Colorado Equal Pay for Equal Work Act, and Pay Equity

The Equal Pay Act of 1963 and the Colorado Equal Pay for Equal Work Act prohibit discrimination on the basis of sex in the wage rate paid to members of a different sex performing substantially similar work, taking into account the skill, effort, and responsibility of the work.

The University is also committed to the principle of pay equity and expressly prohibits disparate pay on the basis of an employee’s Protected Status. The University also prohibits pay discrimination based on sex, discriminatory pay practices based on sex, and sex discrimination affecting compensation.

E. Application

This Policy applies to Prohibited Conduct that allegedly occurred on or after the Effective Date of the Policy. For Prohibited Conduct that allegedly occurred prior to the Effective Date of the Policy, the Associate Vice Chancellor for Civil Rights and Equal Opportunity/Title IX Coordinator/Title VI Coordinator has the discretion to determine which version of the University’s Discrimination and Harassment Policy will apply.

³ The University complies with prohibitions under federal law against employers harassing or discriminating against employees or applicants on the basis of genetic information in any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoffs, training, fringe benefits, or any other term or condition of employment.

⁴ The University complies with prohibitions under federal law against employers discriminating with respect to hiring, firing, or recruitment or referral for a fee, based on an individual’s citizenship or immigration status.

The Comprehensive Discrimination and Harassment Procedures and Title IX Sexual Harassment Procedures in effect at the time of the Complaint apply regardless of when the alleged Prohibited Conduct is said to have occurred.

This Policy applies to Students, Employees, and Third Parties and extends to all University activities, both on and off-campus.

For purposes of this Policy and the Procedures, Students are defined as any individual registered for or auditing classes at the University; admitted to or 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 ("Students"). An individual is also considered a Student under this definition if they have completed the immediately preceding term and are enrolled for a subsequent term or program; if they are representing the University between terms or programs; or, if they have been previously enrolled, but are on a leave of absence or otherwise have a continuing relationship with the University.

University employees are defined under this Policy and the Procedures as all full-time and part-time faculty, University staff, student workers, temporary employees, professional research staff, and post- doctoral fellows (collectively "Employees").

Third parties are defined under this Policy and the Procedures as consisting of contractors, vendors, visitors, guests, prospective students, applicants for employment, alumni or other third parties ("Third Parties").

F. Scope and Jurisdiction

For Title IX Prohibited Conduct, this Policy applies to conduct that occurs within the University's Education Program or Activity. The University's Education Program or Activity means those locations, events, and circumstances where the University exercises substantial control over both the Respondent and the context in which the conduct occurs, including any University on-campus premises and any building owned or controlled by a student organization that is officially recognized by the University.

For purposes of Discrimination/Harassment Prohibited Conduct, this Policy also applies to conduct that occurs outside of the University's Education Program or Activity but that poses a reasonable risk of harm to, has (or could reasonably be expected to have) a continuing adverse effect on, or creates a Hostile Environment based on a Protected Status for Students, Employees, or Third Parties while on campus or other property owned or controlled by the University or in any University Program or Activity.

For Students, this Policy applies to conduct that takes place from the date on which an individual meets the definition of a Student and until the Student withdraws,

graduates, or is expelled. For Employees, this Policy applies to conduct that takes place from the date on which the individual accepts an offer of employment with the University until their employment ceases. If a Student graduates, withdraws, or is expelled, or if an Employee voluntarily resigns or is terminated prior to final resolution of any matter, CREO has the discretion to retain jurisdiction in order to address the matter as necessary to fulfill the University's obligations under applicable laws and regulations. Third Parties are both protected from and subject to the restrictions on Prohibited Conduct in this Policy.

III. PROHIBITED CONDUCT UNDER THIS POLICY

The following conduct, collectively referred to as "Prohibited Conduct," is prohibited under this Policy:

A. Title IX Prohibited Conduct

Title IX Prohibited Conduct includes the following specifically defined forms of alleged conduct where the conduct occurred in the United States and in the University's Education Program or Activity. The Title IX Sexual Harassment Procedures apply to reports of Title IX Prohibited Conduct.

Title IX Prohibited Conduct is conduct on the basis of sex that satisfies one or more of the following:

1. Quid Pro Quo Harassment

Quid Pro Quo Harassment is conduct where an Employee of the University conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct.

Quid Pro Quo Harassment can occur regardless of whether the condition proposed by the Employee is communicated expressly or impliedly.

2. Sexual Harassment

Sexual Harassment is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a University Education Program or Activity. Such conduct includes unwelcome conduct of a sexual nature and may include unwelcome conduct on the basis of sex.

The term "effectively denies" does not require a Complainant to be entirely physically excluded from educational opportunities and may be established when the conduct so undermines and detracts from the individual's educational experience.

3. Sexual Assault⁵

Sexual Assault is defined as any sexual act directed against another person, without the Consent of the victim, including instances where the other person is incapable of giving Consent. Sexual Assault includes the following:

a. Rape

Rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Consent of the victim.

b. Fondling (Criminal Sexual Contact)

Fondling (Criminal Sexual Contact) is (1) the intentional touching of the clothed or unclothed body parts without the Consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation; or (2) the forced touching by the victim of the actor's clothed or unclothed body parts, without the Consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This offense includes instances where the victim is incapable of giving Consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

c. Incest

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

d. Statutory Rape

Statutory Rape is sexual intercourse with a person who is under the statutory age of consent.

e. Consent

For all forms of Sexual Assault set forth above under this Policy, Consent is (1) mutually understandable, clear, knowing and voluntary affirmative

⁵ The definitions in Section III.A.3.a through d and Section III.A.4 through 6 use the wording set forth in the offense definitions developed for the Federal Bureau of Investigation's Uniform Crime Reporting Program's National Incident-Based Reporting System ("NIBRS"). The University recognizes that Sexual Assault, including Rape, can occur between individuals of the same or different sexes and/or gender identities. Because the University is using the language from the NIBRS offense definitions without alteration, these definitions use gendered pronouns.

permission (2) given through clear words or actions (3) regarding the willingness to engage in and the conditions for sexual activity.

Consent cannot be obtained by:

- i. Incapacitation, which means that a person is impaired to such a level that they lack the ability to make informed, rational judgments about whether or not to engage in sexual activity.
 - a. A person who is incapacitated is unable, temporarily or permanently, to give Consent because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that the sexual activity is taking place.
 - b. A person may be incapacitated as a result of the consumption of alcohol or other drugs or due to a temporary or permanent physical or mental health condition.
 - c. Consent cannot be gained by taking advantage of the incapacitation of another, where the person initiating sexual activity knew or reasonably should have known that the other was incapacitated.
 - d. A person may also lack capacity because of their age.
- ii. Force, which means physical violence involving a person exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, strangling, and brandishing or using any weapon.
- iii. Threats, which are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically, to reveal private information to harm a person's reputation, or to cause a person academic or economic harm.
- iv. Coercion, which is the use of an unreasonable amount of pressure to induce participation in sexual activity. Coercion is more than an effort to persuade, entice, or attract another person to have sex. When a person makes clear a decision not to participate in a particular form of sexual contact or sexual intercourse, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can be coercive. In evaluating whether coercion was used, the University will consider:
 - a. the frequency of the application of the pressure,
 - b. the intensity of the pressure,
 - c. the degree of isolation of the person being pressured, and
 - d. the duration of the pressure.
- v. Abuse of Power, which occurs when an individual in a position of authority, whether that authority is real or perceived, induces another individual to engage in activity that would otherwise be nonconsensual

based on the need for a specific performance or duty (e.g., grading, performance evaluation).

4. Dating Violence

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

5. Domestic Violence

Domestic Violence is a felony or misdemeanor crime of violence committed:

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

6. Stalking

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.

For purposes of this definition,

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

B. Discrimination/Harassment Prohibited Conduct

Discrimination/Harassment Prohibited Conduct includes the following specifically defined forms of alleged conduct when such conduct does not meet the definition of Title IX Prohibited Conduct.

The Comprehensive Discrimination and Harassment Procedures apply to reports of Discrimination/Harassment Prohibited Conduct. Discrimination/Harassment Prohibited Conduct is conduct that satisfies one or more of the following:

1. Discrimination

Discrimination on the basis of a Protected Status is an adverse action with respect to an individual's employment or participation in an education program or activity based, in whole or in part, upon the person's actual or perceived Protected Status.

Discrimination also includes an allegation of a failure to provide reasonable accommodations as required by law, such as for disability, religion, or creed.

2. Discrimination under the Equal Pay Act and/or Colorado Equal Pay for Equal Work Act

Discrimination under the Equal Pay Act and/or Colorado Equal Pay for Equal Work Act occurs when employees of one sex are paid wages at a rate less than the rate at which employees of a different sex are paid for substantially similar work (considering skill, effort including consideration of shift work, and responsibility), except where such payment of wages is made pursuant to: (i) a seniority system, (ii) a merit system, (iii) a system which measures earnings by quantity or quality of production, (iv) the geographic location where the work is performed; (v) relevant education, training or experience; or (iv) travel, if the travel is a regular and necessary condition of the work performed. For purposes of this provision wage means: (a) for hourly employees, the hourly compensation paid to the employee plus the value per hour of all other compensation and benefits received by the employee from the University; and (b) for salaried employees, the total of all compensation and benefits received by the employee from the University.

3. Harassment

Harassment is a form of discrimination based, in whole or in part, upon the person's actual or perceived Protected Status and includes Quid Pro Quo Harassment and Hostile Environment Harassment.

- a.** Quid Pro Quo Harassment is unwelcome, unwanted conduct when submission to such conduct is made either explicitly or implicitly a term or

condition of an individual's employment or participation in a University program or activity.

- b.** Hostile Environment Harassment is unwelcome conduct, based on the totality of the circumstances, that is subjectively and objectively offensive, and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the University's education program or activity.
 - i.** "Totality of the circumstances" may include the context, nature, scope, frequency, duration, and location of the alleged conduct, as well as the identity, number, and relationships of the persons involved.
 - ii.** "Objectively offensive" is based on how a reasonable person of the same Protected Status, under the same circumstances, would perceive the alleged conduct.
 - iii.** To create a hostile environment, the alleged conduct need not be targeted at the Complainant; rather the alleged conduct may be directed at any person, and the alleged conduct may also be based on their association with persons of one or more Protected Statuses.

4. Harassment under the POWR Act

- a.** For purposes of the University's compliance with the Colorado Protecting Opportunities and Workers' Rights ("POWR") Act, for an allegation by a University employee of harassment, the University defines harassment under the POWR Act as any unwelcome physical or verbal conduct or any written, pictorial, or visual communication directed at an individual or group of individuals because of that individual's or group's membership in, or perceived membership in, a protected class listed in the POWR Act (disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, religion, age, national origin, or ancestry), which conduct or communication is:
 - i.** Subjectively offensive to the individual alleging harassment; and
 - ii.** Objectively offensive to a reasonable individual who is a member of the same protected class.
- b.** The conduct or communication need not be severe or pervasive to constitute a discriminatory act or unfair employment practice under the POWR Act if:
 - i.** Submission to the conduct or communication is explicitly or implicitly made a term or condition of the individual's employment;
 - ii.** Submission to, or objection to, or rejection of the conduct or communication is used as a basis for employment decisions affecting the individual; or

- iii. The conduct or communication has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment.
- c. The nature of the work or the frequency with which harassment in the workplace occurred in the past is not relevant to whether the conduct or communication is a discriminatory or an unfair employment practice under the POWR Act.
- d. Petty slights, minor annoyances, and lack of good manners do not constitute harassment unless the slights, annoyances, or lack of manners, when taken individually or in combination and under the totality of the circumstances, meet the standards set forth in Section 4.a above.
- e. Because the scope of the POWR Act is limited to allegations by a University employee of harassment, the standard set forth above does not apply to allegations by a student of harassment outside of the context of their employment by the University.

5. Non-Consensual Sexual Contact

Non-Consensual Sexual Contact is (1) any intentional (not incidental or accidental), (2) sexual touching of the breasts, buttocks, groin, or genitals, (3) however slight, (4) with any object or body part, and (5) performed by a person upon another such person, without Consent.

Non-Consensual Sexual Contact may include (a) intentional touching of the breasts, buttocks, groin, or genitals, whether clothed or unclothed, or intentionally touching another with any of these body parts; and (b) making another person touch you or themselves with or on any of these body parts.

Nonconsensual Sexual Contact includes Sexual Assault that does not otherwise meet the definition of Title IX Prohibited Conduct.

6. Non-Consensual Sexual Intercourse

Non-Consensual Sexual Intercourse is (1) any penetration, (2) however, slight (3) with any object or body part (as described below) (4) performed by a person upon another person, (5) without Consent.

Examples of Non-Consensual Sexual Intercourse include (a) vaginal penetration by a penis, object, tongue, or finger; (b) anal penetration by a penis, object, tongue, or finger; and (c) any contact, no matter how slight, between the mouth of one person and the genitalia of another person.

Non-Consensual Sexual Intercourse includes Sexual Assault that does not occur in the University's Education Program or Activity.

7. Sexual Exploitation

Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for their own advantage or benefit or to benefit or advantage anyone other than the individual being exploited, when that conduct does not otherwise constitute Prohibited Conduct under this Policy. Examples of Sexual Exploitation include, but are not limited to:

- a. Prostituting another person;
- b. Recording or photographing private sexual activity and/or a person's private parts (genitalia, breasts, or buttocks) without knowledge and agreement of the other party;
- c. Disseminating or posting images of private sexual activity and/or a person's private parts (genitalia, breasts, or buttocks) without knowledge and agreement of the other party;
- d. Allowing third parties to observe private sexual activity, such as from a hidden location (e.g., closet) or through electronic means (e.g., video feed, video calling or livestreaming images) without knowledge and agreement of the participant(s);
- e. Engaging in voyeurism (e.g., watching private sexual activity without the knowledge and agreement of the participant(s) or viewing another person's private parts (including genitalia, breasts, or buttocks) in a place where that person would have a reasonable expectation of privacy);
- f. Endangering the health and safety of another without the knowledge and agreement of the other party (such as knowingly exposing another individual to a sexually-transmitted infection);
- g. Exposing one's private parts (genitalia, breasts, or buttocks) in a non-consensual circumstance or inducing another to expose such private parts;
- h. Causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give Consent to sexual activity; or
- i. Using a fake or stolen identity for an online persona to deceive or manipulate another person into a romantic or sexual relationship (i.e., catfishing).

8. Intimate Partner Violence

Intimate Partner Violence includes any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship. Intimate Partner Violence includes Dating Violence and Domestic Violence that does not occur in the University's Education Program or Activity or in the United States. The existence of such a relationship is determined based on consideration of the (1) length of the relationship, (2) type of relationship, and (3) frequency of interaction between the persons involved in the relationship.

9. Stalking

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for their safety or the safety of others or (2) suffer substantial emotional distress.

For purposes of this definition,

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

Stalking includes Stalking that does not occur in the University's Education Program or Activity.

10. Physical Misconduct Based on a Protected Status

Physical Misconduct Based on a Protected Status means any intentional (not incidental or accidental) act causing or likely to cause bodily harm to any person when the act was motivated, in whole or in part, by the actual or perceived Protected Status of that person.

11. Retaliation

Retaliation means an adverse action or other form of negative treatment, including but not limited to intimidation, threats, coercion, discrimination, or harassment, carried out in response to a good faith reporting of or opposition to what an individual reasonably believes to be Prohibited Conduct; an individual's or group's participation, including serving as a witness, administering, or assisting in an investigation and/or resolution of a report under this Policy, or otherwise exercising authority under this Policy.

- a. Individuals are also protected from Retaliation for making good faith requests for accommodations on the basis of religion or disability or for employees making requests for reasonable modifications on the basis of pregnancy, childbirth, or related medical conditions.
- b. To be a violation of this Policy, the challenged actions or treatment must be sufficient to discourage a reasonable person from further reporting, participation, or opposition.

- c. Alleging that an individual violated this Policy by submitting a Bad Faith Report or Complaint or False Evidence or Information (as defined below) during any proceeding under the Procedures does not constitute Retaliation prohibited under this Policy.
- d. The exercise of rights protected under the First Amendment also does not constitute Retaliation under this Policy.
- e. The University will treat Retaliation of a separate incident of Prohibited Conduct under this Policy.

12. Obstruction

Obstruction means when any person, on their own behalf or on behalf of another person, intentionally deters, interferes, or hinders:

- a. The University's ability to conduct an investigation (e.g., the destruction or request to destroy relevant evidence after notice of the University's investigation);
- b. Another person from reporting allegations of Prohibited Conduct; or
- c. Another person from participating in any process under this Policy or the Procedures.

13. Bad Faith Report or Complaint and False Evidence or Information

- a. Bad Faith Report or Complaint means when an individual submits, or encourages another individual to submit, a Report or Complaint pursuant to the Procedures that is knowingly false, contains materially false allegations, and/or is made with malicious intent.
- b. False Evidence means when an individual, during any proceeding initiated pursuant to the Procedures:
 - i. Provides or submits evidence or information with knowledge that such evidence or information is fabricated, altered, false, or materially misleading; or
 - ii. Knowingly makes false statements or intentionally misrepresents material facts.
- c. The University encourages all members of the University community to report concerns regarding potential violations of this Policy. A finding that a Complaint made in good faith is later determined to be unsubstantiated, unsupported by sufficient evidence, or a finding that a Respondent is not responsible for violating this Policy is not, by itself, sufficient to establish that an individual made the Complaint in bad faith or provided false evidence or information.

- d. Members of the University community are expected to provide truthful information in connection with proceedings initiated pursuant to the Procedures.

IV. RECORDS

- A. Consistent with its obligations under Title IX, the University will maintain records for a period of at least seven (7) years of:

1. Each Sexual Harassment investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript of any hearing pursuant to the Procedures, the resulting outcomes for the Respondent, and any remedies provided to the Complainant;
2. Any appeal pursuant to the Procedures and the results of such appeal;
3. Any informal resolution and the results of such informal resolution;
4. All materials used to train Title IX Coordinators, investigators, decision-makers, and individuals who facilitate informal resolution processes; and
5. For each notification received by the Title IX Coordinator of information about conduct that reasonably may constitute sex-based discrimination, records documenting the actions the University took to meet its obligations under applicable law. Including any supportive measures provided.

- B. Consistent with its obligations under the POWR Act, the University will preserve any personnel or employment records made, received, or kept for at least five (5) years after the later of:

1. The date the University made or received the record; or
2. The date of the personnel action about which the record pertains or the final disposition of a charge of discrimination or related action, as applicable.

The University will maintain an accurate repository of all written or oral complaints of discriminatory or unfair employment practices under the POWR Act, including the date of the complaint, the identity of the complaining party (if the complaint was not made anonymously), the identity of the alleged perpetrator, and the substance of the complaint.

- C. The University will maintain records related to the reporting, review,

investigation, and resolution of other alleged Prohibited Conduct reported pursuant to this Policy consistent with the applicable federal and/or state laws and regulations.

V. PROCESS OVERVIEW

The Associate Vice Chancellor for Civil Rights and Equal Opportunity/Title IX Coordinator/Title VI Coordinator develops and publishes procedures that describe the rights and obligations under the Policy as well as clarify definitions and scope within this Policy. The Associate Vice Chancellor for Civil Rights and Equal Opportunity/Title IX Coordinator/Title IV Coordinator submits recommendations for substantive changes to the Senior Vice Chancellor for Business & Financial Affairs and to the Provost and Executive Vice Chancellor for their review and approval.

VI. DEFINITIONS

- A. “Complainant”** means an individual who is alleged to have experienced conduct that if true, would constitute Prohibited Conduct as defined in this Policy. In the event a Complaint is brought by the University under the Procedures, the individual alleged to have experienced the alleged Prohibited Conduct that is the subject of the Complaint remains the Complainant; the University does not become the Complainant. However, the University reserves the right to initiate a complaint and act as a Complainant when AVC for CREO determines, in its sole discretion, based on a review of prior reports, that concerning patterns or trends require the University to proceed with a Complaint with the University as Complainant.
- B. “Respondent”** means an individual who is alleged to have engaged in conduct that, if true, would constitute Prohibited Conduct as defined in this Policy.
- C. “United States”** means the physical geography of the United States of America and its territories.

VII. RESOURCES

- A. [University of Denver Non-Discrimination Statement](#)**
- B. [Office of Civil Rights and Equal Opportunity Policies and Procedures](#)**
- C. [Statement of Policy and Principles on Freedom of Expression](#)**

D. [Interim Policy on Demonstrations, Protest, and Free Expression](#)

E. [University of Denver Honor Code](#)

Revision Effective Date	Purpose
8/7/23	Clerical changes and edits to conform to changes in applicable law.
8/1/24	To conform with statutory and regulatory changes, to align policy with practice, and to make clerical changes.
6/10/25	To conform with developments in case law, executive action, agency guidance, to align policy with practice, and to make clerical changes.
8/16/25	To conform with developments in regulatory definitions, to align policy with practice, and to make clerical changes.
11/6/2025	Minor revisions to update office name and remove non-existent titles
9/14/26	To incorporate new definitions of Prohibited Conduct and to make clerical changes.