



**UNIVERSITY^{OF}
DENVER**



**Office of Civil Rights and Equal Opportunity
Sexual Harassment Procedures**

2026-2027

(Effective September 16, 2026)

University of Denver

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I. Purpose

- A. Consistent with the University's Non-Discrimination Statement and the [University's Discrimination and Harassment Policy](#) (the "Policy"), the University has adopted these Procedures¹ to take prompt and effective action through the Office of Civil Rights and Equal Opportunity ("CREO"), to address and resolve complaints by individuals participating in or attempting to participate in the University's Education Program or Activity alleging Title IX Prohibited Conduct as defined by the Policy.
- B. The Policy and these Procedures are intended to comply with the requirements of Title IX, the Jeanne Clery Campus Safety 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.
- C. The University has designated the Associate Vice Chancellor for Civil Rights and Equal Opportunity /Title IX Coordinator/Title VI Coordinator ("AVC for CREO") to coordinate the University's compliance with all federal, state, and local laws within the scope of the Policy.² The University's Title IX Coordinator is:

Michael D. Todd, JD
Associate Vice Chancellor for Civil Rights and Equal Opportunity / Title IX Coordinator/Title VI Coordinator
Driscoll Center South, Suite 30
2050 E. Evans Avenue
Denver CO 80208
[\(303\) 871-7016](tel:(303)871-7016)
<https://www.du.edu/equalopportunity/index.html>
CREO@du.edu or Michael.Todd@du.edu

Molly Hooker
Deputy Title IX Coordinator
Office of Civil Rights and Equal Opportunity
Driscoll Center South, Suite 30
2050 E. Evans Avenue
Denver CO 80208
[\(303\) 871-7016](tel:(303)871-7016)
<https://www.du.edu/equalopportunity/index.html>
CREO@du.edu or Molly.Hooker@du.edu

¹ These Procedures should be read in conjunction with the Policy. Capitalized terms used and not otherwise defined in these Procedures are defined in the Policy.

² The AVC for CREO may, in their discretion, designate responsibilities to the Deputy Title IX Coordinator, Deputy Equal Opportunity Coordinator& Deputy Title VI Coordinator, Director of Investigations and Resolution Services or other appropriately trained personnel within the University. In these Procedures, when the term "AVC for CREO" is used, it should be understood to include any of the AVC for CREO's designees.

- D. CREO is responsible for administering the Procedures. CREO 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 Title IX Prohibited Conduct, prevent its recurrence, and address its effects.
- E. An individual who believes that they have been subjected to Title IX Prohibited Conduct has the right to file a complaint with an appropriate local, state, or federal agency, such as the U.S. Department of Education Office for Civil Rights (“OCR”), the Equal Employment Opportunity Commission (“EEOC”), or the Colorado Civil Rights Division (“CCRD”), identified below. In addition, any person who is dissatisfied with the University’s internal procedures for handling complaints or with the result of an Informal Resolution or Formal Resolution or the Outcomes and/or Disciplinary Action imposed pursuant to these Procedures may seek redress through these means to the extent allowed by law.

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](tel:800-421-3481)
Fax: [202-453-6012](tel:202-453-6012)
OCR@ed.gov

Colorado Civil Rights Division
1560 Broadway, Suite 825
Denver, CO 80202
Telephone: [303-894-2997](tel:303-894-2997)
Fax: [303-894-7830](tel:303-894-7830)
TTD: [711](tel:711)
DORA_CCRD@State.co.us

Equal Employment Opportunity Commission
Denver Field Office
950 17th St., Suite 300
Denver, CO 80202
Telephone: [\(800\) 669-4000](tel:800-669-4000)
FAX: [303-866-1085](tel:303-866-1085)
TTY: [\(800\) 669-6820](tel:800-669-6820)
ASL Video: [844-234-5144](tel:844-234-5144)

- F. Any person who believes the University as a federal contractor has violated applicable nondiscrimination 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](tel:800-397-6251) or [\(202\) 693-0103](tel:202-693-0103)
TTY: [\(877\) 889-5627](tel:877-889-5627) or [\(202\) 693-133](tel:202-693-133)

II. Application

- A. As stated in Section II.E of the Policy, these Procedures apply to all reported instances of alleged Title IX Prohibited Conduct as defined in Section III.A of the Policy regardless of when that alleged Title IX Prohibited Conduct is reported to have occurred 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 taken place within the University's Education Program or Activity; and
 - 3. 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 Civil Rights and Equal Opportunity Comprehensive Discrimination and Harassment Procedures
 - 2. Honor Code
- C. 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 AVC for CREO 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, including Students, Employees, and Third Parties, are subject to these Procedures as described in Section II.E of the Policy.
- F. Third Parties may initiate a report or, consistent with Section IV of these Procedures, a Complaint that a member of the University community engaged in Prohibited Conduct committed against them by members of the University community, but Third Parties alleged to have themselves engaged in Prohibited Conduct are limited in their rights pursuant to these Procedures at the discretion of the Title IX Coordinator. The University can trespass (restrict campus access to) Third Parties who have been alleged to have engaged in Title IX Prohibited Conduct without any rights to the resolution processes described in these Procedures.

III. Definitions

1. 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.

2. Complainant

Pursuant to Section VI of the Policy, an individual who is alleged to have experienced conduct that if true would constitute Title IX Prohibited Conduct as defined in the Policy, 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.

3. Disciplinary Action

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

4. Education Program or Activity

As stated in Section II.F of the Policy, those locations, events, and circumstances where the University exercises substantial control over both the Respondent and the context in which the Title IX Prohibited 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.

5. Employee(s)

As stated in Section II.E of the Policy, all full-time and part-time faculty, University staff, student workers, temporary employees, professional research staff, and post-doctoral fellows.

6. 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.

7. Investigator

The individual or individuals designated by the Title IX Coordinator to be responsible for gathering evidence, including interviewing Parties and Witnesses, and drafting an investigative report.

8. Outcomes

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

9. 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 Prohibited Conduct under these Procedures.

10. Party/Parties

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

11. 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 it is more likely than not the alleged fact or conduct occurred.

12. Reasonable Person

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

13. Relevant

Related to the allegations of Prohibited Conduct under investigation as part of a Formal Investigation process under these Procedures. Information is relevant if it may aid a decisionmaker in showing whether the alleged conduct occurred, in determining whether the alleged Prohibited Conduct occurred, and in determining the credibility of Parties or Witnesses. As described Section IX below, certain evidence will not be considered as Relevant.

14. Remedies

The measures provided, as appropriate, to a Complainant or any other person that CREO identifies as having had their equal access to a University Education Program or Activity limited or denied, after CREO determines, pursuant to these Procedures, that a Respondent is found responsible for Prohibited Conduct or that there exists or existed a hostile environment.

15. 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.

16. Respondent

As stated in Section VI of the Policy, an individual who is alleged to have engaged in conduct that, if true, would constitute Title IX Prohibited Conduct.

17. Responsible Employee

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

18. Student(s)

As stated in Section II.E of the Policy, 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. 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 previously been enrolled but are on a leave of absence or otherwise have a continuing relationship with the University.

19. Supportive Measures

Non-disciplinary, non-punitive individualized services offered, as appropriate and reasonably available, without fee or charge to the Complainant or Respondent to restore or preserve that Party's access to the University's Education Program or Activity, without unreasonably burdening the other Party, including measures that are

designed to protect the safety of all Parties or of the University's educational or employment environment, or deter Title IX Prohibited Conduct.

20. Third Party/Third Parties

As stated in Section II.E of the Policy, contractors, vendors, visitors, guests, prospective students, applicants for employment, alumni, or other third parties.

21. Title IX Coordinator

Title IX Coordinator means the Title IX Coordinator or their designee.

22. Witness(es)

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

23. Written Notice

Notice in writing and delivered (1) via electronic mail to the Party's or Witness's University email address or other email address reported to CREO; (2) in person; or (3) by other means to a Party's or Witness's permanent mailing address, as reported by the individual to CREO.

IV. Reporting

- A. Reporting concerns of potential Title IX Prohibited Conduct is critical to the University's ability to respond to potential Title IX Prohibited Conduct, to provide appropriate supports and resources to individuals who may have been impacted, and to monitor campus trends and provide appropriate training and prevention education to the University community. 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.
- B. 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.
- C. The University encourages Complainants to report incidents of Title IX Prohibited Conduct directly to the Office of Civil Rights and Equal Opportunity by contacting the Title IX Coordinator:

Michael D. Todd, JD
Associate Vice Chancellor for Civil Rights and Equal Opportunity/Title IX
Coordinator/Title VI Coordinator
Driscoll Center South, Suite 30
2050 E. Evans Avenue
Denver CO 80208
[\(303\) 871-7016](tel:(303)871-7016)
<https://www.du.edu/equalopportunity/index.html>
CREO@du.edu or Michael.Todd@du.edu
[Title IX Online Report Form](#)

Molly Hooker
Deputy Title IX Coordinator
Office of Civil Rights and Equal Opportunity
Driscoll Center South, Suite 30
2050 E. Evans Avenue
Denver CO 80208
[\(303\) 871-7016](tel:3038717016)
<https://www.du.edu/equalopportunity/index.html>
CREO@du.edu or Molly.Hooker@du.edu
[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 Civil Rights and Equal Opportunity 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)
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 80208
Phone: 303-871-2246
housing@du.edu
<https://www.du.edu/housing/>

For employment-related concerns:

Division of Human Resources & Inclusive Community
Mary Reed Building, Room 403
2199 S. University Boulevard
Denver, CO 80208
AskHRPartners@du.edu
<https://www.du.edu/human-resources/about-us/hr-partners>

- E. Upon receiving a report of the alleged Title IX Prohibited Conduct, the Title IX Coordinator will 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; and
 4. Offer Supportive Measures as provided in Section V below.
- F. In order to facilitate the University's ability to respond to Title IX Prohibited Conduct and to meet the University's obligations under state and federal law, the University requires employees who have witnessed, have been informed of, or may otherwise have information that reasonably may constitute Prohibited Conduct to report such conduct to the University, unless such employees qualify as Confidential Employees as 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. If a Responsible Employee fails to timely report incidents of alleged Prohibited Conduct to the Office of Civil Rights and Equal Opportunity, that employee may be referred to the Division of Human Resources & Inclusive Community or to the Vice Provost for Faculty Success, as applicable, for appropriate corrective action. Only a report made to CREO (either directly or from a Responsible Employee) or an individual identified in Section IV triggers the University's obligation to respond to an allegation of Title IX Prohibited Conduct.
- G. The Office of Civil Rights and Equal Opportunity 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 or 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 of 1974 (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 identified on the CREO website 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. The University will review all anonymous reports, and where there is sufficient information, include applicable information in Clery Act reporting.
3. 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. 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 Title IX Prohibited Conduct, whether or not the individual plans to pursue criminal action. This facilitates preservation of evidence and a timely response by law enforcement and/or the University.

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

- J. After receiving a report, 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.

- K. In addition to the emergency removal and administrative leave processes, 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 determine whether the Jeanne Clery Campus Safety Act ("the Clery Act") requires that the University issue a timely notification to protect the health or safety of the community. The notification will not include the Complainant's name. Pursuant to the Clery Act and the Violence Against Women Act ("VAWA"), the Office of Civil Rights and Equal Opportunity will provide information regarding reported criminal incidents to the University's Clery and Compliance 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.

L. Timing of a Report

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 as soon as reasonably possible after the event(s) occurred. 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.

M. 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 Prohibited Conduct because they fear being held responsible under the University Honor Code for alcohol or drug violations related to the incident.
2. The Office of Student Rights & Responsibilities ("SRR") will not initiate a formal conduct process under the Honor Code if a Student makes a good faith report to a University official, contacts emergency services or participates as a Party or Witness in any resolution process related to 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, the University does not extend this amnesty to (1) the distribution or sale of alcohol or other drugs; or (2) the provision of alcohol or other drugs to another individual for the purposes of inducing incapacitation as defined in the Policy.

3. When granting amnesty for the personal use of drugs or alcohol, SRR may, however, refer the Student for an evaluation related to their health status or substance use; engage with the Student in an assessment or educational discussion; or pursue other non-disciplinary options regarding alcohol or other drug use.
4. The University also provides the Medical Amnesty Process as set forth in the [Honor Code](#).

V. 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. A Complainant may request Supportive Measures at any time during the any process under these Procedures even if the Complainant has declined Supportive Measures at an earlier stage.
- 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. 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 and extension of assignment deadlines or other course-related adjustments
 2. Assistance in modifying University employment arrangements, including changes in work schedules, job assignments, work locations, and/or assigned parking
 3. Campus escort services and safety planning through Campus Safety
 4. Mutual restrictions on contact between the Parties
 5. Assistance in requesting leaves of absence
 6. Modifications to University housing arrangements, including immediate temporary relocation to alternative living quarters and/or permanent reassignment of University housing
 7. Assistance in arranging a meeting with law enforcement to discuss reporting or safety planning
 8. Assistance in modifying assigned parking
 9. Increased security and monitoring of certain areas of the campus

10. Any other mechanism 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 Action or Outcomes. The University shall not impose Disciplinary Action or Outcomes on a Respondent unless and until after the Formal Resolution Process, as detailed in Section IX below, is completed.
 - G. 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.

VI. Emergency Removal/Administrative Leave/Trespass

- A. Emergency Removal- 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.

In making the individual safety and risk analysis, the University will consider the following risk factors:

1. 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
2. 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
3. Whether Respondent has threatened to commit violence or any form of Prohibited Conduct
4. Whether the Prohibited Conduct involved multiple Complainants and/or Respondents
5. Whether the Prohibited Conduct involved physical violence. Physical violence means exerting control over another person through the use of physical force. Examples of physical violence including hitting, punching, slapping, kicking, restraining, strangling, and brandishing or using any weapon

6. 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)
 7. Whether the Prohibited Conduct was facilitated through the use of “date-rape” or similar drugs or intoxicants
 8. Whether the Complainant is (or was at the time of the Prohibited Conduct) a minor (under 18); and
 9. Whether any other aggravating circumstances or signs of predatory behavior are present.
- B. Administrative Leave: 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 Title IX Prohibited Conduct on administrative leave due solely to the Title IX Prohibited Conduct 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 totality of the circumstances, will determine whether any administrative leave imposed is to be imposed with or without pay or benefits.
- C. Trespass Notices: The University may trespass Third Parties who have been alleged to have engaged in Title IX Prohibited Conduct without any rights to the resolution processes described in these Procedures. Members of the University community who host Third Parties may be held accountable for the misconduct of their Third Parties pursuant to applicable University policies.

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 Civil Rights and Equal Opportunity 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 Title IX Prohibited Conduct; 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 Civil Rights and Equal Opportunity 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 Title IX Prohibited Conduct.
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 Title IX Prohibited Conduct.
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 Title IX Prohibited Conduct.
- 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. All Students must comply with University Policies, including but not limited to, the Honor Code and the University's Discrimination and Harassment Policy. SDS provides reasonable accommodations to allow students with disabilities meaningful and equitable access to University processes; however, such accommodations do not waive or exempt Students from the substantive requirements of the applicable policy. At any point during the grievance process, Parties or Witnesses may request disability-related accommodations by contacting Student Disability Services (SDS) or the ADA Coordinator, as appropriate. Employees or Third Parties should contact the [ADA Coordinator](#) at ADA.Coordinator@du.edu. Students with disabilities who seek accommodations to access these Procedures should promptly contact SDS at sds@du.edu to submit a request for such accommodations. Also, at any point during the grievance process, Parties or Witnesses may request language assistance by contacting the Title IX Coordinator.
- 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 seeks to identify and meet the needs of the Parties and seek to address and 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 Title IX Prohibited Conduct 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 for Title IX Prohibited Conduct.

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 nature of the allegations in the Formal Complaint;
 - b) The requirements of the Informal Resolution Process, including the circumstances under which the process precludes the Parties from resuming a Formal Complaint arising from the same allegations;
 - c) The Informal Resolution Process is only available if the Parties voluntarily consent in writing. If the Parties voluntarily consent, the University may initiate an Informal Resolution Process any time prior to reaching a determination regarding responsibility;
 - d) That either Party may withdraw from the Informal Resolution Process and may initiate or resume the Formal Resolution Process;
 - e) Any consequences resulting from participating in the Informal Resolution Process, including the records that will be maintained or could be shared;
 - f) That either Party may withdraw from the Informal Resolution Process prior to agreeing to an Informal Resolution agreement and resume the Formal Resolution Process;
 - g) The potential terms that may be requested or offered in an Informal Resolution agreement, including but not limited to:
 - i. Restrictions on contact;
 - ii. Restrictions on the Respondent's participation in one or more of the University's programs or activities or attendance at specific events; and/or
 - iii. Restrictions that the University could have imposed as Remedies, Outcomes, or Disciplinary Action had the Respondent been found to be responsible for Prohibited Conduct pursuant to these

Procedures;

iv. That an Informal Resolution agreement is binding only on the Parties.

D. Facilitator of Informal Resolution

The facilitator for the Informal Resolution will:

1. not be the same person as the Investigator or Decisionmaker in the Formal Resolution Process;
2. be free from conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent; and
3. be trained by the University as set forth in Section XV below.

E. Conclusion and Finality of Informal Resolution Process

At any time prior to executing an Informal Resolution agreement, the Parties have the right to withdraw from the Informal Resolution Process, and CREO will resume processing of the Formal Complaint consistent with these Procedures. The Title IX Coordinator has the discretion to terminate an Informal Resolution Process if, at any time, the Title IX Coordinator determines that Informal Resolution is not appropriate to resolve a Complaint or to stop Prohibited Conduct, remedy its impact, or prevent its recurrence.

After the Parties have engaged in an Informal Resolution Process, reached a resolution both Parties have signed (electronic or handwritten) an Informal Resolution agreement 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 reached through the Informal Resolution Process. However, a Party's failure to complete the agreed terms as set forth in of an Informal Resolution may result in CREO commencing or resuming a formal investigation and/or referral of that Party to the Office of Student Rights & Responsibilities for consideration of action under the Honor Code, if the Party is a Student, or the Division of Human Resources & Inclusive Community to determine appropriate corrective action if the Party is an Employee.

1. For Student Respondents

Informal Resolution will not result in Outcomes through the Outcome Council, but rather terms in an Informal Resolution agreement may include education, coaching, mentoring, voluntary withdrawal, or other action steps that the Title IX Coordinator deems appropriate, in consultation with other University administrators as needed. For Informal Resolutions involving Students, the University division, department, unit, or office responsible for taking action pursuant to the Informal Resolution agreement must inform CREO that such action has been taken.

2. For Employee Respondents

Informal Resolutions may result in mandatory requirements in the form of education, coaching, mentoring, or other action steps that the Title IX Coordinator deems appropriate, in consultation with the Employee's supervisor, the Division of Human Resources & Inclusive Community, and other University administrators as needed.

For Informal Resolutions involving mandatory requirements for University Employees, the Employee or the Employee's supervisor, as applicable, must inform CREO the Employee or the supervisor has completed the required action.

F. Timeframe

The University will make a good faith effort to complete the Informal Resolution Process within an average of sixty (60) calendar 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:

Michael D. Todd, JD
Associate Vice Chancellor for Civil Rights and Equal Opportunity/Title IX
Coordinator
Driscoll Center South, Suite 30
2050 E. Evans Avenue
Denver CO 80208
[\(303\) 871-7016](tel:(303)871-7016)
<https://www.du.edu/equalopportunity/index.html>
CREO@du.edu or Michael.Todd@du.edu
[Title IX Online Report Form](#)

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 the absence of a Complaint filed by a Complainant, or when the Complainant withdraws any or all of the allegations in a Complaint, the Title IX Coordinator will consider whether to initiate a Formal Complaint alleging Title IX Prohibited Conduct after considering, at a minimum:
 - a) The Complainant's request not to proceed with initiation of a Formal Complaint;
 - b) The Complainant's reasonable safety concerns regarding initiation of a Formal Complaint;
 - c) The risk that additional Title IX Prohibited Conduct would occur if a Formal Complaint is not initiated;
 - d) The age and relationship of the Parties, including whether the Respondent is an Employee;
 - e) The scope of the alleged Title IX Prohibited Conduct, including information suggesting a pattern of Title IX Prohibited Conduct, ongoing Title IX Prohibited

Conduct or Title IX Prohibited Conduct alleged to have impacted multiple individuals;

- f) The availability of evidence to assist a decisionmaker in determining whether Title IX Prohibited Conduct occurred; and
- g) Whether the University could end the alleged Title IX Prohibited Conduct and prevent its recurrence without initiating a Formal Resolution Process.

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 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:
 - (i) 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
 - (ii) The Respondent is not enrolled or employed by the University; and/or
 - (iii) 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 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 for the dismissal 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.
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 one hundred and twenty (120) calendar 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 any of the timeframes set forth within these Procedures, or to provide notice of the extension of these timeframes, shall not be grounds for dismissing any allegation of Prohibited Conduct or for 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 Action, as applicable, or otherwise 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 the 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 Title IX Prohibited Conduct;
 - iii. The date and location of the alleged incident
4. 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.
5. 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;
6. A statement that the Parties have the right to an advisor of their choice;
7. A statement that the Parties have the right to inspect and review directly related evidence;
8. A statement instructing the Parties to preserve any potentially Relevant evidence in any format;
9. A statement that Retaliation is prohibited.

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 (1) 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. Although the University does not limit a Party's choice of advisor or support person, 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 the 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) CREO 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 to CREO on behalf of any Party, CREO will notify the Party and provide the Party a reasonable amount of time to submit the information or documents directly, to CREO, however CREO will not extend procedural deadlines for this reason. If the Party elects not to submit the information or documents directly, CREO will not consider such information in the investigation or any resolution process under these Procedures.
 - d) 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.
- 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 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 above.
- 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.

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(s) 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 (or arrange for transcription of) all interviews. For Parties and Witnesses who elect not to have their interview recorded, the Investigator will prepare a statement of the interview.
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 and inculpatory or exculpatory evidence whether obtained from a Party or another source. 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. Before and 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. At least ten (10) Business Days prior to date of the hearing, the Title IX Coordinator will notify both Parties of the identity of Hearing Officer and the identities of the Outcome Council members (for Student Respondents) or the Decision-Maker for Disciplinary Action (for Employee Respondents) who will make decisions about Outcomes or Disciplinary Action, as applicable, as set forth below, if a Respondent is found responsible for Title IX Prohibited Conduct.
 - ii. The Parties have two (2) Business Days from receipt of the names to submit an objection in writing to the participation of the Hearing Officer, Outcome Council member, and/or Decision-Maker for Disciplinary Action based on conflict of interest or bias, with a specific description of the purported conflict of interest or bias and evidence to support the objection.
 - iii. The Title IX Coordinator will assess the circumstances and determine whether to assign a different Outcome Council member or Decision-Maker for Disciplinary Action, as applicable, to the matter.
 - 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;
 - iii. Decisions regarding relevance of evidence;
 - iv. The standards of decorum applicable to the hearing.

- 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 advisor's 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 Civil Rights and Equal Opportunity 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 Complainant's sexual predisposition or prior sexual behavior, except that the Hearing Officer may consider:

- a. Evidence about the Complainant's 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 privilege recognized by federal or state law, or evidence provided to a confidential employee, unless the person to whom such privilege or confidentiality is owed has waived the privilege or confidentiality.
 - 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. However, the Hearing Officer may choose to place less or no weight upon statements by a Party or Witness who refuses to respond to such 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 the other Party and all 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 Title IX Coordinator will provide the Outcome Council or Decision-Maker for Disciplinary Action with the determination of responsibility for purposes of determining Outcomes and Disciplinary Action, respectively.
3. The Outcome Council convene promptly after the end of the hearing to determine appropriate Outcomes for a Student Respondent
4. The Outcome Council or Decision-Maker for Disciplinary Action will communicate the Outcomes and Disciplinary Action, as applicable, to the Title IX Coordinator, in writing, for the Title IX Coordinator to provide for the Hearing Officer for inclusion in the written determination.
5. Promptly after the Hearing Officer provides the written determination to the Title IX Coordinator, the Title IX Coordinator will provide the written determination simultaneously to the Parties no later than twenty (20) Business Days after the hearing.
6. The written determination will include:
 - a) Identification of the allegations potentially constituting Title IX Prohibited Conduct;
 - 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.
7. The written determination becomes final either on the date that the Parties receive written determination of the results of any appeal, or if no Party appeals, then on the date on which an appeal would no longer be considered timely.

J. Remedies/Outcomes/Disciplinary Action

1. Remedies are designed to restore or preserve equal access to the University's Education Program or Activity. Remedies may be disciplinary or punitive. Remedies may eliminate a hostile environment for the Complainant and/or provide safety protections for the Complainant or the University Community. Remedies may include arrangements that were provided as Supportive Measures during the investigation.

2. In the event the Hearing Officer finds the Respondent responsible for Title IX Prohibited Conduct
 - a) The Title IX Coordinator, in consultation with other University officials, as appropriate, has the discretion to determine the applicable Remedies. The Title IX Coordinator will communicate the Remedies to the Parties when providing the written determination.
 - b) If the Respondent is a Student, the Outcome Council will determine the appropriate Outcomes for the Respondent.
 - i. The criteria for selection of the Outcome Council are set forth in the Honor Code.
 - ii. 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.
 - iii. 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.
 - iv. The range of Outcomes include:
 - a. Status Outcomes, including but not limited to Educational Letter, Written Warning, Probation, Elevated Probation, Suspension, and Expulsion;
 - b. Educational Outcomes, including but not limited to Reflective Activities, 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.
 - ii. For Employees who are faculty, the Vice Provost for Faculty Success will determine the appropriate Disciplinary Action in consultation with the dean of the applicable college or school. Disciplinary Action involving faculty is further subject to the Policies and Procedures Relating to Faculty Appointment, Promotion and Tenure.
 - iii. 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.
 - iv. 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.
 - v. 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 Action as set forth below.
- b) No other issue may be appealed. In any appeal, the burden of proof lies with the Party requesting the appeal.

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 and any response is provided to the Appellate Officer.
 - b) The Title IX Coordinator may extend the timeframe for completion of appeal may be extended for good cause on a case-by-case basis following a written request. 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 conflict of interest or bias. The Party must object in writing, specifically describe the purported conflict of interest or bias and provide evidence to support this concern. The Title IX Coordinator will assess the circumstances and determine whether to assign a different Appellate Officer to the matter.
 - 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.
 - 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 above, Employees may file a grievance with respect to Disciplinary Action imposed pursuant to Section IX 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, where applicable, or pursue a grievance pursuant to the Faculty Grievance Policy and Procedures;
 - b) Staff may pursue a grievance pursuant to the Staff Employee Grievance Policy and Procedures; and
 - c) Employees who are subject to a collective bargaining agreement must pursue their grievance rights pursuant to that agreement.

X. Recordkeeping and Recordings

As set forth in Section IV of the [Policy](#), the University maintains records related to the reporting, review, investigation and resolution of alleged Prohibited Conduct by the Office of Civil Rights and Equal Opportunity consistent with applicable federal, state, and local laws and regulations and applicable University policies.

The University has the right to record any meeting, interview, or other proceeding under these Procedures. Parties, Witnesses, advisors, and support persons are prohibited from recording any meeting, interview, or other proceeding under these Procedures.

XI. Revision & Amendment

Pursuant to the [Policy](#), 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 review and approval by the Provost and Executive Vice Chancellor and Senior Vice Chancellor for Business & Financial Affairs. The updated Procedures will be effective upon publication to the University community.