OFFICE OF

EQUAL OPPORTUNITY & TITLE IX

PROCEDURES 2018-2019

UNIVERSITY of DENVER

Office of Equal Opportunity & Title IX Procedures
2018-2019

Effective August 31, 2018

Table of Contents

I. PURPOSE....1
II. SCOPE....2
III. NOTICE OF NON-DISCRIMINATION AND STATEMENT OF COMPIANCE WITH TITLE IX....3
IV. DEFINITIONS....5
V. PROHIBITED CONDUCT....7
- A. Discrimination....7
- B. Harassment....7
- C. Sexual Harassment....7
- D. Stalking....9
- E. Physical Misconduct....9
- F. Bullying....9
- G. Hazing....9
- H. Non-Consensual Sexual Conduct....10
- I. Sexual Exploitation....13
- J. Relationship Violence....14
- K. Failure to Inform Supervisor of a Consensual Sexual Relationship with a Student or a Supervisee....15
- L. Retaliation....16
- M. Groundless and Malicious Complaints....16
- N. Obstruction....16

VI. PRIVACY AND CONFIDENTIALITY....16
VII. RESOURCES....18
VIII. REPORTING....18
IX. PROCEDURAL OPTIONS FOR RESOLUTION OF REPORTED CONCERNS....24
- A. Overview of Procedural Options....24
- B. Time Frames for Resolution....25
- C. Initial Assessment....25
- D. Interim Measures....27
- E. Alternative Resolution....33
- F. Investigation....35

X. CORRECTIVE ACTION FOR EMPLOYEES AND OTHER NON-STUDENTS AS RESPONDENTS....41
XI. DISCIPLINARY ACTION FOR STUDENTS AS RESPONDENTS....42
XII. APPEALS UNDER THESE PROCEDURES....47
XIII. ADDITIONAL CONSIDERATIONS....50
XIV. EDUCATION AND PREVENTION PROGRAMS....51

I. PURPOSE

The Office of Equal Opportunity & Title IX established these procedures to assist in carrying out its responsibilities in the administration and enforcement of the University of Denver's ("the University") policies related to non-discrimination, and in facilitating the University's compliance with applicable laws, including: Executive Order 11246; Title VI and Title VII of the Civil Rights Act of 1964; the Equal Pay Act (EPA) of 1963; the Age Discrimination in Employment Act; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Americans with Disabilities Act (ADA) of 1990 and as amended by ADA Amendments Act of 2008; the Rehabilitation Act of 1973; the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) of 1974; Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994; the Genetic Information Nondiscrimination Act (GINA) of 2008; Title 24, Article 34 of the Colorado Revised Statutes; and Denver Municipal Ordinances, and other applicable federal and state anti-discriminatory laws. University policies and these procedures are intended to comply with the prohibitions of these laws, as amended, as well as other applicable federal, state, and local anti-discrimination laws.

Consistent with federal, state and local law, and University policies related to non-discrimination, the University, through the Office of Equal Opportunity & Title IX, takes prompt and equitable action in response to reports of:

- Discrimination (including pay discrimination), harassment, and/or gender-based violence, on the basis of race, color, national origin, age, religion, disability, sex, sexual orientation, gender identity, gender expression, marital status, pregnancy, military enlistment, veteran status, or genetic information;
- Sexual and gender-based harassment, sexual violence, relationship violence, and stalking;
- Failure to provide reasonable accommodations for disability and religion; and
- Retaliation against any individual or group of individuals involved in an investigation and/or resolution of a report under these procedures.

The Office of Equal Opportunity & Title IX will impose interim measures for the individual and the community, conduct neutral investigations, promote accountability for violations of policies and procedures, and impose other remedies designed to eliminate Prohibited Conduct, prevent its recurrence and address its effects.

Contact Information for the Title IX Coordinator is as follows:

Jeremy Enlow, Title IX Coordinator
University of Denver, Mary Reed Building, 4th Floor
2199 South University Blvd.
Denver, CO 80208
303-871-3142
Jeremy.Enlow@du.edu

Contact Information for the Office of Equal Opportunity & Title IX as follows:

Office of Equal Opportunity & Title IX
University of Denver, Mary Reed Building, 4th Floor
2199 South University Blvd.
Denver, CO 80208
303-871-7016
equalopportunity@du.edu

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

United States Department of Education
Office for Civil Rights (OCR)
Lyndon Baines Johnson Department of Education Building
400 Maryland Avenue, SW
Washington, DC 20202-1100

Telephone: 800-421-3481
FAX: 202-453-6012; TDD: 800-877-8339
Email: OCR@ed.gov

Denver Office
Office for Civil Rights
U.S. Department of Education
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582

Telephone: 303-844-5695
FAX: 303-844-4303; TDD: 800-877-8339
Email: OCR.Denver@ed.gov

II. SCOPE

All members of the University of Denver community are subject to these procedures, including students, faculty, staff, administrators, board members, consultants, vendors, and others engaged in business with the University. Each member of the community is responsible for conducting oneself in accordance with these procedures and other University policies and procedures.

These procedures apply to all conduct that occurs on campus. The procedures may also apply to conduct that occurs off campus, including online or electronic conduct, if the University finds that the conduct: (a) occurred in the context of an employment or education program or activity of the University; (b) had continuing adverse effects on campus, including posing a reasonable risk of harm to the community; or (c) had continuing adverse effects in an off-campus employment or education program or activity. Examples of covered off-campus conduct include

University-sponsored study abroad, research or internship programs.

These procedures apply to conduct that takes place from the time a person applies as a student or employee and continues until the student withdraws or graduates or the employee ceases employment, including periods during term breaks and between terms. Voluntary disenrollment of a student or resignation of an employee during the course of an investigation or other remedial measure will not affect the applicability of these procedures in resolving any complaint to the Office of Equal Opportunity & Title IX.

In the event of a conflict between these procedures and University policies, the University policies will prevail.

Visitors to and guests of the University are both protected by and subject to the restrictions on conduct described in Section V of these procedures. However, these procedures do not create any contractual rights between the University and visitors/guests. Visitors and guests may initiate a report for violations of these procedures committed against them by members of the University community, but visitors and guests may be limited in their right to view information gathered or generated in the course of resolving the complaint. Visitors and guests may also be permanently trespassed from the University without any right to the resolution processes described in Section X or XI of these procedures. Further, under these procedures, members of the University community who host guests may be held accountable for the misconduct of their guests.

III. NOTICE OF NON-DISCRIMINATION AND STATEMENT OF COMPIANCE WITH TITLE IX

A. Notice of Non-Discrimination

The University of Denver is committed to affirmative action and equal opportunity. The University is committed to enforcing anti-discrimination policies and making the University a non-discriminatory work and education environment in which all individuals are treated with respect and dignity.

It is the policy and practice of the University to provide equal opportunity in employment, educational activities, and other programs to all employees, students, and applicants. The University shall not discriminate against any person in the University's education or employment programs and activities on the basis of race, color, national origin, age, religion, disability, sex, sexual orientation, gender identity, gender expression, marital status, pregnancy, genetic information, military enlistment or veteran status.

The University may subject employees found to have engaged in discriminatory conduct to disciplinary action up to and including termination.

These procedures address all forms of discrimination, harassment and gender-based violence. This includes sexual harassment, sexual violence, sexual exploitation, stalking, and relationship violence. Under these procedures, gender includes sex, sexual orientation, gender identity, gender expression, and pregnancy and parenting status.

Pursuant to Title IX of the Education Amendments of 1972, the University of Denver does not discriminate on the basis of sex in its educational, extracurricular, athletic, or other programs or in the context of employment.

The University, as an educational community, will promptly and equitably respond to reports of discrimination, harassment or gender-based violence in order to eliminate the harassment, prevent its recurrence, and address its effects on any individual or the community.

B. Affirmative Action Program

In support of its equal employment opportunity principle, the University has developed written affirmative action plans for women, minorities, individuals with disabilities, and covered veterans. The University of Denver's Office of Equal Opportunity & Title IX is located in the Mary Reed Building, 2199 S. University Blvd. Denver, CO 80208. This office is responsible for compliance with state and federal equal employment opportunity laws and affirmative action regulations. This office is also responsible for implementing the University's affirmative action plan, including equal employment practices, monitoring, internal reporting, and receiving complaints of discrimination, harassment or retaliation.

The University's plan for Veterans and the Disabled is available in the office during regular office hours or by appointment. University policy and equal employment opportunity/affirmative action regulations and law protect all employees and applicants for employment from coercion, intimidation, interference, or discrimination for filing a complaint or assisting in an investigation.

C. Pay Transparency Policy Statement

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 employer, or (c) consistent with the University's legal duty to furnish information.

D. Equal Pay

The Equal Pay Act of 1963, as amended, prohibits sex discrimination in payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility under similar working conditions, in the same establishment. The University is committed to these principles of pay equity, and expressly prohibits disparate pay on the basis of an employee's race, color, national origin, age, religion, disability, sex, sexual orientation, gender identity, gender expression, marital status, genetic information, military enlistment or veteran status. The University prohibits pay discrimination based on sex, discriminatory pay practices based on sex, and sex discrimination affecting compensation.

IV. DEFINITIONS

Complainant
A party who files a report alleging that he/she/they have been the subject of a discriminatory act. As necessary, the University reserves the right to initiate a complaint, to serve as Complainant, and to initiate proceedings without a formal complaint. Groups of individuals who share a common concern regarding campus equity may initiate complaints. In those instances, the Director of Equal Opportunity or Title IX Coordinator, or their designees, have the discretion to determine the proper course of action. We recognize that an individual may self-identify as a victim or a survivor. For consistency in these procedures, the University uses the term Complainant.

Complaint of Discrimination
A charge filed in accordance with either these procedures or other University procedures that alleges a violation of any University policy or federal, state, or local law related to discrimination. A Complaint is also referred to as a report.

Corrective Action
Any action levied against an employee found responsible by the employee's supervisor and any other appropriate administrator for violating University policy.

Discriminatory Act
Any action taken in violation of the University's Discrimination/Equal Opportunity Policy, Section 3.10.010.

Investigator(s)
An objective, neutral fact-finder with relevant training and experience. The Investigator(s) may or may not be an employee of the University.

Office of Equal Opportunity & Title IX
The office responsible for reviewing complaints of discrimination, harassment, and gender-based violence. Reviews will include factual findings and determinations of responsibility for violating the University's Discrimination/Equal Opportunity Policy, Section 3.10.010.

Outcomes
Required educational opportunities, restrictions, and/or expectations outlined for a student found responsible for violating University policy.

Outcome Council
A body composed of University staff or faculty convened by the Office of Student Rights & Responsibilities to review the factual findings and policy violation determinations issued by an Investigator(s) and impose outcomes.

Preponderance of the Evidence
The standard of proof that the Office of Equal Opportunity & Title IX applies to its investigations. An allegation is proven by a preponderance of the evidence if, based on the

information provided, it is more likely to have occurred than not to have occurred.

Reporting Party
Any person who has reported a concern or incident of discrimination, harassment, or gender-based violence, or other Prohibited Conduct under these procedures. The reporting party need not be the Complainant.

Respondent
An individual identified in a complaint under review for alleged violations of University policies.

Responsible Employee
As required by Title IX, all University faculty, staff members, and other community members who have leadership or supervisory responsibilities, or who have significant responsibility for student or campus activities. These include, for example, members of the Board of Trustees, the Chancellor, Provost, Vice Chancellors, Vice/Associate Provosts, Deans, Directors, Department Chairs, Department of Campus Safety personnel, Athletics personnel (including Coaches), Student Affairs personnel (including the Office of Student Rights & Responsibilities, Housing and Residential Education, and Resident Advisors) and faculty, staff, or community members who serve as advisors to students and student groups. This responsibility shall also extend to advisors of student groups (e.g. volunteer coaches) who are not otherwise employees of the University.

Supervising Director
The Director of Equal Opportunity or the Title IX Coordinator who is supervising a particular investigation.

Third Party
Any other participant in the process, including a witness to the incident(s), or an individual who makes a report on behalf of someone else.

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

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

V. PROHIBITED CONDUCT

In accordance with the University's Discrimination/Equal Opportunity Policy, Section 3.10.010, these procedures identify the following categories of Prohibited Conduct.

A. Discrimination

These procedures prohibit discrimination in the provision of educational or employment opportunities, benefits or privileges; creation of discriminatory work or academic conditions; or the use of discriminatory evaluative standards in employment or educational settings if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability, sex, sexual orientation, gender identity, gender expression, marital status, pregnancy, military enlistment or veteran status.

B. Harassment

These procedures prohibit discrimination in the form of harassment based, in whole or in part, on any legally protected characteristic (race, color, national origin, age, religion, disability, sex, sexual orientation, gender identity, gender expression, marital status, pregnancy, military enlistment or veteran status). Prohibited harassment includes creating an environment that is sufficiently severe, pervasive or persistent so as to unreasonably interfere with a person's work, academic performance or participation in University programming/activities. Prohibited harassment may also include, but is not limited to, offensive slurs, jokes, and other offensive oral, written, computer-generated, visual or physical conduct.

C. Sexual Harassment

These procedures prohibit discrimination in the form of sexual harassment.

Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature will constitute "sexual harassment" when:

1. Submission to such conduct is either explicitly or implicitly a term or condition of an individual's employment or status in a course, program or University-sponsored activity; or
2. Submission to or rejection of such conduct is used as the basis for employment or educational decisions affecting that individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance, i.e. the conduct is sufficiently serious, pervasive, or persistent as to create an intimidating, hostile or offensive environment for working or learning under both an objective (a reasonable person's view) and subjective (the Complainant's view) standard.

A single, isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to create a hostile environment, particularly if the harassment is physical. The determination of whether an environment is "hostile" must be based on all the circumstances. These circumstances may include, but are not limited to:

- The frequency of the speech or conduct;
- The nature and severity of the speech or conduct;
- Whether the conduct was physically threatening;
- Whether the speech or conduct was humiliating;
- The effect of the speech or conduct on the Complainant's mental and/or emotional state;
- Whether the speech or conduct was directed at more than one person;
- Whether the speech or conduct arose in the context of other discriminatory conduct;
- Whether the speech or conduct unreasonably interfered with the Complainant's educational opportunities or performance (including study abroad), university-controlled living environment, work opportunities or performance;
- Whether a statement engenders offense in an employee or a student through the mere utterance of an epithet, or offends by mere discourtesy or rudeness; and/or
- Whether the speech or conduct deserves the protections of academic freedom.

Determining what constitutes sexual harassment depends on the specific facts and context in which the conduct occurs. For example, sexual harassment:

- May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with an unstated coercive aspect;
- Does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents;
- May occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation;
- May be committed by anyone, regardless of gender, age, position, or authority, including between peers or between individuals in a hierarchical relationship;
- May be aimed at coercing an individual to participate in an unwanted sexual relationship, or may have the effect of causing an individual to change behavior or performance;
- May occur in the classroom, in the workplace, in residential settings, over electronic media (including the internet, telephone, and text), or in any other setting;
- May be committed in the presence of others or when the parties are alone;
- May consist of repeated actions, or may arise from a single incident if sufficiently egregious; or
- May affect the Complainant and/or third parties who witness or observe harassment.

D. Stalking

Stalking occurs when a person engages in a series of acts, over time, however short that timeframe is, that is directed toward another person that:

1. Reasonably causes that person substantial emotional distress; or
2. Places that person in reasonable fear for his/her/their safety.

Stalking includes cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or make unwelcome contact with another person in an unsolicited fashion.
Prohibited stalking may also include, but is not limited to, surveillance, intentionally following another person; attempting to contact a person through telephone, emails, text messages, or social media; extortion of money of valuables; repeated oral or written threats; or unwelcome/unsolicited communications about a person, their family, friends, and/or coworkers.

E. Physical Misconduct

Physical misconduct includes acts that cause or are likely to cause, bodily harm to any person, regardless of intent; any act resulting in physical contact with another person, when performed over their objections; or any implied or actual threats or acts that cause a reasonable fear of harm in another.

These procedures apply when physical misconduct occurs in the context of relationship violence or sexual activity, and/or when the behavior is perpetrated on the basis of a legally protected characteristic.

Actions taken in self-defense or the defense of another may mitigate findings under these procedures.

F. Bullying

Bullying is conduct of any sort, electronic, written, verbal, or physical act, or series of acts, directed at another individual that is severe, persistent or pervasive, and is of the nature that it:

1. Reasonably and substantially interferes with the victim's education, work, or living environment; or
2. Creates a threatening environment; or
3. Substantially disrupts the orderly operation of the University.

These procedures apply when bullying occurs in the context of relationship violence or sexual activity, or when the behavior is perpetrated on the basis of a legally protected characteristic.

G. Hazing

Any action or situation, with or without the consent of the participants, which recklessly, intentionally, or unintentionally endangers the mental, physical, or academic health or safety of another individual. This includes circumstances that create a risk of injury; cause discomfort or

embarrassment; involve harassment, degradation, humiliation, or ridicule; or involve intentional destruction or removal of public or private property for the purpose of initiation or admission into, affiliation with, or as a condition for continued membership in an organization.

These procedures apply when hazing occurs in the context of relationship violence or sexual activity, or when the behavior is perpetrated on the basis of a legally protected characteristic.

H. Non-Consensual Sexual Conduct

Consent

These procedures focus on the presence or absence of consent and the following concepts are principles related to review and evaluation of prohibited sexual conduct or penetration, as delineated in these procedures.

Individuals who choose to engage in sexual activity of any type with another individual must first obtain clear consent. Consent must be clear, knowing, and voluntary. Consent is active, not passive. Consent can be given by words or actions as long as those words or actions create mutually understandable, clear permission regarding willingness to engage in sexual activity (and the conditions thereof).

Further:

- In order to give consent, one must be of legal age (CRS Section 18-3-402).
- Each participant in a sexual encounter is expected to seek and obtain consent to each act of sexual activity. Consent to any one form of sexual activity does not automatically imply consent to any other form of sexual activity.
- Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Relying on non-verbal communication can lead to misunderstandings. Silence, in and of itself, cannot be interpreted as consent. Consent may not be inferred from silence, passivity, lack of resistance, or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.
- When consent is requested verbally, absence of any explicit verbal response constitutes lack of consent.
- If at any time during the sexual activity, any confusion or ambiguity arises as to the willingness of the other individual to proceed, both parties should stop and clarify, verbally, the other's willingness to continue before further engaging in such activity.
- Either party may withdraw consent at any time. Withdrawal of consent should be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once a participant has expressed withdrawal of consent, the other participant must cease sexual activity.
- Individuals with a previous or current intimate relationship do not automatically consent either initially or to continued sexual activity. Even in the context of a relationship, the

parties must have mutually understandable communication that clearly indicates a willingness to engage in sexual activity.

- Consent is not effective if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual's ability to exercise his/her/their own free will to choose whether or not to have sexual contact.
- A person who is incapacitated cannot give consent.

a. Coercion

Coercion is unreasonable and/or persistent pressure to compel another individual to initiate or continue sexual activity against that individual's will. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get sexual activity from another. When someone makes clear that they do not want to engage in sexual contact, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. A person's words or conduct are sufficient to constitute coercion if those words or conduct wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. Examples include threatening to disclose another individual's private sexual information related to sexual orientation, gender identity, or gender expression, and threatening to harm oneself if the other party does not engage in the sexual activity.

b. Force

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. A party does not need to resist the sexual advance or request, but resistance will be viewed as a clear demonstration of non-consent. Force includes threats of physical violence against another person or intimidation (implied threats).

c. Incapacitation

An individual who is incapacitated lacks the ability to make informed, rational judgments and cannot consent to sexual activity. Incapacitation is defined as the inability, temporarily or permanently, to give consent because an individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. These procedures prohibit sexual activity with someone whom one should know to be – or based on the circumstances one should reasonably have known to be – mentally or physically incapacitated (by the use of alcohol or other drugs, or unconsciousness).

Where alcohol or other drugs are involved, incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and other drugs varies from person to person; however, warning signs that a person may be approaching incapacitation, include but are not limited to, slurred speech or inability to communicate coherently, vomiting, stumbling or difficulty maintain balance, the odor of alcohol or other drugs, combativeness, disorientation, unresponsiveness, emotional volatility.

Evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual's:

- Decision-making ability;
- Awareness of consequences;
- Ability to make informed judgments;
- Capacity to appreciate the nature and the quality of the act; or
- Level of consciousness.

A person may be considered unable to give consent due to incapacitation if the person cannot appreciate the "who, what, where, when, why, or how" of a sexual interaction.

These procedures prohibit an individual from engaging in sexual activity with someone the individual knows or reasonably should know is incapacitated.

These procedures prohibit possession, use and/or distribution of any rape drugs including, but not limited to Rohypnol, Ketamine, GHB, or Burundanga. Administering one of these drugs to another person is a violation of the Sexual Exploitation portion of these procedures.

d. Alcohol and Other Drugs

In general, the University considers sexual contact while under the influence of alcohol or other drugs to be risky behavior. Alcohol and other drugs impair a person's decision-making capacity, awareness of consequences and ability to make informed judgments. Anyone engaging in sexual activity should be aware of the other person's level of intoxication. If there is any doubt as to the level or extent of the other individual's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.

These procedures use the perspective of a reasonable person in determining whether a Respondent should have been aware of the extent and amount of the ingestion of alcohol or drugs by the Complainant, or of the extent to which the use of alcohol or drugs impacted a Complainant's ability to give consent. In determining whether consent has been given, the University will consider both: the extent to which a Complainant affirmatively gives words or actions indicating a willingness to engage in sexual activity; and whether the Respondent was aware, or reasonably should have known, of the Complainant's level of alcohol consumption and/or level of impairment.

Being intoxicated or impaired by drugs or alcohol is never an excuse for committing sexual harassment, sexual violence, stalking, or relationship violence and does not diminish one's responsibility to obtain informed and freely given consent.

1. **Non-Consensual Sexual Contact**
   These procedures prohibit discrimination in the form of Non-Consensual Sexual Contact.

   Non-Consensual Sexual Contact is any intentional sexual touching, however slight, with any object, by any individual upon another individual that is without consent, as defined below; by force, coercion, or threat; or where that individual is incapacitated.

   Sexual Contact includes:

   a. Having, or attempting to have, sexual contact with a body part (e.g., penis, tongue, finger, hand) or object;
   b. Intentional contact with the breasts, buttock, groin, or genitals, or touching another individual with any of these body parts, or making another touch you or themselves with or on any of these body parts;
   c. Any intentional bodily contact in a sexual manner, though not involving contact with/of/by the breasts, buttocks, groin, genitals, mouth or other orifice; and
   d. Any other act which a reasonable person would associate with sexual contact.

2. **Non-Consensual Sexual Penetration**
   These procedures prohibit discrimination in the form of Non-Consensual Sexual Penetration.

   Non-Consensual Sexual Penetration includes:

   a. Vaginal penetration by a penis, object, tongue, or finger, however slight;
   b. Anal penetration by a penis, object, tongue, or finger, however slight; and
   c. Any contact between the mouth of one person and the genitalia of another person.

I. Sexual Exploitation

These procedures prohibit discrimination in the form of Sexual Exploitation. Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for his/her/their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited.

Determining what constitutes sexual exploitation depends on the specific facts and context in which the conduct occurs. Sexual exploitation may take many forms, subtle and indirect or blatant and overt. For example, sexual exploitation may include:

- Prostituting another person;
- Video or audio-taping sexual activity, or posting said media, without the knowledge and agreement of the other party;
- Going beyond the boundaries of consent (including letting someone observe a sexual act without the knowledge or agreement of the other party);

- Engaging in voyeurism (observing another party's nudity or sexual activity without their knowledge or agreement);
- Endangering health and safety without effective consent (such as knowingly exposing another individual to a sexually-transmitted infection);
- Exposing one's genitals in a non-consensual circumstance, or inducing another to expose their genitals; and
- Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

J. Relationship Violence

These procedures prohibit discrimination in the form of relationship violence, also known as domestic violence, dating violence, and intimate partner violence. Relationship violence encompasses a broad range of behaviors. In particular, relationship violence means an act or threatened act of abuse and/or violence upon a person with whom the individual is or has been involved in a dating or domestic relationship. Forms of relationship violence, include, but are not limited to, physical violence, sexual violence, emotional violence, stalking, and economic abuse. Relationship violence may also take the form of threats, property damage, violence or threat of violence to one's self, one's sexual or romantic partner or to the family members, friends or pets of the sexual or romantic partner. Relationship violence may involve one act or an ongoing pattern of behavior.

Relationship violence affects individuals of all genders, gender identities, gender expressions, and sexual orientations and does not discriminate by racial, social or economic background, or ability.

Domestic violence includes conduct by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, or by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner.

Dating violence includes conduct by someone who is or has been in a social relationship of a romantic or intimate nature with the victim. The persons involved do not need to be sexually intimate, but rather represent themselves as a couple or dating whether different sexes or the same sex.

Any of the conduct defined in the Prohibited Conduct section of these procedures may be a form of relationship violence.

When both parties in an intimate relationship report relationship violence, there will be an assessment to determine the predominant aggressor in the reported circumstances. Assessing for the predominant aggressor includes:

- Nature of the injuries:
    - Offensive and defensive injuries; and
    - The seriousness of injuries received by each party;

- Threats made by one party against the other, another person, or a pet;
- Whether a party acted in self-defense or in the defense of another;
- The capacity of each party to injure the other;
- Any history of relationship violence between the parties;
- Prior findings of responsibility, or convictions for relationship violence;
- Orders for protection or no contact orders, current or past;
- Controlling behavior exhibited or reported by the parties or witnesses;
- Fearful behavior exhibited or reported by the parties or witnesses; and
- Witness statements.

K. Failure to Inform Supervisor of a Consensual Sexual Relationship with a Student or a Supervisee

The University strongly discourages sexual relationships between a teacher and student or between a supervisor and supervisee because such relationships tend to create compromising conflicts of interest, or the appearance of such conflicts. As used in this section, the term "teacher" includes a faculty member, teaching assistant, graduate student, administrator, coach, advisor, counselor, residence staff, program director or other University employee having supervisory, teaching, mentoring, advising, coaching or other evaluative responsibilities for students. Relationships between persons occupying such asymmetrical positions of power, even when both consent, raise suspicions that the person in authority has violated standards of professional conduct and potentially subject the person in authority to charges of sexual harassment. The relationship may give rise to the perception on the part of others that there is favoritism or bias in academic or employment decisions affecting the student or staff member. Moreover, given the uneven balance of power within such relationships, consent by the student or staff member in such cases is suspect and may be viewed by others or, at a later date, by the student or staff member as having been given as the result of coercion or intimidation. The atmosphere created by such appearances of bias, favoritism, intimidation, coercion, or exploitation undermines the spirit of trust and mutual respect that is essential to a healthy work and academic environment. In any allegation of sexual harassment brought by a person in a subordinate position, "consent to the relationship" will not be deemed a sufficient defense or justification for conduct that otherwise would be deemed sexual harassment under the policy of the University.

In the event of such a relationship, the person in a position of authority has the responsibility to notify his/her/their own supervisor so that a resolution consistent with this policy may be reached. Failure to comply with this requirement is a violation of these procedures.

L. Retaliation

These procedures prohibit retaliation, and the University will treat such conduct as separate violation of University policies.

Retaliation is any action, or threatened action, including but not limited to intimidation, threats, coercion, discrimination, that negatively effects the working, academic, or educational opportunities such that a reasonable person would likely be deterred from reporting Prohibited Conduct or participating in this process, because that person(s):

- Reported Prohibited Conduct under these procedures;
- Participated in any process (including an investigation, report, remedial, disciplinary, or appeal processes) under these procedures; and/or,
- Served as a Supervising Director, Investigator, Outcome Council Member, Appeals Officer, or otherwise exercised authority under these procedures.

Retaliation can occur in-person or online. Retaliation may be by words or actions. Retaliation can also occur by requesting a third party to take action.

M. Groundless and Malicious Complaints

The University takes the validity of information very seriously as a charge of violation of University policy may have severe consequences. Anyone who abuses these procedures or the University's Discrimination/Equal Opportunity Policy, Section 3.10.010, by bringing groundless or malicious complaints, or intentionally giving false information during the course of a review, violates these procedures. This provision does not apply to reports made in good faith, or information provided by witnesses in good faith, during the course of an investigation, even if the facts alleged in the report are not substantiated by an investigation.

N. Obstruction

Any person in a position of power or influence that intentionally deters or hinders another person from reporting allegations of discrimination, harassment or gender-based violence or participating in an investigation violates these procedures.

VI. PRIVACY AND CONFIDENTIALITY

For any report under these procedures, the University will respect and safeguard the privacy interests of all individuals involved in a manner consistent 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. Privacy and confidentiality have distinct meanings under these procedures.

A. Privacy

Privacy generally means that information related to a report under these procedures will only be shared with those University employees who "need to know" in order to assist in the active response, review, investigation, or resolution of the report. While not bound by confidentiality obligations, these individuals will be discreet and respect the privacy of all individuals involved in the process. If the decision is made to pursue an investigation and/or resolution under these

procedures, information related to the report will be shared with the both the Complainant and Respondent. Information regarding a report will not be shared with the Complainant's or Respondent's parents or guardians unless: the Complainant or Respondent is a minor, and sharing is permissible under the Family Education Rights and Privacy Act (FERPA); the Complainant or Respondent has signed a waiver that is compliant with FERPA; or there is an articulable threat to the health or safety of the Complainant, Respondent or other individuals.

B. Release of Information

If a report of Prohibited Conduct discloses a serious and immediate threat to the University community, the University Department of Campus Safety will issue a timely notification to protect the health or safety of the community as required by the Clery Act. The notification will not include the Complainant's name.

Pursuant to the Clery Act and the 2013 Amendments to the Violence Against Women Act, the Office of Equal Opportunity & Title IX will provide anonymous statistical information regarding reported criminal incidents to the University's Department of Campus Safety 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 sanctions without including personally identifiable information.

The University conducts all proceedings under these procedures in accordance with the requirements of Title IX, the Clery Act, the Violence Against Women Act, FERPA, state and local law, and University policy. The University will not release information, including the identity of the parties, from such proceedings except as required or permitted by law or University policy**.**

C. Records

Consistent with University records retention practices, the Office of Equal Opportunity & Title IX will maintain records of all reports under these procedures and their outcomes in order to track patterns and systemic behaviors.

D. Confidentiality

Confidentiality means that a client or patient 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). The members of the Office of Equal Opportunity & Title IX are not confidential resources. However, an individual can seek confidential assistance and support by speaking with specially designated Confidential Resources, including the Center for Advocacy, Prevention and Empowerment and the Health and Counseling Center, and pastoral counselors.

For more information regarding Confidential Resources, please see http://www.du.edu/equalopportunity/resources/index.html.

VII. RESOURCES

The University encourages all individuals to seek the support of on- and off-campus resources, regardless of when or where an incident occurred. Trained professionals can provide guidance in making decisions, information about available resources, procedural options, and assistance to either party in the event that a report and/or resolution is pursued under these procedures. The University is committed to treating all members of the community with dignity, care and respect. Any individual affected by discrimination, harassment, gender-based violence, sexual harassment, sexual violence, relationship violence, stalking or, retaliation, whether as a Complainant, a Respondent or a third party, will have equal access to support consistent with their needs and available University resources.

For more information regarding such resources, please see:
http://www.du.edu/equalopportunity/resources/index.html

Any party may request reasonable assistance or support (i.e., for disability, language barriers, or location/proximity concerns) to allow their full participation in the process. Requests must be received by the Office of Equal Opportunity & Title IX in a timely manner, at least 24 hours before any meeting time. Disability Services Program (DSP) will be consulted, as appropriate.

VIII. REPORTING

As noted above, the University encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual violence or relationship violence, 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 has a strong interest in supporting community members who experience discrimination, harassment or gender-based violence outlined as Prohibited Conduct in these procedures. The University encourages all individuals or third-party witnesses to report any incident to the University and, if the incident involves potential criminal conduct, to also report to law enforcement.

Making a report under these procedures means telling someone in authority what happened, in person, by telephone, in writing or by email. Deciding whether to make a report and choosing how to proceed are personal decisions. At the time a report is made, a Complainant does not have to decide whether or not to request any particular course of action, nor does a Complainant need to know how to label what happened. Choosing to make a report and deciding how to proceed after making that report can be a process that unfolds over time. The University provides support that to assist each individual in making these important decisions and, to the extent legally possible, will respect an individual's autonomy in deciding how to proceed. In this process, the University will balance the individual's interest with its obligation to provide a safe and non-discriminatory environment for all members of the University community.

Individuals have several reporting options within and outside the University (as described in Sections B and C below). Individuals may pursue these options simultaneously, or any one of

them separately. The University has resources to support a Complainant regardless of the course of action chosen.

The University will review and address all reports in a fair and impartial manner and treat all individuals involved with dignity and respect. In every report under these procedures, the University will make an immediate assessment of any risk of harm to the University or to the broader University community and will take steps necessary to address those risks. These steps may include interim measures to provide for the safety of the individual and the University community.

A. Expectation of Managers and Supervisors

Managers and supervisors must deal expeditiously and fairly with allegations of discrimination, harassment, or gender-based violence, within their departments, whether or not there has been a written or formal complaint. They must:

- Treat all complaints or concerns of alleged or possible discrimination, harassment, or gender-based violence, seriously no matter how minor or whom is involved;
- Immediately report discrimination, harassment, or gender-based violence, to the Office of Equal Opportunity & Title IX to facilitate a prompt investigation; and
- In consultation with the Division of Human Resources & Inclusive Community, take appropriate action to prevent retaliation or the recurrence of Prohibited Conduct during and after any investigation, or while a complaint is under review.

B. Reporting to Law Enforcement

The University encourages Complainants to contact local law enforcement to report incidents of Prohibited Conduct that may also be crimes under state 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's definitions, burden of proof, and procedures differ from Colorado 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 sexual harassment, sexual violence or relationship violence has occurred. The University may undertake proceedings under these procedures prior to, simultaneously with or following civil or criminal proceedings.

C. Campus Reporting Options

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

- Contacting the Title IX Coordinator

  Jeremy Enlow, Title IX Coordinator
  University of Denver, Mary Reed Building, 4th Floor
  2199 South University Blvd.
  Denver, CO 80208
  Phone: 303-871-3142
  Jeremy.Enlow@du.edu
  https://www.du.edu/equalopportunity/titleix/index.html

  Title IX Online Report Form (click here)

- Contacting the Office of Equal Opportunity & Title IX

  Office of Equal Opportunity & Title IX
  University of Denver, Mary Reed Building, 4th Floor
  2199 South University Blvd.
  Denver, CO 80208
  Phone: 303-871-7016
  equalopportunity@du.edu
  https://www.du.edu/equalopportunity/

  Equal Opportunity Online Report Form (click here)

Individuals may also report Prohibited Conduct to:

- Department of Campus Safety

  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

  Office of Student Rights & Responsibilities
  Driscoll Student Center North
  2055 E. Evans Ave.
  Denver, CO 80208
  303-871-3111
  studentconduct@du.edu
  https://www.du.edu/studentlife/studentconduct/rightsresponsibilities.html

- Pioneers CARE

  Pioneers CARE
  Student Outreach & Support
  University of Denver
  Driscoll Student Center South, Suite 30
  2050 E. Evans Ave.
  Phone: 303-871-2400
  CARE@du.edu
  https://www.du.edu/studentlife/studentsupport/pioneers_care/assessment-team.html

  Pioneers CARE Online Report Form (click here)

- Housing and Residential Education Staff including Resident Advisors (RAs, GRAs, GTAs)

  Housing and Residential Education
  University of Denver
  Nagel Hall, First Floor
  2055 E. Evans Ave. Suite 200
  Denver, CO 80208
  Phone: 303-871-2246
  housing@du.edu
  https://www.du.edu/housing/

- Another Responsible Employee, which includes:
  - A faculty or staff member
  - Athletics personnel (such as coaches and volunteer coaches)
  - A community member or non-employee who advises students and students groups
  - Board of Trustees, Chancellor, Provost, Vice Chancellors, Associate Provosts, Deans, Directors, Department Chairs

Regardless of the reporting mechanism, the University will refer all reports to the Title IX Coordinator or the Director of Equal Opportunity to facilitate consistent application of the policy to all individuals and the University's prompt and equitable response to eliminate the discrimination, harassment, or gender-based violence, prevent its recurrence, and address its effects.

When an individual chooses to share information about an incident of discrimination, harassment, or gender-based violence categorized as Prohibited Conduct under these procedures with a University employee designated as a Responsible Employee, the employee will reasonably safeguard an individual's privacy. However, Responsible Employees are required by the University to immediately report to the Office of Equal Opportunity & Title IX all known

details of the incident (including the date, time, location); the names of the parties involved; a brief description of the incident; and whether the incident has been previously reported to the Office of Equal Opportunity & Title IX. These reporting obligations promote timely support for all parties and an effective and consistent University response.

Consistent with these procedures, upon receipt of a report, the Office of Equal Opportunity & Title IX will conduct an initial assessment of:

- the incident or behavior at issue;
- any risk of harm to the parties, any other individuals or the broader campus community;
- the Complainant's desired course of action;
- the necessity for any interim measures to protect the safety or address any educational or employment impact of the behavior or incident of the Complainant; and
- any other individuals or the community.

The University will offer the Complainant appropriate resources, such as medical care, counseling resources, and safe housing).

Regardless of when or where the incident occurred, the University encourages all individuals to make a report, and to seek any necessary help from campus or community resources.

D. Anonymous Reporting

With the exception of reports to Responsible Employees, managers and supervisors, who cannot take anonymous reports, an individual may make an anonymous report concerning an act of discrimination, harassment, or gender-based violence, including a report of sexual harassment, sexual violence or relationship violence. An individual can make a report without disclosing one's own name, identifying the Respondent, or requesting any action. Depending on the level of information available about the incident or the individuals involved, the University may not be able to fully respond or take further action in response to an anonymous report.
Anonymous reports are referred to Department of Campus Safety, the Director of Equal Opportunity and/or the Title IX Coordinator for review for appropriate action. The University will review all anonymous reports, and where there is sufficient information, include applicable information in Clery Act reporting.

E. Reporting Considerations

1. Timeliness and Location of Incident

Although there is no time limit on reporting Prohibited Conduct, the University encourages Complainants and third party witnesses to promptly report violations of these procedures, preferably within 180 days of the last incident. If the Respondent is no longer a student or employee, the University may not be able to take corrective action and/or impose outcomes against the Respondent. Nevertheless, the University will still seek to provide support for a Complainant and take steps to end the Prohibited Conduct, prevent its recurrence, and address its effects.

The University also encourages the reporting of off-campus conduct that occurred in the context of an employment or education program or activity of the University, or that has continuing adverse effects on campus or on an off-campus employment or education program or activity, because such conduct is also covered under these procedures.

2. **Amnesty for Personal Use of Drugs or Alcohol**
   Because the University values the health, safety and well-being of all members of our community, the University seeks to remove barriers to reporting Prohibited Conduct and to participating in this process, so that the University can appropriately address and remedy the presence of a harassing environment. The University will generally offer any student who reports sexual harassment, sexual violence or relationship violence, or who participates in this process, amnesty from alleged policy violations related to the personal ingestion of alcohol or other drugs related to the incident, provided that any such violations did not and do not place the health and safety of any person at risk. The University may refer the student for an educational outcome or evaluation related to their mental health status or substance use.

3. **Protection of Minors and Mandatory Reporting of Suspected Child Abuse**
   The University promptly reports all suspected child abuse and neglect, including sexual assault, to law enforcement and/or to the Denver Department of Human Services toll-free child abuse and neglect hotline at 720-944-3000. All University employees must report suspected child abuse and neglect to the Title IX Coordinator or Department of Campus Safety.

   For the purposes of this reporting obligation, a child is any individual under the age of 18, and the suspected abuse may involve physical, sexual or other forms of abuse or neglect, regardless of the identity of the suspected perpetrator. The duty to report is triggered by reasonable suspicion or belief and does not require actual evidence of abuse. An employee, student or volunteer is not responsible for investigating suspected child abuse.

   A report should be made as follows:

   - If a child is in immediate danger, call the police (911)
   - If there is no immediate danger, call:
     - University of Denver Department of Campus Safety: 303-871-3000
     - University of Denver Title IX Coordinator: 303-871-7016

     These individuals will assist in making the mandated child protective services report to:

     - Denver Police Department: 720- 913-2000
     - Denver Child Protective Services: 720-944-3000

IX. PROCEDURAL OPTIONS FOR RESOLUTION OF REPORTED CONCERNS

The University will refer all reports of possible violations to the Office of Equal Opportunity & Title IX to facilitate consistent application of the policy to all individuals and allow the University to respond promptly and equitably to eliminate discrimination, harassment, or gender-based violence, prevent its recurrence, and eliminate its effects.

A. Overview of Procedural Options

Upon receipt of a report, the Supervising Director will conduct an initial assessment. The goal of this assessment is to provide an integrated and coordinated response to reports of Prohibited Conduct under these procedures. The assessment will consider the nature of the report, the safety of the individual and the campus community, the Complainant's expressed preference for resolution, and the necessity for any interim measures or modifications to maintain the safety of the Complainant or the community.

Following this assessment, the University may:

1. Determine that the reported concern does not meet the criteria for a possible violation of University Policy in which case the result may be a referral to another University department or resource or no further action taken;
2. Seek an alternative resolution; or
3. Initiate an investigation to gather all relevant facts, make factual determinations, determine whether there is a violation under these procedures, and, if warranted, refer the investigative conclusion for corrective action and/or outcomes.

At the conclusion of the investigation, the Investigator(s) will make a determination, by a preponderance of the evidence, whether sufficient information exists to support a finding of responsibility for violating the University's Discrimination/Equal Opportunity Policy, Section 3.10.010, and these procedures.

The specific procedures for corrective action and/or outcomes will then apply as follows:

- For complaints against employees or other non-students who are otherwise affiliated with the University, the Office of Equal Opportunity & Title IX will share the investigative finding with the Respondent's direct supervisor or other appropriate University authorities, who, in consultation with Human Resources & Inclusive Community, shall have disciplinary authority to impose appropriate corrective action.
- For complaints against students, the Office of Equal Opportunity & Title IX will share the investigative findings with the Outcome Council or appropriate University authorities, who shall have disciplinary authority to impose appropriate outcomes (i.e. sanctions).

Each resolution process is guided by the same principles of fairness and respect for all parties. All individuals who violate these standards will be held accountable for their behavior through a process that protects the rights of both the Complainant and the Respondent. The University

makes resources available for both students and employees, whether as Complainants or Respondents, to provide support and guidance throughout the investigation and resolution of a report.

At the conclusion of the disciplinary process, both a Complainant and a Respondent will have the opportunity to appeal.

The Office of Equal Opportunity & Title IX documents each report or request for assistance in resolving a report under these procedures and will review and retain copies of all reports generated as a result of investigations consistent with the University's record retention guidelines. The University will keep such records confidential to the extent permitted by law.

B. Time Frames for Resolution

The University will address and resolve all reports in a fair, impartial, and timely manner. The time frame for resolution will depend on the availability of witnesses, University breaks or vacations, complexities of a case, including the number of witnesses and volume of information provided by the parties, as well as other considerations. 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 time frames outlined in these procedures, or failure to provide notice of the extension of these time frames, shall in no case be grounds for dismissing any matter and shall not be the basis of an appeal of any matter; nor shall any such failure limit the University's ability to complete an investigation, issue findings, impose outcomes, enact corrective or disciplinary actions, or limit the University's ability take any other required administrative action under these procedures.

C. Initial Assessment

During the course of an initial assessment, the Supervising Director, or designee, will conduct an intake meeting with the Complainant. Where appropriate, the University will consider and seek action consistent with the interest of the Complainant and the Complainant's expressed preference for manner of resolution, while balancing the University's obligation to provide a safe and non-discriminatory environment for all community members.

As part of the initial assessment of the facts, the University will:

- Assess the nature and circumstances of the report;
- Address any immediate concerns about the physical safety and emotional well-being of the parties;
- Review the University's policies and procedures against discrimination and harassment, discuss the expectations and responsibilities of a Complainant, and answer any questions that the Complainant may have.
- Notify the Complainant of the right to make a report (or decline to make a report) with law enforcement if the conduct may also constitute a crime(s) under state criminal statutes and, if requested, assist the Complainant with notifying law enforcement;
- Notify the Complainant of the availability of medical treatment to address any physical and

mental health concerns and to preserve evidence;

- Provide the Complainant with information about:
    - On- and off-campus resources;
    - The available range of interim measures when appropriate;
- An explanation of the procedural options, including alternative resolution, investigation, and the possibility of corrective actions and/or outcomes;
- Discuss the Complainant's expressed preference for the manner of resolution and any barriers to proceeding;
- Explain the University's prohibition on retaliation;
- Explain the role of a support person or advisor;
- Assess the report for potential pattern evidence or other similar conduct;
- Assess the reported conduct to determine if the Clery Act requires the Department of Campus Safety to include non-identifying information in the University's Daily Crime Log and/or to make a timely notification.

While the University will consider a Complainant's request for anonymity, the University may not be able to fully investigate and respond to a report if the Complainant requests that his/her/their name not be disclosed to the Respondent or declines to participate in an investigation. The University will consider Complainant's request for anonymity as one of many factors in determining the appropriate means for resolution of the reported conduct. The University may be unable to honor such a request in certain circumstances in order to adequately fulfill the University's obligations to promote a safe and inclusive environment.

The appropriate means of resolution will depend on the circumstances of each reported concern. The Supervising Director (or their designee), in consultation with other University administrators as appropriate, has the discretion to determine the appropriate means of resolution. In making that determination, the Supervising Director will consider the following factors:

- The nature, scope, and severity of the alleged conduct, including whether the reported misconduct involved harassment, discrimination, or physical violence (with additional consideration for the use of a weapon);
- Whether the incident involved a minor;
- The respective roles of the Complainant and Respondent;
- The risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
- Whether there have been other reports regarding alleged misconduct by the Respondent;
- Whether the report reveals a pattern of alleged misconduct at a given location or by a particular group;
- The Complainant's preferred means of resolution;

- The Complainant's willingness to participate in an investigation or other means of resolution;
- If the Complainant is unwilling to participate, whether the University possesses other means to obtain relevant evidence;
- The University's ability to identify a Respondent;
- The facts that are reasonably in dispute;
- The affiliation that the Complainant, Respondent, and other involved person(s) have with the University;
- The University's obligation to provide a safe and non-discriminatory environment; and
- The University's obligation to satisfy any other legal obligations.

At the conclusion of the initial assessment, the Supervising Director will determine the appropriate manner of action. When the Supervising Director has received multiple concerns regarding another person or entity, the Supervising Director will make a determination as to the proper course of action for resolution, including whether the University shall serve as the Complainant and whether to consolidate several reports into one report. The Supervising Director has the discretion to consolidate multiple reports against a Respondent into one investigation if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident.

In some cases, the Supervising Director may determine that an issue can be resolved through an informal fact-finding process. Additionally, the Supervisor Director may determine whether there is sufficient information to move forward with a formal investigation. In some cases, the informal fact-finding may suggest remedial action that the Supervising Director will refer to the appropriate administrator.

The University will communicate the chosen course of action to the Complainant(s).

D. Interim Measures

1. General Guidelines

All students and employees have the right to continue their education or employment free from the threat of discrimination, harassment, gender-based violence, or other Prohibited Conduct. Upon the receipt of a report or allegation of Prohibited Conduct, the Office of Equal Opportunity & Title IX will consult with other relevant University administrators to determine whether any particular interim measures are needed in order to protect the safety, security or integrity of all parties involved. The Office of Equal Opportunity & Title IX may make recommendations regarding the necessity of particular interim measures that impact job responsibilities of an employee, academic program, requirements of a student, or student housing assignments. The leadership of the relevant office or department will implement the final determinations regarding relevant interim measures.

The University will maintain consistent contact with the parties to adequately address the safety, emotional and physical well-being concerns. Subject to the processes described in

these procedures, the University may consider interim measures for support on a case-by-case basis in order to preserve the Complainant's educational and/or employment experience and the overall University environment.

Because interim measures are initiated based on information gathered during a report, assessment or intake process, they are not intended to be permanent resolutions. Interim measures may be amended or withdrawn as additional information is gathered. A Complainant or Respondent may request separation or other protection, or the University may choose to impose interim measures at its discretion to promote the safety of all parties, the broader University community, and/or preserve the integrity of the investigative and/or resolution process.

In matters involving students, the Vice Chancellor for Campus Life and Inclusive Excellence or their designees in consultation with the appropriate faculty and/or administrators, is empowered to impose any interim measure. In matters involving employees, the Vice Chancellor of Human Resources & Inclusive Community or designee will make the determination regarding interim measures in consultation with the appropriate administrators.

In general, the University should minimize the burden on the Complainant. The University also recognizes its obligation to students who have been accused of misconduct but have not yet gone through the investigative process. Therefore, interim measures should not unduly interfere with a Respondent's academic progress beyond that deemed necessary to protect the University, any member of its community, or its mission. The University will balance these interests to the greatest ability of by carefully considering the facts of each case.

2. **Academic Measures and other Interim Measures for Support (Students):**
   Student Outreach & Support staff will assign a Case Manager to work with the student on interim support strategies that may include, but are not limited to:

- Access to Counseling Services
- Change in work schedule or job assignment
- Assistance with seeking accommodations or short-term adjustments through Disability Services Program, which may include (if approved):
    - rescheduling or extensions on exams and assignments
    - extra absences
    - change in class schedule or transferring sections
    - withdrawing from class without penalty
    - voluntary Leave of Absence
    - other accommodations as appropriate
- Connection to Housing & Residential Education to support a change in students' on-campus housing;
- Connection to the Department of Campus Safety to request an escort or other appropriate measures to facilitate safe movement between classes and activities on campus;

- Connection to CAPE and other resources;
- Any other remedy which can be tailored to the involved individuals to achieve the goals of these procedures.

3. **Interim Measures for Support (Employees)**
   As appropriate, the Office of Equal Opportunity & Title IX will collaborate with the Office of Human Resources Partners, supervisors, and the leadership within a department or unit in order to review requests for any interim measures that may be necessary for employees to continue to carry out the essential functions of their jobs in light of the specific circumstances of each case.

4. **Restrictive Measures**
   Where deemed necessary to enhance safety, prevent retaliation, and/or avoid an ongoing hostile environment, the University may take administrative action to restrict contact between two or more members of the University community. Such administrative action may take the form of a "No-Contact Order," a "Location Restriction Order," or both (collectively referred to in these procedures as "the Order").

   - **No-Contact Order** is a written directive for the identified parties to avoid all contact and/or communication with one another. Unless expressly stated otherwise in the Order, contact is defined as communicating in person, communicating through a third party, and communicating through all forms of electronic contact (including phone, email, texting, and social media). Other forms of contact may also be covered by the Order, as deemed appropriate under the circumstances.

   - **Location Restriction Order** is a written directive for one or more identified parties not to enter a particular physical space that is owned or controlled by the University. The written Order will define the space to be avoided, which may include particular rooms, buildings, outdoor areas, events, or other spaces as described in the Order. The Order may also require a housing reassignment or reassignment to a different section of a course for one or multiple individuals identified in the Order.

   While these Orders are not considered a disciplinary record, failing to abide by the terms of the Order will constitute a violation of the Student Conduct Policies and procedures and/or the Equal Opportunity & Title IX procedures.

   No-Contact Orders and Location Restriction Orders may be issued as an Emergency Order, Temporary Order, or Standing Order:

   - **Emergency Orders** may be issued by the Department of Campus Safety or administrators from Housing and Residential Education when circumstances arise outside of the University's ordinary business hours that would warrant the issuance of such an Order. An Emergency Order may be issued without a request from any identified party when deemed necessary by the responding University official. At the soonest practical opportunity, an appropriate University administrator(s) will evaluate each Emergency Order to determine whether a Temporary or Standing Order is necessary under the

circumstances (subject to the procedures below). Under no circumstances will an Emergency Order last more than five (5) business days. In deciding whether to issue the Emergency Order, the responding University official will consider the:

- concerns of the requesting party or parties;
- nature, scope, severity, and pervasiveness of any alleged misconduct;
- impact that the Order would have on any non-requesting parties;
- identified parties' affiliation with the University;
- proximity of the identified parties' assigned living spaces on campus (if applicable); and
- safety of individuals and the campus community.

- **Temporary Orders** are short-term No-Contact Orders or Location Restriction Orders which the University considers upon the request of at least one individual or issued as deemed necessary by the University. Temporary Orders shall last no more than thirty (30) calendar days, but may be shorter as deemed appropriate by the administrator issuing the Order. The request for a Temporary Order may be submitted either in person or in writing to the Director of the Office of Student Rights & Responsibilities, or their respective designees. In matters involving non-student employees, requests for Temporary Orders should be submitted to the Director of Human Resources Partners. The request for the Temporary Order may be submitted by the requesting party or by another person on the party's behalf with the party's permission.

  The administrator receiving the request for the Temporary Order shall issue a written determination to the requesting party within three (3) business days. Where the request for the Order is based on an alleged instance of discrimination, harassment, or gender-based violence, the administrator issuing the Order should consult with the Department of Campus Safety, the Health & Counseling Center, and the Office of Equal Opportunity & Tile IX. In matters involving non-student employees, the administrator issuing the Order should consult with the Director of Human Resources Partners. In all instances, the administrator(s) considering the request should also exercise their best judgment in determining whether to consult with other departments that may be significantly impacted by the Order.

  In determining the necessity, nature, scope, and duration of a Temporary Order, the administrator shall consider the factors described above for issuing an Emergency Order, as well as:

  - whether any Emergency Order (or any other external measures, such as a Civil Protection Order) related to the present concern was instated;
  - the perceived effectiveness of the Temporary Order to create and/or maintain a safe environment for all involved parties;
  - whether the Complainant and Respondent share the same residence hall, dining hall, class, transportation, or job location;
  - the immediate impact on any involved party's ability to fully participate in an academic or extra-curricular program;
  - any history or pattern of misconduct by an identified party;

- the passage of time since the last allegation of misconduct (if applicable);
- any disruption or risk of danger to the broader University community;
- the recommendations of University administrators or faculty members from the impacted departments on campus; and
- any other unique circumstances requiring consideration.

Where the administrator decides to grant the request for a Temporary Order, the individual(s) restricted by the Order shall be notified in writing to the individual's University e-mail address (or a non-University e-mail address on file with the University). This written notice shall include a description of the behavior or space to be avoided and the potential consequences for failing to comply with the Order. The written notice of the Order shall also include the date by which the University will review the Order for possible extension or expiration.

Additionally, the administrator may take necessary measures to have the Order delivered in person where the administrator has reason to believe that the e-mail was not opened within one (1) business day. The restricted party should also be offered a meeting either in person or remotely (at the sole discretion of the administrator) with the administrator at the soonest practical opportunity for the purpose of reviewing the Order and its terms, to consider any reasonable modifications or clarifications, and to answer any questions that the restricted party may have. Where the Order is issued based on concerns of discrimination, harassment, and/or violence based on a protected class, the restricted party will have the opportunity to meet with a representative from the Office of Equal Opportunity & Title IX. This meeting will not operate as a hearing to investigate or resolve any factual disputes regarding the underlying concerns that led to the request of the Order.

The University shall evaluate any request to extend the Order beyond the expiration date as a request for a Standing Order, subject to the procedures below.

- **Standing Orders** are No-Contact Orders or Location Restrictions that the University considers upon the request of at least one individual or as deemed necessary. Standing Orders may last as long as one (1) calendar year before expiring or being re-evaluated, but may be shorter as deemed appropriate by the administrator(s) issuing the Order. Standing Orders will be reviewed by a committee, which shall include at least one representative from:

  - For Students: Office of Student Rights & Responsibilities; Office of Equal Opportunity & Title IX; Health and Counseling Center; and Department of Campus Safety.
  - For Non-Student Employees: The employee's most immediate non-conflicted supervisor; Director of Human Resources Partners or designee; Office of Equal Opportunity & Title IX; Health and Counseling Center; and Department of Campus Safety.

In all instances, the committee reviewing the request should also exercise its best

judgment in determining whether to consult with other departments that may be significantly impacted by the Order.

Upon receiving a request for a Standing Order, the University shall provide written notice of the request, including to all identified parties (the parties requesting the Order and the parties that would be restricted by the Order). The notice shall contain a description of the request, and the names of the administrators appointed to consider the request. All identified parties will have three (3) business days to submit, in writing, any information that they believe the committee should consider in determining the necessity, nature, scope, and duration of the Standing Order. In submitting relevant information for consideration, parties should also note that the committee's assessment will not operate as a hearing to investigate or resolve any factual disputes regarding the underlying concerns that led to the request for the Order -- although the findings of any formal University hearing or investigation may be considered.

In determining the necessity, nature, scope and duration of a Standing Order, the committee of administrators will consider the factors described for Emergency and Temporary Orders above, as well as:

- whether an Emergency Order or Temporary Order was issued;
- the continuing or long-term impact on any involved party's ability to fully participate in an academic or extra-curricular program;
- any reasonable objections raised by the identified parties;
- any mutual preference shared by the identified parties;
- whether a formal University investigation or disciplinary proceeding is pending;
- the findings of any concluded University investigation or disciplinary proceeding, and the outcomes assigned (if any) as a result of that investigation or proceeding;
- the identified parties' affiliation with the University during the period of time contemplated by the Order; and
- any other unique circumstances requiring consideration.

Following the opportunity of the parties to submit information for consideration, the committee shall meet to make a determination on the necessity, nature, scope and duration of a Standing Order. Where the committee decides to make a recommendation to the Vice Chancellor for Campus Life and Inclusive Excellence, the Vice Chancellor for Human Resources & Inclusive Community, the Provost, or their designees to issue the Standing Order, the individual(s) restricted by the Order shall be notified in writing to the individual's University e-mail address (or a non-University e-mail address on file with the University). This written notice shall include a description of the behavior or space to be avoided and the potential consequences for failing to comply with the Order. The written notice of the Order shall also include the date by which the University will review the Order for possible extension or expiration.

Additionally, the University may take necessary measures to have the Order delivered in person where there is reason to believe that the e-mail was not opened within one (1) business day (e.g. the Order may be delivered by the Department of Campus Safety to the

person's classroom, office, residence hall room, or other space where the individual may be found, whether on or off campus). The restricted party should also be offered an in-person meeting with the administrator responsible for sending the Order at the soonest practical opportunity for the purpose of reviewing the Order and its terms, to consider any reasonable modifications or clarifications, and to answer any questions that the restricted party may have. Where the Order is based on concerns of discrimination, harassment, and/or violence based on a protected class, the restricted party will have the opportunity to meet with a representative from the Office of Equal Opportunity & Title IX. This meeting will not operate as a hearing to investigate or resolve any factual disputes regarding the underlying concerns that led to the request of the Order.

Any request for an extension or renewal of the Standing Order will follow the same procedures as the initial request for the Standing Order.

These procedures do not govern Standing Orders issued as assigned outcomes as the result of a finding of responsibility for the violation of University policy through either an Equal Opportunity & Title IX investigation or Student Conduct process.

5. Interim Suspension/Administrative Leave

The Vice Chancellor for Campus Life and Inclusive Excellence, the Vice Chancellor for Human Resources & Inclusive Community, the Provost, or their designees, may also suspend a student or place an employee on administrative leave for an interim period prior to the resolution of a formal proceeding or investigation. An interim suspension or administrative leave will be effective immediately, without prior notice, whenever the Vice Chancellor for Campus Life and Inclusive Excellence, the Provost, the Vice Chancellor for Human Resources & Inclusive Community or their designees determines that the continued presence of the student or employee on the University campus poses a substantial threat to any member of the University community or the stability and continuance of normal University functions.

During an interim suspension or administrative leave, the student or employee may be denied access to University premises and all University activities or privileges for which the student or employee might otherwise be eligible, as the Vice Chancellor for Campus Life and Inclusive Excellence, the Provost, the Vice Chancellor for Human Resources & Inclusive Community or their designees may determine to be appropriate. Whenever an interim suspension or administrative leave is imposed, case resolution will be completed as reasonably as possible. The interim suspension or administrative leave may remain in effect until a final decision has been reached, including any appropriate appellate process.

E. Alternative Resolution

The alternative resolution is a remedies-based approach designed to address the concerns raised by a Complainant without going through a formal investigation. The University may offer an alternative resolution to the Complainant and Respondent either before or after a formal investigation has commenced where:

1. Material facts are not in dispute, and
2. Complainant and Respondent are both amenable to reaching a collaborative resolution after receiving a full disclosure of the allegations and their options for a formal resolution.

An alternative resolution may also be offered where the Supervising Director, in consultation with the leadership of the unit or department involved in the matter(s), deems that a formal investigation is not appropriate or necessary to adequately remedy past harm and to prevent its reoccurrence.

Where an initial assessment concludes that alternative resolution may be appropriate, the University will take corrective action through the imposition of individual and community remedies designed to preserve the Complainant's access to the educational, extracurricular and employment activities at the University and to eliminate a hostile environment. Examples of protective remedies are provided in the interim measures section of these procedures.

For student Respondents, the measures deemed appropriate for alternative resolution will not result in formal outcomes through the Outcomes Council. Rather, such resolutions may take the form of education, coaching, mentoring, or other action steps deemed appropriate by the Supervising Director under the circumstances. The matter may also be referred to the Restorative Justice through the Division of Campus Life and Inclusive Excellence. While initiatives within the Restorative Justice program may be facilitated by the Office of Student Rights & Responsibilities, any action through the program will not appear as a violation on the student's disciplinary record.

For employee Respondents, alternative resolutions may yield corrective actions in the form of education, coaching, mentoring, or other action steps deemed appropriate by the employee's supervisor, in consultation with Human Resources & Inclusive Community.

Other potential remedies include targeted or broad-based educational programming or training, supported direct confrontation of the Respondent and/or indirect action by the Office of Equal Opportunity & Title IX. Depending on the form of alternative resolution used, a Complainant may be able to maintain anonymity. The University will offer mediation for appropriate cases, but will not compel a Complainant to engage in mediation, to directly confront the Respondent, or to participate in any particular form of alternative resolution. Participation in alternative resolution is voluntary, and a party can request to end alternative resolution at any time.

The decision to pursue alternative resolution will be made when the University has sufficient information about the nature and scope of the conduct, which may occur at any time, regardless of whether a formal investigation has commenced. Where an active investigation is suspended in order to explore alternative resolution, the Respondent's successful completion of the agreed upon action items will annul the formal investigation, closing the matter. However, the failure of a Respondent to adhere to the agreed terms of an alternative resolution may result in commencing/resuming a formal investigation through the Office of Equal Opportunity & Title IX. Any party's willingness to explore alternative resolution will not be afforded any probative value in any formal investigation of the allegations.

The Office of Equal Opportunity & Title IX will maintain records of all reports and conduct referred for alternative resolution.

F. Investigation

1. Initiation of an Investigation

After an initial assessment the Supervising Director will determine whether or not an investigation is appropriate under these procedures. The investigation may also address potential violations of the University's Student Conduct Policies or employment policies. However, nothing in these procedures shall prohibit other departments in the University from carrying out the necessary processes to enforce their own policies. These procedures also do not prevent the Supervising Director from referring alleged violations of other University policies to the appropriate departments for resolution.

2. Designation of an Investigator

The University will designate an Investigator(s) who has specific training and experience investigating allegations of discrimination, harassment, gender-based violence, sexual harassment, sexual violence, relationship violence, and stalking. The Investigator(s) may be an employee of the University or an external Investigator(s) engaged to assist the University in its fact gathering.

The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial and fair. To this end, any Investigator(s) chosen to conduct the investigation must be impartial and free of any actual conflict of interest.

Where a participant has reason to believe that the assigned Investigator(s) is subject to any bias or conflict of interest that would render the Investigator(s) unable to conduct a fair and objective investigation, the participant must submit a written request to the Supervising Director for the case to be reassigned to a different Investigator(s). The request must clearly describe the purported bias or conflict of interest and must articulate facts to support this conclusion. The request may also be supplemented by any applicable evidence. The participant must submit such a request to the Supervising Director prior to the procedural deadline for the participant's first interview (regardless of whether the interview has taken place).

Each such request will be given due consideration by the Supervising Director and will either be granted or denied in writing within five (5) business days of receiving the written request. Any such allegation of bias or conflict of interest that arises after the participant's deadline for initial interview must be presented on appeal following the completion of the investigation. See Appeal procedures in Section XII. Allegations of discrimination or bias against any Investigator(s) or Supervising Director relating to the manner in which the investigation was conducted must also be raised during the appeal process. Any allegation of discrimination submitted after the appeals process will not have an impact on the outcome of the appeal.

3. **Initial Interview of Complainant**
   The Investigator(s) will conduct an initial interview with the Complainant during which time the Investigator(s) will prepare a draft of the Complainant's Summary Statement. The Complainant will be given the opportunity to review the draft of the Summary Statement in-person or electronically and make any edits desired to improve its accuracy.

   The Supervising Director will provide the Complainant written notification of a pending investigation resulting from a report concerning a potential violation of these procedures.

4. **Initial Interviews with Witnesses and Collection of Evidence**
   As needed, the Investigator(s) may schedule and conduct interviews with any witnesses and collect additional evidence. The parties may provide the Investigator(s) with the names of other individuals who have information directly relevant to the incident.

   Witnesses must have observed the acts in question or have information relevant to the incident and cannot be participating solely to speak about an individual's character. Investigator(s) will review and determine the weight and materiality of all submitted information, including the necessity of interviewing potential witnesses.

5. **Letter of Notice to Respondent**
   After the University decides to move forward with an investigation and the Complainant submits a final draft of his/her/their Summary Statement, the Respondent will be notified by the Office of Equal Opportunity & Title IX that an investigation has been initiated. Respondent will be notified in writing and invited to an informational meeting to review the process and the resources available to them throughout the process.

   The Notice Letter will include:

   - Notice that an investigation has been initiated against the Respondent;
   - Identification of the Prohibited Conduct in which the Respondent is said to have engaged (for example, Discrimination based on Race or Non-Consensual Sexual Penetration, etc.);
   - A general description of the alleged behavior;
   - Where legally required, disclosure of the Complainant's name; and,
   - An invitation to attend an informational meeting.

6. **Respondent Informational Meeting**
   Each Respondent wishing to participate in an informational meeting will have five (5) business days after receiving notice to complete the informational meeting with the Supervising Director, or designee, before the investigation moves forward. At the informational meeting, the Supervising Director, or designee, will review the procedures for the investigation, discuss the rights and responsibilities of a Respondent, and answer any questions that the Respondent may have.

7. **Initial Interview of Respondent**
After completing the informational meeting, or upon the expiration of the deadline to have an informational meeting, the Respondent will be invited to complete an initial interview with an Investigator(s). The initial investigative interview must be completed within ten (10) business days of the Notice of Investigation, or the investigation will move forward without the Respondent's initial interview.

8. **Follow Up Interviews**
In most cases, Investigator(s) will have follow-up questions for the Complainant and Respondent after their respective initial interviews. Each participant will have three (3) business days to complete any follow-up interview requested by an Investigator(s). Follow-up interviews may be completed by phone. If a follow-up interview is not completed within the three (3) business days of the request by the Investigator(s), the investigation will move forward without the follow-up interview.

9. **Preliminary Report**
At the conclusion of the investigation, the Investigator(s) will prepare a Preliminary Investigative Report that summarizes the information gathered during the investigative process. In preparing the report, the Investigator(s) will review all facts gathered to determine whether the information is material to the determination of responsibility given the nature of the allegation. The Investigator(s) may exclude information that is immaterial. The Investigator(s) may also exclude statements of personal opinion, rather than direct observations or reasonable inferences from the facts, and statements as to general reputation for any character trait, including honesty.

Before the report is finalized, as permitted by FERPA, the Complainant and Respondent will be given the opportunity to review the preliminary report and offer written comment to the report. Each party will have five (5) business days from the time they receive notice that the preliminary report is ready for review to complete their review of the preliminary report. A Complainant and Respondent may submit any additional comment or evidence to the Investigator(s) within that five (5) business day period.

Where the Investigator(s) receive information that warrants further investigation or review, they may extend the investigation in order to collect additional information. If an investigation is extended for this purpose, the parties will be notified in writing. Following such an extension, the Investigator(s) will issue an amended preliminary report, which shall again be available to the Complainant and Respondent for review and comment for at least three (3) business days. The decision to extend the investigation shall be at the discretion of the Investigator(s), in consultation with the Supervising Director(s).

10. **Final Investigative Report**
At the conclusion of the review period for the preliminary report, the Investigator(s) will make a finding as to whether there is sufficient information to establish by a preponderance of the evidence that a policy violation occurred.

The final written report will include the determination of responsibility and the rationale for the determination.

There are two possible conclusions to an investigation:

- It is more likely than not that a policy violation occurred.
- It is less likely than so that a policy violation occurred.

Whether or not there is a violation of the policy, the University may still take action regarding the reviewed behavior, such as educational outreach or other action.

Where there is no violation of policy, the parties will be notified, and if the Respondent is a student, the Office of Equal Opportunity & Title IX and the Office of Student Rights & Responsibilities will take no further action unless the decision is appealed. If the Respondent is an employee, the responsible administrator will be notified. That individual, in consultation with Employee Relations, will determine if any further action is necessary.

Where there is a determination of responsibility for a policy violation, or in other circumstances where corrective action might be warranted, the Office of Equal Opportunity & Title IX will refer the matter to the appropriate administrator(s).

Once the Final Investigative Report has been issued, a member of the Office of Equal Opportunity & Title IX will issue a letter of determination indicating whether or not a policy violation occurred. This letter shall be sent simultaneously to the Complainant, the Respondent, and any other necessary administrators. Responsibility determinations are based on a preponderance of evidence standard. This letter will contain only a summary of the findings. Where applicable, the letter will also contain information on where the matter is being referred for corrective action or outcomes. The full rationale for the findings, including an analysis of the available information, will be contained within the Final Investigative Report, which will be available to the parties for review by appointment in the office or by other remote means as deemed appropriate by the Investigator(s) and/or Supervising Director.

The Complainant or Respondent may also request an appointment to speak (either in person or over the telephone) with a member of the Office of Equal Opportunity & Title IX to discuss the investigative finding(s). This may or may not occur simultaneously based on the requests and availability of the parties. The report includes determinations regarding responsibility for violating these procedures, as well as any other University policies identified during the investigation.

11. Advisors and Support Persons

Advisor. During any investigation, the Complainant and Respondent have the right to be assisted by an advisor of their choice. The advisor may accompany the Complainant or Respondent to any meeting with an Investigator(s) or a University employee or other proceeding. Any person who serves as an advisor should plan to make themselves available

for meetings throughout the process.

Support Person. The Complainant and Respondent have the right to be assisted by a support person of their choice. The support person is someone who can provide emotional, logistical, or other kinds of assistance. The support person may be present at proceedings to assist parties by taking notes, organizing documentation, or providing emotional support and reassurance.

Advisors and support persons may be present at any meeting or interview and may consult directly with the individual they are advising or supporting in a way that does not disrupt or delay the meeting or interview. Advisors and support persons must be available in person in order to support the student during meetings or during the review of any document. Advisors and support persons will not be provided with the ability to review any document in the absence of the individual whom they are advising or supporting.

Advisors or support persons may not:

- be witnesses;
- present information on behalf of any person;
- submit documents on behalf of any person;
- discuss any matter directly with University administrators or Investigator(s) in the absence of the supported person;
- represent any person or position; or
- otherwise actively participate in any proceeding.

Advisors and support persons may not attend a proceeding in the absence of the person they are advising or supporting. Advisors or support persons who act in a manner contrary to these guidelines or otherwise disrupt any proceeding may be excluded from that proceeding and/or future proceedings.

Although a licensed attorney is permitted to serve as an advisor and/or support person at any stage in the resolution process, their participation in the resolution process is subject to the limitations described above.

12. General Notes About the Investigation

a. Respect for Parties

The investigation will be conducted in a manner that is respectful of individual privacy concerns. The Investigator(s) will conduct interviews as necessary, review documents and gather any other relevant information concerning the alleged discriminatory acts. The parties may provide any relevant information to the Investigator(s), including the names of witnesses to contact and/or documents to review at any time before the investigation is closed. The Complainant and Respondent will have an equal opportunity to be heard, to submit information, and to identify witnesses who may have relevant information.

All individuals will also be treated with appropriate sensitivity and respect by all involved parties. To this end, the Office of Equal Opportunity & Title IX require that communications throughout the course of the investigation, whether written or spoken, refer to all individuals by their name(s), their role in the investigation ("Complainant," "Respondent," "Witness/Interviewee"), or by their official title ("Dean," "Professor," "Dr.," etc.). The Office of Equal Opportunity & Title IX will not tolerate the use of offensive, derogatory, or accusatory terms in reference to any person. Such terms may include, but are not limited to, "liar," "rapist," "racist," "accuser," or sexually derogatory terms. At their discretion, the Supervising Director, and/or the Investigator(s) may refuse to accept communications or submissions from the parties where such terms are used to describe another person. Alternatively, these same administrators may exercise the discretion to accept such communications or submissions for consideration after editing the content to refer to the individual by an appropriate name, role or title. However, nothing in these procedures shall prohibit the Supervising Director, and/or the Investigator(s) from accepting materials containing such offensive, derogatory or accusatory terms as material evidence to evaluate the allegations under investigation (e.g. past documentation or communications between individuals, which are relevant to the allegations).

b. Prior History

In general, a Complainant's prior sexual history is not relevant and will not be admitted as evidence during an investigation. Where there is a current or ongoing relationship between the Complainant and the Respondent, and the Respondent alleges that consent was given, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. As noted in other sections of these procedures, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the Complainant with other individuals is typically not relevant and will not be permitted except under limited exceptions.

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

- The previous allegation or incident was substantially similar to the present allegation;
- The information indicates a pattern of behavior and substantial conformity with that pattern by the Respondent; or
- The Respondent was subject to a previous credible allegation, participated in an alternative resolution to a complaint, and/or was previously found responsible for a policy violation.

Any party seeking to introduce information about prior sexual history or pattern evidence should bring this information to the attention of the Investigator(s) at the earliest opportunity. The University, through the Investigator(s), may choose to consider this

information, with appropriate notice to the parties. Where a sufficient informational foundation exists, the Investigator(s), in consultation with the Supervising Director, will assess the relevance, form and reliability of the information and determine if it is appropriate for inclusion in the written investigation report.

c. Third Party Material

Generally, external investigations or reports from privately hired consultants (including but not limited to those conducted by private investigators, polygraph examiners, or any person retained to offer opinions on how available evidence should be interpreted) are not accepted as part of the process outlined in these procedures. This provision shall not be interpreted to exclude the consideration of personal medical records that describe a licensed medical professional's direct observations of physical injury, disease, infection, or illness (or lack thereof).

13. Time Frames

The University's failure to meet any of the time frames outlined within these procedures, or to provide written notice of the extension of these time frames, in no case shall be grounds for dismissing any allegations; nor shall such failure limit the University's ability to complete an investigation, issue findings, impose outcomes, enact corrective or disciplinary actions, or limit the University's ability to take any other required administrative action under these procedures. At the request of law enforcement, the University may agree to defer its fact-gathering until the initial stages of a criminal investigation are complete. The University will nevertheless communicate with the Complainant regarding rights, procedural options and the implementation of interim measures to assure the safety and well-being of all affected individuals. The University will promptly resume its fact-gathering as soon as law enforcement has released the case for review following the initial criminal investigation.

To help facilitate completion of the investigation in a timely manner, the University has established time frames for each component of the investigation after a Complainant has decided to participate. The time frames do not change the fact that Complainants and Respondents have the right to determine whether, and to what extent, they will participate in the investigation. The investigation will move forward at the time limit for each stage of the investigation whether or not the noticed individual completes the identified component of the investigation.

A participant may request an extension of a deadline for exigent or emergency circumstances in writing to the Supervising Director, who will have sole discretion to grant or deny the extension. The Supervising Director may require proof to verify the emergency or exigent circumstance on which the request is based.

X. CORRECTIVE ACTION FOR EMPLOYEES AND OTHER NON-STUDENTS AS RESPONDENTS

In consultation with Human Resources & Inclusive Community, the Respondent's supervisor or other responsible administrator will be responsible for deciding upon the corrective action. Corrective action for employees who violate these procedures may take many forms based on the circumstances of the violation, up to and including termination of employment. The

Respondent's supervisor, or Human Resources & Inclusive Community, shall also notify the Supervising Director of the corrective action imposed. To the extent applicable, matters involving faculty shall be governed by the provisions contained in the Policies and Procedures Relating to Faculty Appointment, Promotion and Tenure.

XI. DISCIPLINARY ACTION FOR STUDENTS AS RESPONDENTS

A. Referral to the Outcome Council

Where a determination of responsibility for violating the Equal Opportunity & Title IX Policies and/or the Student Conduct Policies has been made, the Office of Equal Opportunity & Title IX refers cases to the Outcome Council. The Vice Chancellor of Campus Life and Inclusive Excellence, or their designee, will convene an Outcome Council review, typically within five (5) business days. The Supervising Director, Investigator(s) or designee will issue written notice in the form of a Letter of Determination to the Complainant and the Respondent, informing them that the matter is being referred to the Office of Student Rights & Responsibilities to convene the Outcome Council.

To see the most current version of the Honor Code and Student Conduct Policies and Procedures, go to http://www.du.edu/studentlife/studentconduct/honorcode.html.

B. Outcome Council

1. Outcome Council Composition

The Outcome Council is the body responsible for making a neutral and impartial review of investigations and findings, and imposing outcomes (sanctions). It is not a hearing body. It meets independently to complete its review and make its determinations. Typically, the Outcome Council will be comprised of three (3) University community members, including the Director of the Office of Student Rights & Responsibilities, or their designee, and an appointed faculty member or similar University employee, appointed by the Vice Chancellor for Campus Life and Inclusive Excellence or Provost. Any individual designated by the University must have sufficient training or experience to serve in this capacity. All Outcome Council members have specific training and experience in adjudicating allegations of discrimination, harassment, gender-based violence, sexual harassment, sexual violence, relationship violence, and stalking.

In order to be eligible to serve on the Outcome Council, individuals must meet the following requirements:

- Faculty must have been employed by and taught courses at the University for at least one academic year. Faculty must be currently employed at the University and have taught at least one course within the two most recent academic terms.
- Staff must be currently employed full-time.

Outcome Council members have the following expectations:

- Approach each case without any preconceived ideas of the responsibility of the parties involved prior to reading the Investigative Report.

- Thoroughly review all case materials prior to the Outcome Council being convened.
- Impose clear and proportionate outcomes for those found to be responsible for violations of University policy.
- Individual board members are compelled to offer input during the deliberation process, allow for fellow members to be heard, and consider differing views before a decision is reached.
- Remove themselves from a particular Outcome Council if there is a potential conflict of interest.

The Outcome Council must be comprised of neutral and impartial decision-makers. The Respondent(s) and Complainant(s) will be notified of the Outcome Council members who will be serving and have the right to object to the participation of any member based on a significant, demonstrable bias. Such objections are due, with supporting information, to the administrator designated in the notice within two (2) business days. The designated administrator will review any concerns and determine if there is any merit to the assertion that an Outcome Council member may not be an objective, impartial, unbiased decision maker. The Respondent(s) and Complainant(s) will be notified if any changes to the Outcome Council composition have been made. If a new Outcome Council member has been designated, Respondent(s) and Complainant(s) will have one (1) business day to submit any objections of the new member to the designated Associate Provost for review.

2. Outcome Council Procedures

When an Outcome Council is convened, the following procedures will be followed:

a. The Outcome Council is officially called to order.

b. The Outcome Council members review the specific finding(s) and policy violation(s).

c. The Outcome Council members may request additional information or clarification from the Supervising Director, the Investigator(s), and/or University Counsel.

d. The Outcome Council makes determinations regarding appropriate sanctions.

C. Imposition of Outcome

The Outcome Council will consider the imposition of sanctions designed to eliminate the misconduct, prevent its recurrence and remedy its effects, while supporting the University's educational mission and obligations under all applicable policies and laws (including Title VI, Title IX, ADA, ADEA, and other applicable federal, state and local anti-discrimination laws). Sanctions or interventions may also serve to promote safety or deter individuals from similar future behavior.

The Outcome Council is responsible for determining the appropriate sanction(s). The Outcome Council may impose any sanction deemed appropriate after a consideration of all the relevant information.

The primary objectives when considering outcomes include:

- Protecting the University of Denver community;

- Bringing the discriminatory conduct to an end;
- Taking steps reasonably calculated to prevent the future reoccurrence of the discriminatory conduct; and
- Restoring the Complainant to his/her/their pre-deprivation status, to the extent practical and possible.

In determining outcomes to meet these objectives, the following criteria are considered:

- Nature and severity of the act;
- Number of Complainants;
- Prior Student Conduct history of the Respondent(s);
- The Council's assessment of the effect of the act or policy violation has on the Complainant(s), community and University environment; and
- Complainant(s) and community safety.

The imposition of sanctions will take effect immediately and will not be placed on hold pending the resolution of the appeal.

D. Range of Outcomes

Outcomes are assigned for the entirety of the incident(s) under review, not for each violation. All outcomes will include a "Status" outcome and at least one appropriate "Educational" outcome. Violations of the Non-Consensual Sexual Contact provision of these procedures typically result in a dismissal and do not include an Educational outcome.

1. **Status Outcomes** are those which define the student's status at the University. These include the following:

   a. **Warning**. A warning is given to notify a student that his/her/their behavior has been inconsistent with the expectations of the University. A warning has no immediate effect upon a student's status at the University. However, once given a warning, students should expect different outcomes to result from any subsequent violations.

   b. **Student Conduct Probation**. Probation serves to notify a student that he/she/they must avoid any further violations of the Student Conduct Policies for a specified period of time in order to remain a student at the University. Students on probation are not in good standing with the University; as a result, certain co-curricular activities may be prohibited to a student while on probation. Any further violations while on probation may result in a student's suspension or dismissal from the University.

   c. **Deferred Suspension.** Deferred Suspension serves to notify a student that they must avoid any further violations of the Student Conduct Policies for a specific period of time in order to remain a student at the University because his/her/their behavior has not met the standards expected by students. Different than Student Conduct Probation, when a student on Deferred Suspension is alleged to be involved with any subsequent violations

of policy, the student will be issued an Interim Suspension until their responsibility in the subsequent incident can be determined. Students on Deferred Suspension are not in good standing with the University; as a result, certain co- curricular activities may be prohibited. If found responsible for any further violations of policy while on Deferred Suspension, a student will likely be dismissed from the University.

d. **Suspension.** A student who has been suspended from the University may not participate in any University activities, academic or otherwise, for a specific period of time, and will be restricted from all University premises and activities. A suspended student who wishes to re-enroll must apply for re-entry to the University and must also apply to the Director of the Office of Student Rights & Responsibilities. The Director will determine whether any and all requirements for readmission have been satisfactorily completed. The University does not accept courses completed at another institution while the student is suspended.

e. **Dismissal.** A student who has been dismissed from the University is permanently prohibited from participating in any University activities, academic or otherwise, and will be restricted from all University premises and activities.

2. **Educational Outcomes** may be assigned in order to facilitate the educational process. These outcomes are intended to encourage reflection on the impact of the decisions the student has made and help students develop the skills necessary to be successful at the University of Denver. Types of "Active" outcomes include, but are not limited to:

a. **Written Assignments.** A student is required to write a reflection paper, maintain a journal, write a review of a policy, etc.

b. **Worksheets.** A student is required to answer a series of questions designed to help them evaluate the decisions that led to the violation and avoid making similar decisions in the future.

c. **Programs & Activities.** A student is required to complete community service hours, attend a program, design a poster board, etc.

d. **Interventions.** A student is required to undergo a counseling assessment, complete a drug and/or alcohol treatment program, attend a workshop, etc.

e. **Restrictions.** A student is restricted from contacting one or more individuals, hosting guests on campus, using the University computer network, etc.

f. **Referrals.** The student is referred to another process, such as mediation or counseling, to resolve some of the issues resulting from the violation.

Failure to complete any Active Outcome by the specified deadline will result in a hold being placed on a student's registration account with the University, and may result in further action.

E. Notice of Outcome

Once the Outcome Council has rendered a finding, a member of the Outcome Council will offer the Respondent(s) and Complainant(s) the opportunity to meet individually to share the Outcome

decision made. This meeting will be scheduled within two (2) business of the Outcome Council, and may occur simultaneously based on the availability of the parties.

At this meeting, Written Notice to the Respondent(s) and Complainant(s) will be provided and will include the Outcome determinations. The Respondent(s) will be informed of any sanctions, the date by which the requirements must be satisfied (if applicable) and the consequences of failure to satisfy the requirements. The Complainant(s) will be informed of any sanctions that directly relate to the Complainant(s). The outcome letter will also provide each party with their appeal options.

To meet the objectives of the Outcome Council, in the event that a Respondent is suspended or dismissed, the Respondent shall be immediately removed from the campus community while any appeals process takes place. Should the Respondent successfully appeal the Outcome Council's decision, the University will make every reasonable effort to return the Respondent to his/her/their previous status.

F. Group Infractions

When members of a student group, organization, or team, or other individuals acting in concert violate these procedures, they may be charged as a group or as individuals, and an investigation may proceed against the group as joint Respondents or against one or more involved individuals, as appropriate given available information and the circumstances.

A student group, organization, or team's officers and membership may be held collectively and individually responsible when violations of this policy by the organization or its members take place at organization sponsored events, have received the consent or encouragement of the organization or of the organization's leaders or officers, or if the violations were known or reasonably should have been known to the membership or its officers.

In any such action, separate Outcome Councils will be convened for each Respondent. However, each Outcome Council may comprise the same members. Sanctions may be assigned collectively and individually and will be proportionate to the involvement of each individual.

G. Records

When the Office of Equal Opportunity & Title IX matters involve at least one student Respondent, a Student Conduct Record will be created. The Office of Student Rights & Responsibilities will be responsible for maintaining all official University records related to student conduct. A student's record will include copies of all cases in which a student is charged with violating at least one Student Conduct Policy, including Office of Equal Opportunity & Title IX policies and procedures, as well as copies of correspondence and other documentation related to the case. The policies regarding the retention of Student Conduct Records are as follows:

1. Student Conduct files will be maintained for a period of no less than seven years following the most recent finding of violation.
2. Student Conduct files of students who have been dismissed from the University will be kept indefinitely.

3. The University will retain, as necessary, appropriate statistical information related to policy violations in order to comply with legislative reporting requirements.

Release of Records. Numerous members of the DU faculty and staff receive requests from students or former students to complete forms that include a request for information about Student Conduct Records at the University. These forms typically serve the following purposes: undergraduate transfer to another institution; graduate/professional/law school admission; admission to the Bar (by state); security clearances for employment (typically federal); etc. Access and release of Records of Student Conduct proceedings are governed by applicable FERPA and other privacy laws.

Public Notification Policy. The University recognizes the shared interest of the greater community in the resolution of Student Conduct matters. The Office of Student Rights & Responsibilities will update their website on an annual basis with statistics on the Student Conduct Process. These statistics may include the number of students found responsible for violating each of the Student Conduct Policies, including the Office of Equal Opportunity & Title IX policies, as well as a summary of the outcomes assigned in the Student Conduct Process, including through the Outcome Council.

XII. APPEALS UNDER THESE PROCEDURES

A. General Provisions

1. **Employees** may appeal a finding issued under these procedures by following the process outlined in this section.

   Additionally, employees may grieve corrective action issued as a result of the finding under these Procedures as follows:

   - Faculty or staff members who receive corrective action pursuant to these procedures may grieve as follows:
     - faculty members may pursue their applicable rights pursuant to the Appointment, Promotion and Tenure guidelines;
     - Staff may pursue a grievance pursuant to the Employee Grievance procedures outlined in the Employee Handbook, and
     - Employees who are subject to a collective bargaining agreement must pursue their grievance rights pursuant to that agreement.

2. **Students** may appeal a finding issued under these procedures as well as the determination imposed by Outcomes Council by following the process outlined in this section.

B. Grounds for Appeal under these Procedures

Appeals under these procedures will be considered on the following grounds:

1. The existence of procedural error(s) so substantial that it would likely alter the investigative findings and ultimate outcomes, including concerns of bias or discrimination on the part of an Investigator(s) or Supervising Director;
2. Presentation of new and significant evidence which was not reasonably available at the time of the initial investigation and would likely alter the investigative findings and ultimate outcomes; and/or
3. Where the Respondent is a student, the outcomes imposed are substantially disproportionate to the violation.

Mere disagreement with the decision is not grounds for appeal under these procedures. The appellate process shall not re-hear a matter in part or in its entirety. Therefore, appellate officers under these procedures may review the written report and written information submitted by the parties on appeal, but will not engage in independent fact finding such as interviewing the parties or other witnesses.

Further, concerns of bias or discrimination on the part of an Investigator(s) and/or Supervising Director must be presented on appeal to be considered in the determination of the appeal. Complaints regarding bias or discrimination filed after the appeals process is concluded will have no impact on the findings of the investigation or the results of the appeal.

C. Appeal Determinations

There are four possible determinations that may result from an appeal under these procedures:

1. Uphold the original investigative findings.
2. If the appellate officer determines that new evidence should be considered, the report will be returned to the Office of Equal Opportunity & Title IX to be reviewed in light of the new information.
3. If the appellate officer determines that a material procedural error occurred, the appellate officer may return the report to the Office of Equal Opportunity & Title IX with instructions to reconvene the investigative process to cure procedural error. In rare cases where the procedural error cannot be cured by the Office of Equal Opportunity & Title IX (as in cases of bias), the appellate officer may order a new review of the matter.
4. 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.

Appellate officers will issue their determinations in writing within ten (10) business days of the requested appeal. In extenuating circumstances, the appellate officer may notify the parties in writing that he/she/they needs additional time to issue a determination. Appeal determinations

will be communicated to the parties in writing and copied to the office issuing the original finding. Appeal determinations are final and not subject to further review.

D. Process for Filing an Appeal:

1. Appeals Process When the Respondent is an Employee:

When the Respondent is an employee, the appellate officer for investigative findings is the Vice Chancellor of Human Resources & Inclusive Community, or designee.

Either party may file an appeal by submitting the request in writing to the Vice Chancellor for Human Resources & Inclusive Community, or designee, within five (5) business days of receiving the Letter of Determination. An extension of these deadlines may be requested if extenuating circumstances arise. Such a request must be submitted in writing to the Vice Chancellor for Human Resources & Inclusive Community, or designee, prior to the original deadline for appeal.

If an appeal is received, the Supervising Director will notify both parties involved in the matter to be appealed. In any request for an appeal, the burden of proof lies with the party requesting the appeal. The appeal is not a new review of the underlying matter. The appellate officer will issue a determination within fifteen (15) business days of receiving an appeal request. If the appellate officer requires additional time to make the determination, the parties will be notified.

2. Appeals Process when the Respondent is a Student

Appellate officers for students may be the Provost, or the Provost's designee, or the Vice Chancellor of Campus Life and Inclusive Excellence, or the Vice Chancellor's designee.

Students may appeal the investigative findings and/or assigned outcomes by submitting a written appeal by the means identified in the written notice within five (5) business days of the date that the outcomes are issued by the Outcome Council (or date of the Letter of Determination in cases that do not result in the imposition of outcomes). The submission must state the specific grounds for appeal. Where the appeal is on the grounds of new, previously unavailable evidence, the evidence must be submitted with the written appeal.

While the parties may review the Final Investigative Report as part of the appeal process, the appeal deadline is calculated from the date that the outcomes (or Letter of Determination in cases that do not result in the imposition of outcomes) are issued, and not from the date that the Respondent or Complainant chooses to review the Final Investigative Report. Accordingly, participants are encouraged to make arrangements to review the report with the Office of Equal Opportunity & Title IX at their earliest convenience. The appeal deadline will not be extended due to a participant's failure to review the report in a timely manner.

XIII. ADDITIONAL CONSIDERATIONS

A. Responsibilities of Parties

Throughout their involvement in the Office of Equal Opportunity & Title IX's investigative process, the consideration of discipline, and/or appeal proceedings, the Complainant and Respondent, have the following responsibilities to:

- Notify one's advisor or support person of the time, date and location of any meeting associated with the investigative process. Meetings need not be rescheduled to accommodate an advisor or support person.
- Provide notification that an advisor or support person will be present for meetings no later than 48 hours before the scheduled meeting. Failure to provide names prior to the meeting may be grounds to exclude the person.
- Provide the University with accurate address and other contact information so that notification is not unduly delayed.
- Promptly open and read any communication from the Office of Equal Opportunity & Title IX, the Office of Student Rights & Responsibilities, or any other University administrator involved in the investigative process.

B. External Agreements

The University will not recognize or enforce agreements between the parties outside of these procedures. The University will recognize, however, any lawful order of a local, state or federal law enforcement or similar agency, or any lawfully issued protective or other order of a court or similar authority with appropriate jurisdiction and authority.

C. External Resources

An individual who believes that he/she/they has been subjected to unlawful discrimination, harassment, gender-based violence, or retaliation has the right to file a complaint with an appropriate local, state or federal agency, such as the Department of Education Office of Civil Rights, the Equal Employment Opportunity Commission (EEOC) or the Colorado Civil Rights Division, within the agency's applicable time limits.

In addition, any person who is dissatisfied with the University's internal procedures utilized for handling complaints, or with the result of the investigation or the sanctions imposed, may seek redress through these means to the extent allowed by law. The Complainant should be aware that filing a complaint with the Office of Equal Opportunity & Title IX or any other University office does not extend or postpone the deadline for filing with external agencies.

Any individual who believes that they have been discriminated against under any of the above laws, and to meet the strict procedural timelines and to the ability of the EEOC to investigate the complaint and protect the individual's right to file a private lawsuit, should promptly contact:

U.S. Equal Employment Opportunity Commission
131 M Street, NE
Washington, DC 20507

Or, contact an EEOC field office by calling toll free 1-800-669-4000. For individuals with hearing impairments, EEOC's toll free TTY number is 1-800-669-6820.

XIV. EDUCATION AND PREVENTION PROGRAMS

The University is committed to offering educational programs to promote awareness of discrimination, harassment, gender-based violence, sexual harassment, sexual violence, relationship violence, stalking, and retaliation. Educational programs include an overview of the University's policies and procedures; relevant definitions, including Prohibited Conduct; discussion of the impact of alcohol and illegal drug use; consent; safe and positive options for bystander intervention; review of resources and reporting options available for students, faculty and staff; and information about risk reduction. Incoming first year students, new graduate students and new employees will receive primary prevention and awareness programming as part of their orientation. Returning students and employees will also have ongoing opportunities for training and education. The University's Office of Equal Opportunity &Title IX, the Center for Advocacy, Prevention and Empowerment (CAPE), and the Office of Health Promotion maintain an education and prevention calendar and tailor programming to address campus needs and climate.

XV. REVISIONS

Pursuant to University's Discrimination/Equal Opportunity Policy, Section 3.10.010, these procedures may be updated at any time as necessary to comply with applicable local, state and federal law or directives from relevant government agencies. The University will make such updates subject to approval from the Provost and the Vice Chancellor for Business and Financial Affairs and upon publication to the University community.