



UNIVERSITY OF  
DENVER

## 2024 Annual Security and Fire Safety Report

University Park Campus

Western Colorado Campus

Four Corners Campus

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# Introduction

## Message from the DU Campus Safety Chief

There is no higher priority here at the University of Denver (DU) than promoting the safety and security of our community so that our students, faculty, staff and visitors can learn, live, and work. We are fortunate to have the support and services of the best community- focused and engaged Campus Safety Department in the country looking out for all of us here.

The 2024 Annual Security and Fire Safety Report includes information about the services the University provides and the resources available to the campus community. I encourage you to ask questions and share ideas with staff at the Department of Campus Safety or any of the other units listed as you take steps to protect yourself and help promote a safe, secure environment for all.

At DU, we continue to build a unique Department of Campus Safety. Our mission is to serve everyone on our campus, with student safety and security first in our thoughts and actions.

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, the University makes available a copy of this Annual Security and Fire Safety Report online and/or you may also obtain a hard copy by contacting the Department of Campus Safety at 303-871-2334. This report includes crime statistics for the previous three years, institutional policies concerning campus safety, University response to reported crimes, security and other crime prevention information.

Newly enrolled students learn about living in the campus community during DU's student orientation program. Topics include personal safety, crime reporting, emergency procedures, respect for others, alcohol, consent and sexual assault. The Annual Security and Fire Safety Report is produced by the Department of Campus Safety in collaboration with multiple units on campus as well as in cooperation with the Denver Police Department, the local law enforcement agency that provides services to DU properties within their jurisdiction.

Safety is a shared responsibility at DU, and we partner with student and employee leaders and others in the community to educate our students, faculty, staff and visitors about how we can all work together to look after one another, share information, and be active friends and bystanders promote safety and security in our community.

For the 2024-2025 academic year, we will continue to partner with student leaders and our professional colleagues in Student Affairs & Inclusive Excellence, Human Resources & Inclusive Community, the Office of Equal Opportunity and Title IX, and other campus units to educate and engage students in order to prevent crime, promote safe behaviors, and help one another to foster a safe campus environment. Areas of focus include getting students home safely, having a professionally trained and equipped corps of officers, and working diligently with campus neighbors and local businesses to prioritize student well-being.

We encourage our students, colleagues, families, community members and all stakeholders to reach out to us with their needs, concerns, and ideas. Please join us.

Michael Bunker  
Chief of Campus Safety  
University of Denver

## Preparing the Report

DU values public accountability and transparency for campus safety action. Accordingly, DU complies with all applicable state and federal reporting laws, including the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), which is a federal law requiring colleges and universities to disclose crime information on and around their campuses.

This Annual Security and Fire Safety Report (ASF SR) highlights safety practices and resources available to the DU community. It also includes DU policies concerning campus safety, crime prevention, sexual assault, domestic violence, dating violence, stalking, alcohol and other drugs, other dangerous situations, access to the campus, and fire safety. All statements are applicable to each DU campus unless specifically stated otherwise.

The Clery and Compliance Coordinator prepares this ASF SR through collaboration with the Denver Police Department (DPD), Denver Fire Department (DFD), Glenwood Springs Police Department, Durango Police Department, Department of Campus Safety (DCS), the Office of Student Rights & Responsibilities (SRR), the Office of Equal Opportunity and Title IX (EOIX), Housing and Residential Education (HRE), the Health and Counseling Center (HCC), the Office of Emergency Preparedness & Fire Safety, Office of General Counsel (OGC), and campus security authorities (CSA). CSAs are individuals who have significant responsibilities for students, employees, and DU activities.

Once data have been reviewed for accuracy for each DU campus and prior to October 1, DU notifies prospective and current students and employees of the report’s availability, the electronic and physical address at which the report can be accessed, and a brief description of the contents via their students’ and employees’ @du.edu email address.

The 2024 Annual Security and Fire Safety Report is posted on DU’s Department of Campus Safety website at <https://www.du.edu/campussafety/annual-security-fire-safety-report> in Web and PDF format. Printed copies are available at the DU Campus Safety Center at 2130 S High St, Denver, CO 80208. Printed copies are also available at the Western Colorado Campus at 1101 Grand Ave, Glenwood Springs, CO 81601 and the Four Corners Campus at 701 Camino Del Rio, Durango, CO 81301.

For more information regarding campus safety or to request a hard copy of the report, contact the DCS at 303.871.2334, e-mail the Clery and Compliance Coordinator at [Mark.Derham@du.edu](mailto:Mark.Derham@du.edu), or write to the DCS at 2130 S. High St., Denver, CO, 80208.

## Disclosure of Crime Statistics

Certain crime statistics for the previous three years are included in this report, specifically, crimes that occurred on DU’s campuses, in certain off-campus buildings or property owned and/or controlled by DU, and on public property within or immediately adjacent to and accessible from DU’s campuses.

The Clery and Compliance Coordinator collects crime statistics through several methods, including DCS Case Reports, CSA reports, and law enforcement crime records. Statistics within this report reflect the number of criminal incidents reported to DU, including reports to DCS and local law enforcement.

# Reporting Crimes and Emergencies

## How to Report Crimes and Other Emergencies

DU campus community members (students, faculty and staff members), contracted employees and guests are strongly encouraged to accurately and promptly report all criminal incidents, suspicious persons and activities, and emergency situations occurring at all DU owned or controlled facilities and property, or at non-campus locations owned or controlled by DU to the local law enforcement agency where the incident occurs. Reports of crime on the University Park Campus should be made to the Denver Police Department and the DU Department of Campus Safety.

These incidents should be reported to DU's Department of Campus Safety in a timely manner to provide any needed support services, perform follow-up, and allow for proper notifications and reporting of crimes.

Reports of crime on the Western Colorado Campus should be made to the Glenwood Springs Police Department and Campus Safety. Reports of crime on the Four Corners Campus should be made to the Durango Police Department and Campus Safety.

Prompt reporting aids in providing timely warning notices to the community when appropriate, may aid in the prevention of similar crimes and may assist in the investigation and apprehension of the perpetrator(s). DU encourages accurate and prompt reporting of all criminal offenses, including when the victim of a crime elects to, or is unable to, make such a report.

In case of an emergency, call 911 from your cell phone or landline. The DCS may be reached in an emergency at 303.871.3000.

In the City and County of Denver, the DPD dispatch center has text-to-911 capabilities. Because this method is slower, it is only recommended during those times when it is not safe for you to speak because of an immediate threat.

Assistance Stations are fixed phones placed throughout the DU University Park Campus that provide a direct link to the DCS Communication's Center. These stations are blue in color, feature the words "Assistance" on the tower or wall box, and have a push button on the front that reads "Call." They may be used to provide assistance to anyone who is in distress, needs emergency assistance, or general campus assistance.

## Reporting Non-Emergency Crimes or Incidents

Non-emergency crime reports and security or public safety related matters should be reported to DU's Department of Campus Safety by calling the non-emergency phone line, 303.871.2334 (1-2334) and/or the Denver Police Department's non-emergency line if on the University Park Campus at 720.913.2000 (main) or 720-913-1300 (District 3).

If on the Four Corners Campus, contact the Durango Police Department at 970.385.2900.

If on the Western Colorado Campus, contact the Glenwood Springs Police Department at 970.384.6500.

## Campus Safety Tip Line

The Department of Campus Safety operates an anonymous tip phone line for campus community members and others to report safety and security information as well as concerns about criminal incidents and suspicious behavior on campus or non-campus properties owned or controlled by DU. Contact the Department of Campus Safety's Anonymous Tip line at 303.871.3130 (1-3130).

## Silent Witness Reporting

If you see a crime or disruptive behavior occurring on campus and you would like to report it anonymously, you may do so at <https://www.du.edu/campussafety/report-incident>.

## Reporting Off-Campus Crimes

Crimes or incidents occurring outside the Denver Police Department's jurisdiction should be reported to the agency having jurisdiction where the incident occurred. The DU Department of Campus Safety should be notified as well to aid in the collection of crime statistics for this report as well as allow DU to provide available resources and services to DU students, faculty, and staff who area survivor of a crime.

## Reporting to Campus Security Authorities

It is important for the campus community to report criminal incidents directly to the Department of Campus Safety and the Denver Police Department. However, some survivors of crimes may be more inclined to report a crime to someone other than Campus Safety or the police. Another way to report is through a person designated by DU because of their position/role on campus as a Campus Security Authority (CSA). CSA's include students, staff/employees of DU, and certain faculty members. Once a person is designated as a CSA because of their position, they are provided training on their role and responsibilities.

Under the Clery Act regulations, a crime is "reported" when it is brought to the attention of a designated CSA. If a CSA receives the crime information and believes it was provided in good faith, they must report it to the Department of Campus Safety to allow them to consider whether to make a timely warning report or emergency notification and for inclusion in the annual statistical disclosure.

CSAs may report directly to the Department of Campus Safety by calling 303.871.2334, in-person at the Campus Safety Center at 2130 South High Street or by submitting a report into Maxient that is sent to either SRR or EOIX.

CSAs encompass four groups of individuals and organizations associated with an institution, as follows:

1. A campus police department or a campus security department of an institution.
  - a. DU Department of Campus Safety employees are considered Campus Security Authorities under this definition.
2. Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g. an individual who is responsible for monitoring the entrance to institutional property).

- a. Non-Campus safety personnel responsible for security presence or access control authority on DU owned or controlled property. This includes, but is not limited to, contracted security staff and student ID checkers for DU.
3. Any individual or organization specified in an institution's statement of campus security police as an individual or organization to which students and employees should report criminal offenses.
  - a. Officials with significant responsibility for student and campus activities category is defined broadly to facilitate complete coverage and thorough reporting of crimes. To determine which individuals or organizations are CSAs, DU considers job functions that involve relationships with students.
4. An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and duty to take action or respond to particular issues on behalf of the institution.
  - a. DU's Office of Student Rights & Responsibilities is the entity designated as having the authority and duty to hear and determine student conduct cases on behalf of DU. Personnel assigned to the Office of Student Rights & Responsibilities are considered Campus Security Authorities under this definition.

Some examples of CSAs include, but are not limited to the following:

- Campus Safety Officers and Campus Safety staff
- Student Rights & Responsibilities Staff
- Equal Opportunity & Title IX Staff
- Housing & Residential Education Staff
- Resident Assistants and Desk Assistants
- Student Affairs & Inclusive Excellence Staff
- Athletics Director, Athletics Staff, and Athletics Coaches
- Faculty advisors to a student group
- Associate Director, Fraternity & Sorority Life
- Contracted security personnel

## Confidential Reporting

Campus Pastoral Counselors and Campus Professional Counselors, when acting as such, are not considered to be CSAs and are not required to report crimes for inclusion into the annual disclosure of crime statistics. Counselors are defined as:

**Pastoral Counselor** - a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition as a pastoral counselor.

**Professional Counselor** - a person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of the counselor's license or certification.

At the time of this report, DU does not employ or retain the services of a Pastoral Counselor. DU does employ licensed professional counselors who are considered exempt from reporting requirements. DU encourages counselors, if and when they deem it appropriate, to inform those they counsel of procedures for reporting crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. However, there are no procedures or policies that require licensed professional counselors to report crimes disclosed to them.

## Anonymous Reporting

DU's Department of Campus Safety has an anonymous reporting tip line as a reporting option at 303.871.3130 (1-3130). Additionally, reports or information may be submitted online with the option to exclude personally identifying information of involved parties. These online reporting avenues include:

**Office of Equal Opportunity & Title IX online reporting form at:**

[https://cm.maxient.com/reportingform.php?UnivofDenver&layout\\_id=110](https://cm.maxient.com/reportingform.php?UnivofDenver&layout_id=110)

**Student Rights & Responsibilities online referral form at:**

<https://cm.maxient.com/reportingform.php?UnivofDenver>

In such a case, the report will not be confidential in that the information will be distributed but will be anonymous since the identity of the reporter will not be known.

Reports of crimes made to the Center for Advocacy, Prevention and Empowerment (CAPE) are also submitted to the Department of Campus Safety without any identifying information for inclusion in the annual crime statistics.

Anonymous reports are counted and disclosed to the Department of Education in the annual crimes statistics for the institution and are listed in the crime statistics tables included in this report.

## Prohibition on Retaliation

The University has an established Retaliation and Whistleblower Protection Policy that strictly prohibits retaliation against any member of the University community for reporting, inquiring, or participating in an investigation regarding non-compliance with and/or violation of policies, laws, rules or regulations applicable to the University. This prohibition would include protections for any individual for exercising their rights or responsibilities under any provision of the Clery Act.



# **Enforcement and Jurisdictions**

## **University Park Campus Facilities Security & Access**

DU is generally open to the public during business hours from 8:00 a.m. to 4:30 p.m. Mountain Time. Certain DU buildings and doors may require a key or electronic access card to enter.

All University owned or operated student housing facilities require a key or electronic card access at all times. A valid DU ID, issued by the DU ID Card Office, is required to gain entrance. Many residences have a Desk Assistant stationed at a single entry to monitor residents and escorted guests entering residence halls. Guests of these residence halls must register their entrance to the building.

The locking time for all buildings – including administrative buildings, libraries, and commons areas – may fluctuate at different times of the year. Some determining factors include: DU is on a formal break; it is finals week or the week leading up to finals week; etc.

Building and grounds maintenance issues are generally reported to either the Department of Facilities Management and Planning or the Department of Campus Safety. Depending on the nature of the issue, it will be forwarded on to the proper department. Facilities Management and custodial personnel are instructed to report any suspicious situations to the DCS immediately

## **Western Colorado Campus Facilities Security & Access**

The normal business hours for the Western Colorado Campus are Monday – Friday from 8:00 a.m. to 5:00 p.m. Mountain Time. During normal business hours, electronic access cards are required for entry. Access after-hours requires an electronic access card and key from the Program Director or Program Coordinator.

There are no security alarms for the campus other than fire and lock down alarms. Contracted security regularly patrols the campus.

Interior and exterior lights and external building access card entry points are maintained by Property Management.

## **Four Corners Campus Facilities Security & Access**

The normal business hours for the Four Corners Campus are Monday – Thursday from 7:30 a.m. to 6:00 p.m. and Friday from 7:30 a.m. to 4:30 p.m. Mountain Time. There is no access for students to the campus after hours. During normal business hours, electronic access cards are not required for entry.

The building that houses the Four Corners Campus maintains a security alarm to include a silent alarm emergency button within the campus itself. The Durango Police Department routinely patrols the area and provides increased patrols at the request of staff on site.

Interior and exterior lights are maintained by property management. DU staff on site maintain the parking lot lights, and the time they are turned on is adjusted after daylight savings time. The external building door locks are maintained by property management.

## Enforcement Authority, Jurisdiction, & Relationship with Local Law Enforcement

DU's Department of Campus Safety (DCS) is accredited by the Commission on Accreditation for Law Enforcement Agencies (CALEA) under the Campus Security program. The DCS provides services 24 hours a day, 365 days a year. The DCS Campus Safety Officers (CSOs) conduct preventative patrols on the University Park campus within DU's jurisdictional boundaries, provide building and property security, basic first responder services, and safety escorts. If DU students allegedly commit minor offenses involving DU policies, CSOs may refer the students to SRR, so the incident can be reviewed through the SRR process, potentially resulting in a finding of responsibility and, as applicable, status and education outcomes. More information about this process can be found at <https://studentaffairs.du.edu/student-rights-responsibilities>.

CSOs are non-commissioned/non-sworn officers licensed by the City and County of Denver. All CSOs must maintain a valid Denver Security Guard License. CSOs are currently armed with pepper spray and expandable batons and do not have authority to make arrests. DCS is in the process of removing expandable batons and transitioning to arming CSOs with Tasers and making it optional for them to carry pepper spray. CSOs may detain individuals on campus properties, under specific Colorado state statutes, until the Denver Police Department (DPD) responds if the CSO has observed an individual commit an act that they reasonably believe violates a city ordinance or a state or federal law.

The DCS maintains a professional and cooperative relationship with DPD. Members of the DU community are encouraged to immediately report suspicious circumstances and possible crimes occurring on campus to the DCS. In turn, the DCS coordinates with DPD to determine the appropriate response.

The DU University Park campus is wholly located within the statutory boundaries of the City and County of Denver, Colorado. DPD has primary jurisdiction and responsibility for handling police related events occurring at the DU University Park campus. DCS and DPD have a Memorandum of Understanding (MOU) that serves as the framework for our cooperative public safety efforts.

In cases where the members of the DCS have detained or initiated criminal process (e.g. criminal investigation detention), they will notify the DPD of their actions in a timely fashion. Copies of all documents or reports relating to the matter are provided to the appropriate DPD representative in a timely manner.

The DCS does not have an active working relationship or MOU with Colorado state law enforcement, however, the DCS will cooperate with any investigation by state authorities.

### Authority & Relationship with the Glenwood Springs Police Department (Western Colorado Campus)

DU CSOs have no enforcement authority, jurisdiction, or the authority to make arrests on the Western Colorado campus. There is no memorandum of understanding with the Glenwood Springs Police Department regarding the investigation of alleged criminal offenses. If a crime occurs on campus, DU Campus Safety personnel and DU staff on site will cooperate with state and local law enforcement agencies.

## Authority & Relationship with the Durango Police Department (Four Corners Campus)

DU CSOs have no enforcement authority, jurisdiction, or the authority to make arrests on the Four Corners campus. There is no memorandum of understanding with the Durango Police Department regarding the investigation of alleged criminal offenses. If a crime occurs on campus, DU Campus Safety personnel and DU staff on site will cooperate with state and local law enforcement agencies.

## Crimes Involving Student Organizations at Non-campus Locations

DU requests crime reports from the Denver Police Department and other local law enforcement agencies to learn of criminal activity at DU non-campus property. This includes, but is not limited to, off-campus student organizations and housing facilities. DU maintains a log of student organization off-campus activities through the Office of Student Affairs & Inclusive Excellence. Additional non-campus property information is maintained through the Department of Facilities Management and Planning. This data are used to request crime statistics from the appropriate authorities.

## DU University Park Campus

(North) Buchtel Boulevard

(East) South Columbine Street

(South) East Harvard Avenue

(West) South Williams Street

An interactive map of the University Park campus can be found at <https://www.du.edu/site-utilities/maps>.

## DU Western Colorado Campus

1102 Grand Ave and 1402 Blake Ave, Glenwood Springs, CO 81601

The Western Colorado Campus classes are held within the Colorado Mountain College Campus.

## DU Four Corners Campus

701 Camino Del Rio, Durango, CO 81301

## Security Awareness and Crime Prevention Education Programs

During the year, DU offers many programs and services from various and collaborating departments to raise awareness of safety and security issues and best practices, and in doing so, help prevent many types of crime both on-campus and off. In essence, all security awareness programs also help prevent crime, and therefore all such efforts are listed together. Programs with an asterisk are also available to our Western Colorado and Four Corners Campuses virtually. The following list is constantly being augmented by new programs created by students and by DU offices serving the student and employee populations.

| <b>Program Name</b>                     | <b>Explanation</b>  | <b>Audience</b>                                    | <b>Frequency</b>                           | <b>Method</b>                 | <b>Awareness and Prevention Targets</b>  | <b>Primary Sponsor</b>                                  |
|---|---|--|--|-------------------------------|--|---|
| Introduction to Self Defense            | In response to requests from the community, the Department of Campus Safety now offers free, basic self-defense classes for students, staff and faculty of all genders. These courses go over basic self-defense and risk- avoidance techniques. This class is perfect for community members who want to feel prepared to defend themselves if necessary. | Students, Faculty, Staff                           | Offered upon request                       | In-person class               | Sexual assault, robbery, assault, risk reduction   | Department of Campus Safety<br>303-871-2334<br>(1-2334) |
| Mace in Your Face                       | 45 minutes – Participants will learn about the legal aspects and medical considerations for carrying and using pepper spray or mace for their own personal safety. The course includes practice with inert spray canisters.   | Students, Faculty, Staff                           | Offered upon request                       | In-person class               | Sexual assault, robbery, assault, risk reduction.  | Department of Campus Safety<br>303-871-2334<br>(1-2334) |
| DCS Crime Prevention Presentations*     | The Department of Campus Safety’s Community Resource Officer conducts in-person presentations on preventing and reporting crime. Promoted by email, regular meetings with student and community groups.   | Students, Faculty, Staff                           | Offered upon request                       | In-person class               | All crimes including active-shooter response; crime prevention, bystander intervention, risk reduction.  | Department of Campus Safety<br>303-871-2334<br>(1-2334) |
| Safe-Walk Program                       | The Department of Campus Safety’s Community Resource Officer conducts in-person presentations on preventing and reporting crime. Promoted by email, regular meetings with student and community groups.   | Students, Faculty, Staff, Campus Community Members | Annually                                   | In-person discussion and tour | Sexual assault, robbery, assault, safe routes, crime prevention, crime reporting, risk reduction   | Department of Campus Safety<br>303-871-2334<br>(1-2334) |
| DCS Security Escorts                    | On request Campus Safety Officer escorts for anyone on campus, from and to any campus location, provided by the Department of Campus Safety (DCS) with a call to the DCS Communications Center. Promoted through student and parent orientations, online and printed materials.   | Students, Faculty, Staff                           | As requested, year-round, 24-hours per day | In-person safety escort       | Sexual assault, robbery, assault, risk reduction   | Department of Campus Safety<br>303-871-2334<br>(1-2334) |
| Campus Safety Anonymous Crime Tip Line* | A 24-hour hotline, 303-871-3130 (1-3130) from the Department of Campus Safety, provides an avenue for the campus community to report information about a crime or suspected crime in a confidential manner. Promoted through orientations and website.  | Students, Faculty, Staff, Campus Community Members | Ongoing                                    | Phone resource                | All interpersonal violence and sex-related crimes; all other persons and property crimes; bystander intervention, risk reduction, crime reporting. | Department of Campus Safety<br>303-871-2334<br>(1-2334) |

| <b>Program Name</b>                                  | <b>Explanation</b>  | <b>Audience</b>                            | <b>Frequency</b>                    | <b>Method</b>  | <b>Awareness and Prevention Targets</b>   | <b>Primary Sponsor</b>                                  |
|--|---|--|-------------------------------------|--|---|---|
| The Department of Campus Safety Website*             | The campus safety website with Clery Act information and resources, crime prevention resources, crime prevention education and opportunities, crime reporting information and resources. Promoted through social media, orientations, and print marketing.          | Students, Faculty, Staff, Campus Community | Ongoing                             | Web-based resource   | All crimes; crime reporting, risk reduction   | Department of Campus Safety<br>303-871-2334<br>(1-2334) |
| DU Alert*  | Email and text emergency notification system. Promoted through orientations, media, print and online marketing.   | Students, Faculty, Staff                   | Periodic, as incidents indicate     | Emails and texts to all subscribed DU accounts   | Emergency notification, including fires, bomb threats, active shooter or dangerous person, gas leaks, hazardous weather | Department of Campus Safety<br>303-871-2334<br>(1-2334) |
| Campus Crime Alerts*                                 | Email, social media and web bulletins with information about Clery crimes that pose a serious or ongoing threat, on Clery-reportable property, packaged with crime prevention and personal protection tips, and campus and community resources for victims of crime | Students, Faculty Staff                    | Periodic, as indicated by incidents | Emailed direct to all DU addresses, web, Twitter and Facebook  | Clery crimes, risk reduction, bystander intervention, crime reporting   | Department of Campus Safety<br>303-871-2334<br>(1-2334) |
| DU Campus Safety / Community Security Advisories*    | Email, social media and web bulletins with information about crime, security or safety trends, advice, prevention strategies, or incidents that may not pose a serious or ongoing threat  | Students, Faculty, Staff                   | Periodic, as needed                 | Email to all DU accounts, web, Twitter, Facebook   | Sexual assault, robbery, assault, burglary, theft, drug/alcohol crimes, bystander intervention, risk                    | Department of Campus Safety<br>303-871-2334<br>(1-2334) |
| Active Shooter Response Training (Are You Prepared)* | 1 hour - Participants will learn concerning behaviors exhibited by potential shooters, a brief history, what to do during an active shooter incident, and what DU and City response will be   | Students, Faculty, Staff, Campus Community | Offered upon request                | In-person class and virtual online. In addition to in person trainings, employees are required to watch the Run, Hide, Fight Video on Canvas | Safety and security, crime reporting, murder, assault, harassment, bystander intervention, risk reduction               | Department of Campus Safety<br>303-871-2334<br>(1-2334) |

| <b>Program Name</b>   | <b>Explanation</b>   | <b>Audience</b>          | <b>Frequency</b>  | <b>Method</b>                       | <b>Awareness and Prevention Targets</b>                                    | <b>Primary Sponsor</b>  |
|---|--|--------------------------|---|-------------------------------------|--|---|
| Emergency Response Team Training and Certification  | This is a volunteer program open to all DU faculty and staff. Upon joining participants are provided with training in how to respond to basic emergencies and are assigned to their building's Emergency Response Team. Team Members are given a certificate and identification vest upon completion of initial training.  | Students, Faculty, Staff | At least once per academic term, and as requested by groups | In-person class                     | Safety and security, crime reporting                                       | Department of Campus Safety<br>303-871-2334<br>(1-2334)   |
| Safety / Risk Assessments   | The Department of Campus Safety's Manager of Emergency Preparedness and Fire Safety conducts physical and office site security assessments for all DU department's workplace environments. Assessment includes information on best practices and industry standards in the area of workplace safety and response to emergency situations   | Students, Faculty, Staff | Offered upon request  | In-person assessment                | Lockdown, evacuation, and shelter in place procedures, Safety and Security | Department of Campus Safety<br>303-871-2334<br>(1-2334)   |
| Standard Response Protocol (Ricks and Fisher)   | Program targeted for k-12 students and employees that encompasses all wide scale emergencies, divided into four different actions to take during emergencies (lockdown, lockout, evacuate, shelter in place)   | K-12 (Students, Staff)   | Once a year for each facility                               | In-person training                  | Safety and Security  | Department of Campus Safety<br>303-871-2334<br>(1-2334)   |
| First Aid / CPR / AED Training  | Participants will be trained in adult, child, and infant CPR, choking response, and use of an Automated External Defibrillator. Certifications are through the American Heart Association and last 2 years   | Students, Faculty, Staff | Offered upon request  | In-person class                     | Life safety  | Department of Campus Safety<br>303-871-2334<br>(1-2334)   |
| New Employee Orientation*   | HR delivers New Employee Orientation and provides an overview of the services the Department of Campus Safety provides   | New Faculty and Staff    | The first and third Monday of each month                    | In-person meeting or virtual online | Overview of the Department of Campus Safety functions                      | Human Resources<br>Department of Campus Safety,<br>303-871-2334<br>(1-2334)                                 |
| Resident Assistant Development Institute – Responding to Crime and Interpersonal Violence | In-person training for Resident Assistants (RA) employees designed to identify discrimination, harassment, and gender-based violence (sexual assault, domestic/dating violence and stalking). This course defines prohibited conduct, teaches RAs about their obligation to report incidents, and information about how to respond and support students who have experienced these behaviors | Resident Assistants      | Annual  | In-Person interactive training      | Discrimination, harassment, gender-based violence, mandatory reporting     | Office of Equal Opportunity & Title IX,<br>Department of Campus Safety and the Health and Counseling Center |

| <b>Program Name</b>                                     | <b>Explanation</b>   | <b>Audience</b>                                 | <b>Frequency</b>   | <b>Method</b>  | <b>Awareness and Prevention Targets</b>                                       | <b>Primary Sponsor</b>   |
|---|--|---|--------------------|--|---|--|
| Bias Incident Response Team*                            | DU's Bias Incident Response Team (or "BIRT") is an internal working group tasked to coordinate campus response to bias incidents that occur within the DU community. BIRT does not investigate, adjudicate or otherwise participate in judicial/legal processes, but provides support to individuals and populations affected by such incidents                | Staff, Faculty                                  | As requested       | In-person meeting and electronic communication recommending programming and responses as necessary | Safety and security   | Office of Equal Opportunity & Title IX, 303-871-7016                               |
| Title IX and Equal Opportunity Policies and Procedures* | This required course identifies discrimination, harassment, and gender-based violence (sexual assault, domestic/dating violence and stalking) as prohibited conduct, defines what behavior constitutes gender-based violence under federal law, describes students' options for supportive measures and reporting prohibited conduct under the DU's procedures | Students  | As requested       | In person meeting or virtual online  | Sexual violence prevention and adjudication                                   | Office of Equal Opportunity & Title IX, 303-871-7016                               |
| Faculty-Staff Hiring Guidelines*                        | In-person or module-based training for hiring managers about how to conduct an Equal Opportunity hiring process. This course defines permissible and impermissible questions to ask applicants in the hiring process, as well as, permissible and impermissible grounds on which to consider for making a hiring decision                                      | Hiring Managers                                 | Offered year-round | In-person interactive training or online interactive module  | Discrimination, equal opportunity, hiring practices                           | Office of Equal Opportunity & Title IX, 303-871-7016                               |
| Managing Bias*  | Online training for faculty, staff, and student workers designed to identify bias incidents and how that affects the workplace. This course defines terms such as discrimination, harassment, bias, microaggressions, and seeks to promote awareness about employees' behaviors and how to manage their own biases   | Employees                                       | Offered year-round | Online interactive training  | Bias, discrimination, harassment, microaggressions                            | Office of Equal Opportunity & Title IX and Human Resources and Inclusive Community |
| Good Neighbor Community Meetings                        | Meetings are open to community neighbors outside of the DU community. The meeting addresses safety concerns and new construction projects that are happening at DU. This also is an open forum to discuss any concerns the community may have pertaining to DU   | Community neighbors outside of the DU Community | Quarterly          | Held virtually   | Safety and security, drug and alcohol crimes, crime reporting, risk reduction | Office of Government Relations and Community Affairs                               |
| Bicycle Registration*                                   | Optional bike registration for all bikes on DU campus, through the Parking and Mobility Services. Includes theft prevention tips, and low-cost bike U-locks. Promoted by print and online marketing, orientations  | Students, Faculty, Staff                        | Ongoing            | Registration program and marketing outreach  | Theft, crime prevention, crime reporting                                      | Parking and Mobility Services, 303-871-3210  |

| <b>Program Name</b>                     | <b>Explanation</b>   | <b>Audience</b>                            | <b>Frequency</b>  | <b>Method</b>                    | <b>Awareness and Prevention Targets</b>   | <b>Primary Sponsor</b>                      |
|---|--|--|---|----------------------------------|---|---|
| Residence Hall Mandatory Floor Meetings | Housing & Residential Education (HRE) professional staff develop a facilitation guide and provide training for Resident Assistants. For students living on campus, mandatory floor meetings are scheduled on the day of move-in with residence hall staff and covers critical safety and security practices and expectations for living within a residential community   | Students living in a residential community | Once, fall quarter on the day of move-in  | In-person meeting                | Incident and crime reporting and responsibilities; increasing awareness of potential safety or security concerns and critical incidents including, but not limited to, sexual assault, interpersonal violence, robbery, assault, drug/alcohol crimes, burglary, theft                   | Housing and Residential Education (HRE)     |
| RA Development Institute (RDI)          | Housing & Residential Education (HRE) professional staff develops a comprehensive training for all residence hall and apartments community Resident Assistants that covers critical safety and security practices and expectations of student leaders living within a residential community. This training occurs prior to the arrival as residential students and covers incident and crime reporting responsibilities including, but not limited to, critical safety and security practices, and expectations for residence hall and apartments communities' student staff, expectations for students living within a residential community, and mandatory (responsible) employee responsibilities | Resident Assistants, Desk Assistants       | Annually, prior to the beginning of the fall quarter; individually as off-cycle staff are onboarded | In-person training               | Incident and crime reporting and responsibilities; potential safety or security concerns including, but not limited to, sexual assault, interpersonal violence, robbery, assault, drug/alcohol crimes, burglary, theft, crime and risk mitigation; mandatory reporting responsibilities | Housing and Residential Education (HRE)     |
| DU Campus Shuttle                       | Fixed-route van service operating 7 a.m.- 7 p.m. during the academic year on routes around campus. Free to students and employees. Shuttle locations are viewable in real time online at <a href="https://www.du.edu/parking/mobility/shuttle.html">https://www.du.edu/parking/mobility/shuttle.html</a>   | Students, Faculty, Staff                   | Year round  | Direct intervention ride service | Drug/alcohol crimes, sexual assault, robbery, assault, crime prevention, risk reduction   | Parking and Mobility Services, 303-871-3210 |



| <b>Program Name</b>  | <b>Explanation</b>   | <b>Audience</b>   | <b>Frequency</b>   | <b>Method</b>  | <b>Awareness and Prevention Targets</b>  | <b>Primary Sponsor</b>                |
|--|--|---|--|--|--|---------------------------------------|
| International Student Orientation  | During orientation, representatives from ISSS provide information about safety and security on campus and around Denver, as well as information about avoiding scams that target international students. Additionally, information is provided about health services and resources for both physical and mental health   | Incoming international students   | One large orientation at the start of the Fall term and three smaller orientation at the start of each quarter       | A mix of in person presentation, handouts, and pre-arrival information                             | Health and Counseling resources, Personal safety/security and Property protection in Denver and on campus. Awareness of common safety concerns and fraud. Crime prevention and reporting, risk reduction | ISSS                                  |
| Crisis Assessment Risk Evaluation Behavioral Intervention Team (C.A.R.E.)* | The C.A.R.E. team serves as the centralized body for discussion and action regarding students exhibiting aberrant, dangerous, or threatening behavior that might impact the safety or well-being of the campus community. The C.A.R.E. team takes a proactive, objective, supportive, and collaborative approach to the prevention, identification, assessment, intervention, management of, and coordinated response to situations and behaviors that may be disruptive or pose a risk of harm. The C.A.R.E. team is founded on the principles of early intervention and proactive engagement to prevent violence and provide supportive interventions and services | Students  | Weekly team meetings, assessments as needed / requested  | In-person meeting and electronic communication recommending programming and responses as necessary | Safety and security, health and counseling, violence prevention  | Dean of Students Office, 303-871-4261 |
| International Program Leaders Orientation*                                 | Experts from DU have developed an online training, via Canvas, in order to present to staff and faculty overseeing students on short term trips abroad on health, safety and security issues and crime prevention and Clery Reporting. <a href="https://www.du.edu/international-travel/pre-departure-orientations">https://www.du.edu/international-travel/pre-departure-orientations</a>   | DU Staff and Faculty working as Program Leaders with students during short term academic trips abroad | Periodically throughout the year, and at least every calendar year in which the Program Leader takes students abroad | Online via Canvas and in person as needed to supplement  | Health, safety and security, sexual assault, drug and alcohol crimes, robbery, assault, burglary, theft, Clery crime reporting, risk reduction, working with students in distress                        | Enterprise Risk Management            |

## Primary Prevention Programs and Ongoing Awareness Campaigns

DU engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Educational programming consists of prevention programs for all incoming students and new employees and ongoing awareness and intervention campaigns for students and employees that:

- Include a statement that DU prohibits the crimes of sexual assault, dating violence, domestic violence and stalking as those terms are defined for purposes of the Clery Act;
- Define sexual assault, dating violence, domestic violence and stalking as those terms are defined under state law;
- Define what behavior and actions constitute consent to sexual activity under state law and the University's Discrimination and Harassment Policy;
- Describe safe and positive options for bystander intervention;
- Provide information on risk reduction; and
- Include information regarding:
  - Procedures victims should follow if a crime of domestic violence, dating violence, sexual assault, or stalking occurs;
    - How DU will protect the confidentiality of victims and other necessary parties;
    - Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available within DU and in the community;
    - Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures; and
    - Procedures for addressing complaints of alleged dating violence, domestic violence, sexual assault, or stalking.

## Health and Counseling Center's Department of Health Promotion

The Health and Counseling Center's Department of Health Promotion conducts training about gender-based violence, consent, healthy relationships, and bystander intervention strategies. Equal Opportunity & Title IX and Campus Safety often collaborate to provide awareness materials and group education presentations for DU programs, residence halls, Greek houses, classes and any other student and employee groups.

## DU's Office of Equal Opportunity and Title IX

All DU faculty and staff are required to complete Title IX training that addresses DU's prohibition against discrimination, harassment, and gender-based violence, and their requirements as Responsible Employees. This training for faculty and staff is introduced in new employee orientation meetings and is facilitated during either live or online training sessions. It encourages employees to connect those reporting gender-based violence and other forms of misconduct with the appropriate

campus resources. This training is also available to be facilitated on request by the Office of Equal Opportunity & Title IX.

Faculty and Staff also receive training consistent with the Clery Act as amended by the Violence Against Women Act (VAWA), and all DU employees responsible for the intake, investigation and facilitation of hearing processes associated with an incident of gender-based violence receive baseline training. This includes but is not limited to designated personnel in the Office of Equal Opportunity & Title IX, the Office of Student Rights & Responsibilities, outcome council members, and appellate officers.

DU offers the following primary prevention programs and ongoing prevention campaigns to promote awareness and increase understanding of all forms of sexual assault, dating violence, domestic violence, and stalking. Programs with an asterisk are also available to our Western Colorado and Four Corners Campuses virtually.

## Offered to DU Students

| Program Name  | Explanation   | Audience   | Frequency  | Method   | Awareness and Prevention Targets  | Primary Sponsor  |
|---|---|--|--|--|---|--|
| <p style="text-align: center;">Sexual Assault Prevention Undergraduates; Sexual Assault Prevention Graduate Students*</p> | <p>Mandatory online training for all new students. This required course identifies discrimination, harassment, and gender-based violence (all forms of sexual assault, dating violence, domestic violence, and stalking) as prohibited conduct, defines what behavior constitutes interpersonal violence under federal law, defines what behavior and actions constitute consent to sexual activity under DU's Office of Equal Opportunity and Title IX (EOIX) policy and pursuant to DU's Comprehensive Discrimination and Harassment Procedures and Title IX Sexual Harassment Procedures, and provides information on safe and positive options and strategies for bystander intervention and risk reduction</p> | <p style="text-align: center;">Students</p>            | <p style="text-align: center;">Upon Enrollment</p> | <p style="text-align: center;">Online interactive training and test</p>          | <p style="text-align: center;">Sexual harassment, discrimination, gender-based violence, bystander intervention, DU and community resources</p>                                     | <p style="text-align: center;">Office of Equal Opportunity &amp; Title IX; Health and Counseling Center</p>                              |
| <p style="text-align: center;">Student Staff Development: Responding to Crime and Interpersonal Violence</p>              | <p>In-person training for Resident Assistants (RA) employees designed to identify the correct reporting protocols when there is a disclosure of discrimination and harassment, including gender-based violence (all forms of sexual assault, dating violence, domestic violence, and stalking). This course defines DU's Discrimination &amp; Harassment prohibited conduct, teaches RA's about their obligation to report incidents, and information about how to respond and support students who have experienced these behaviors</p>  | <p style="text-align: center;">Resident Assistants</p> | <p style="text-align: center;">Annual</p>          | <p style="text-align: center;">In-person interactive scenario-based training</p> | <p style="text-align: center;">Prohibited Conduct under discrimination, harassment, gender-based violence, and reporting policy/protocol (responsible or confidential employee)</p> | <p style="text-align: center;">Office of Equal Opportunity &amp; Title IX; Department of Campus Safety; Health and Counseling Center</p> |

| Program Name  | Explanation  | Audience                         | Frequency   | Method  | Awareness and Prevention Targets   | Primary Sponsor              |
|---|--|----------------------------------|---|---|--|------------------------------|
| Red Zone Campaign*                                    | The Red Zone campaign utilizes various modes of exposure (yard signs, printed material, digital media via social media accounts, informational/resource tabling, interactive theatre performances, and a late-night event) to expose new students to harm reduction and awareness behaviors that can be used during the Red Zone. The Red Zone is typically identified as the first six (6) weeks of the Fall-term, when new students are at a heightened risk for being targeted by perpetrators of sexual assault. The Red Zone campaign focuses on providing resource information to incoming students on topics related to gender-based violence (specifically sexual assault and sexual harassment) | Students                         | First six weeks of the Fall term  | In-person presentation, informational tabling, digital media via social media accounts, printed materials | Interpersonal violence (specifically sexual assault and sexual harassment), consent, bystander intervention, risk reduction, alcohol and other drug awareness  | Health and Counseling Center |
| Intervene: DU Active Bystander Intervention Workshop* | This course is designed to teach students how to take action in harmful or risky situations. Intervene: DU includes scenarios and discussion about topics relevant to DU students, and how they can be active bystanders in situations including high risk alcohol and other drug use, mental and emotional health, hazing, racial bias, and interpersonal violence. This workshop is required for all incoming students to attend and is an introduction to active bystander intervention   | First-year and transfer students | Ongoing; Offered daily in Fall Quarter multiple times a week in the first month of the Winter Quarter | In-person training  | Interpersonal violence (specifically sexual assault and sexual harassment), consent, bystander intervention, risk reduction, alcohol and other drug awareness. | Health and Counseling Center |
| Unpacking Interpersonal Violence*                     | This course will define 'what is interpersonal violence?', discuss the impact perpetration has on a community, and review strategies for preventing interpersonal violence. Attendees will be able to practice their skills and reflect on their own values  | Students                         | Ongoing; periodic throughout the year   | In-person training  | Interpersonal violence (including sexual assault, dating/domestic violence, sexual harassment, and stalking), bystander intervention, risk reduction.          | Health and Counseling Center |

| Program Name  | Explanation  | Audience | Frequency                             | Method   | Awareness and Prevention Targets  | Primary Sponsor              |
|---|--|----------|---------------------------------------|--|---|------------------------------|
| Interpersonal Violence Prevention and Outreach Programs | Custom workshops, presentations, and other outreach efforts to students and the DU Community regarding topics that relate to interpersonal violence  | Students | Ongoing; periodic throughout the year | In-person workshops, presentations, informational/resource tabling, etc.             | Interpersonal violence (including sexual assault, dating/domestic violence, sexual harassment, and stalking), consent, bystander intervention, risk reduction                                   | Health and Counseling Center |
| Thrive Peer Educators                                   | The Thrive Peer Educators are a select group of undergraduate students who educate the DU community on health and well-being topics, such as interpersonal violence prevention, active bystander skills, sexual health, healthy masculinities, mental health, and alcohol and other drugs through outreach, programs, and training | Students | Ongoing; periodic throughout the year | In-person workshops, informational/resource tabling, awareness campaigns, and events | Interpersonal violence (including sexual assault, dating/domestic violence, sexual harassment, and stalking), consent, bystander intervention, risk reduction, alcohol and other drug awareness | Health and Counseling Center |

## Offered to DU Students, Faculty, and Staff

| <b>Program Name</b>                             | <b>Explanation</b>  | <b>Audience</b>              | <b>Frequency</b>                                     | <b>Method</b>  | <b>Awareness and Prevention Targets</b>  | <b>Primary Sponsor</b>                             |
|---|---|------------------------------|--|--|--|--|
| Support a Survivor Workshop*                    | This workshop provides information on how to respond to disclosures of interpersonal violence in a trauma-informed way and how to connect survivors and those impacted by interpersonal violence with resources.  | Students, Faculty, and Staff | Ongoing; periodic throughout the year (as requested) | In-person or online training   | Trauma-informed care, interpersonal violence services  | CAPE   |
| 90 Minute Self-Defense Class                    | In response to requests from the community, the Department of Campus Safety now offers free, 90-minute basic self-defense classes for students, staff and faculty of all genders. These courses go over basic self-defense and risk-avoidance techniques. This class is perfect for community members who want to feel prepared to defend themselves if necessary | Students, Faculty, and Staff | Offered upon request                                 | In-person class  | Sexual assault, robbery, assault, risk reduction   | Department of Campus Safety, 303-871-2334 (1-2334) |
| Mace in Your Face                               | 45 min – Participants will learn about the legal aspects and medical considerations for carrying and using pepper spray for their own personal safety. The course includes practical skill exercises using inert pepper spray canisters   | Students, Faculty, and Staff | Offered upon request                                 | In-person class  | Sexual assault, robbery, assault, risk reduction   | Department of Campus Safety, 303-871-2334 (1-2334) |
| DCS Security Escorts                            | On request Campus Safety Officer escort for anyone on campus, from and to any campus location, provided by the Department of Campus Safety (DCS) with a call to the DCS Communications Center. Promoted through student and parent orientations, online and printed materials   | Students, Faculty, and Staff | As requested, year round, 24-hours per day           | In-person safety escort  | Sexual assault, robbery, assault, risk reduction   | Department of Campus Safety, 303-871-2334 (1-2334) |
| Domestic Violence Awareness Month (DVAM Events) | During DVAM, we host a series of awareness events for the entire DU Community taking place in October each year. Health Promotion partners with other DU campus offices and student organizations to put on programs during this month to raise awareness of dating/domestic violence among college students and to provide prevention programs                   | Students, Faculty, and Staff | Annually in October                                  | In-person workshops, informational/resource tabling, awareness campaigns, and events | Interpersonal violence (specifically dating/domestic violence), bystander intervention, risk reduction | Health and Counseling Center                       |

| <b>Program Name</b>                          | <b>Explanation</b>  | <b>Audience</b>  | <b>Frequency</b>                                     | <b>Method</b>  | <b>Awareness and Prevention Targets</b>  | <b>Primary Sponsor</b>       |
|--|---|--|--|--|--|------------------------------|
| Stalking Awareness Month (STAM Events)       | During STAM, we host a series of awareness events for the entire DU Community taking place in January each year. Health Promotion partners with other DU campus offices and student organizations to put on programs during this month to raise awareness of stalking among college students and provide prevention programs                                  | Students, Faculty, and Staff                                 | Annually in January                                  | In-person workshops, informational/resource tabling, awareness campaigns, and events | Interpersonal violence (specifically stalking), bystander intervention, risk reduction.                                    | Health and Counseling Center |
| Love + Sex + Health Week                     | During Love + Sex + Health Week, we host a series of events for the entire DU Community taking place in February each year. Health Promotion partners with other DU campus offices and student organizations to put on programs during this week to increase education and promote healthy behaviors related to sexual health and interpersonal relationships | Students, Faculty, and Staff                                 | Annually for one week in February                    | In-person workshops, informational/resource tabling, awareness campaigns, and events | Interpersonal violence (specifically sexual assault), consent, risk reduction  | Health and Counseling Center |
| Sexual Assault Awareness Month (SAAM Events) | During SAAM, we host a series of awareness events for the entire DU Community taking place in April each year. Health Promotion partners with other DU campus offices and student organizations to put on programs during this month to raise awareness of sexual assault among college students and to provide prevention programs                           | Students, Faculty, and Staff                                 | Annually in April                                    | In-person workshops, informational/resource tabling, awareness campaigns, and events | Interpersonal violence (specifically sexual assault and sexual harassment) consent, bystander intervention, risk reduction | Health and Counseling Center |
| Trauma-Informed Leadership Training*         | This program trains individuals in higher education how to support students who identify as trauma survivors and how to increase the inclusivity and efficiency of on-campus programs, and offices  | Staff, SAIE Graduate Assistant and Fellows, DU Student-Staff | Ongoing; periodic throughout the year (as requested) | In-person training   | Trauma-informed care, interpersonal violence services  | CAPE                         |



| <b>Program Name</b>   | <b>Explanation</b>  | <b>Audience</b>                                      | <b>Frequency</b>   | <b>Method</b>                             | <b>Awareness and Prevention Targets</b>  | <b>Primary Sponsor</b>   |
|---|---|--|--|---|--|--|
| NCAA Sexual Violence Prevention Education                     | Online and/or in person training for all student-athletes, coaches, and athletic division staff members. This course is required by the NCAA, the principles of which are Intercollegiate athletics departments (coaches, staff, and student-athletes) should be informed on and integrated in overall DU policy and to DU's Comprehensive Discrimination and Harassment Procedures, Title IX Sexual Harassment Procedures, and processes addressing sexual violence prevention and acts of sexual violence, particularly those related to adjudication and resolution of matters related to sexual violence. | Student-athletes, coaches, athletic department staff | Annual   | Online and in person interactive training | Sexual violence prevention and adjudication  | Office of Equal Opportunity & Title IX and the Department of Athletics & Recreation  |
| EO and Title IX Training and Responsible Employees*           | Online and in person training for all faculty, staff, and student employees that are designated as responsible employees under DU policy. This required course identifies discrimination, harassment, and gender-based violence (sexual assault, domestic/dating violence and stalking) as prohibited conduct, and their obligation on how to report incidents pursuant to DU Policy  | Employees  | Upon hire, as changes to the law require and upon request by departments or colleges | Online and in person interactive training | Harassment, discrimination, gender-based violence, mandatory reporting                     | Office of Equal Opportunity & Title IX   |
| Harassment and Discrimination Prevention for Non-Supervisors* | Online training for all faculty, staff, and student employees that are designated as responsible employees under VAWA and Title IX. This required Vector Solutions course identifies discrimination, harassment, and gender-based violence (domestic/dating violence and Stalking) as prohibited conduct, and their obligation on how to report incidents pursuant to DU Policy   | Employees  | Upon hire and as law updates require   | Online interactive training               | Harassment, discrimination, gender-based violence, mandatory reporting                     | Office of Equal Opportunity & Title IX, Human Resources & Inclusive Community  |
| Harassment and Discrimination Prevention for Supervisors*     | Online training for all faculty, staff, and student employees that are designated as responsible employees under VAWA and Title IX. This required Vector Solutions course identifies discrimination, harassment, and gender-based violence as prohibited conduct, and their obligation on how to report incidents pursuant to DU Policy. Additionally, this course defines a supervisor's responsibilities when harassment and/or discrimination is reported to them  | Supervisors  | Upon hire and as law updates require   | Online interactive training               | Harassment, discrimination, gender-based violence, Reporting policy (Responsible employee) | Office of Equal Opportunity & Title IX, Human Resources & Inclusive Community and Office of Diversity Equity and Inclusion |

# **Violence Against Women Act (VAWA)**

## **Disclosure to Alleged Victims of Violence or Non-Forcible Sex Offenses**

DU will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense (Incest or Statutory Rape), the report on the results of any disciplinary proceeding conducted by DU against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

## **Prohibition Statement**

DU prohibits all forms of sexual harassment and sexual violence, which include, but are not limited to, the offenses of sexual assault, dating violence, domestic violence, and stalking. DU officials respond swiftly to all reports of these incidents to provide support services for those who have experienced gender-based violence; protect the rights of all students, employees, and campus visitors under our Title IX and Clery obligations; apply our Employee Code of Conduct and Student Honor Code policies, and other applicable policies and procedures; and cooperate fully with law enforcement officials.

Sexual assault, dating violence, domestic violence, and stalking are reportable crimes under the Clery Act and may also constitute violations of Colorado state law, Title IX, Title VII, and applicable DU policy, including but not limited to the DU Student Honor Code and the DU Discrimination and Harassment Policy, which applies to DU students, employees, and visitors.

## **Violence Against Women Act (VAWA) Definitions**

Federal definitions and terminology for the offenses of sexual assault, dating violence, domestic violence, and stalking are included in this report under the definitions of reportable crimes. State law and DU definitions and terminology for the offenses of sexual assault, dating violence, domestic violence, and stalking are included in this section of the Annual Security and Fire Safety Report.

### **Domestic Violence (State of Colorado Definition)**

State Definition (C.R.S. 18-6-800.3): an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. "Domestic violence" also includes any other crime against a person, or against property, including an animal, or any municipal ordinance violation against a person, or against property, including an animal, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship.

- "Intimate relationship" means a relationship between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time.

### **Dating Violence (State of Colorado Definition)**

State Definition: The State of Colorado does not have a state statute/definition for "dating violence."

## Stalking (State of Colorado Definitions)

State Definition (C.R.S. 18-3-602): A person commits stalking if directly, or indirectly through another person, the person knowingly:

- Makes a credible threat to another person and, in connection with the threat, repeatedly follows, approaches, contacts, or places under surveillance that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship; or
- Makes a credible threat to another person and, in connection with the threat, repeatedly makes any form of communication with that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship, regardless of whether a conversation ensues; or
- Repeatedly follows, approaches, contacts, places under surveillance, or makes any form of communication with another person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship in a manner that would cause a reasonable person to suffer serious emotional distress and does cause that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship to suffer serious emotional distress. For purposes of this paragraph (c), a victim need not show that he or she received professional treatment or counseling to show that he or she suffered serious emotional distress.

## Sexual Assault and Sex Offenses (State of Colorado Definitions):

Sexual contact - The knowing touching of the victim's intimate parts by the actor, or of the actor's intimate parts by the victim, or the knowing touching of the clothing covering the immediate area of the victim's or actor's intimate parts if that sexual contact is for the purposes of sexual arousal, gratification, or abuse. The knowing emission or ejaculation of seminal fluid onto any body part of the victim or the clothing covering any body part of the victim. Knowingly causing semen, blood, urine, feces, or a bodily substance to contact any body part of the victim or the clothing covering any body part of the victim if that contact with semen, blood, urine, feces, or a bodily substance is for the purpose of sexual arousal, gratification, or abuse.

Sexual intrusion - any intrusion, however slight, by any object or any part of a person's body, except the mouth, tongue, or penis, into the genital or anal opening of another person's body if that sexual intrusion can reasonably be construed as being for the purposes of sexual arousal, gratification, or abuse.

Sexual penetration - sexual intercourse, cunnilingus, fellatio, anilingus, or anal intercourse. Emission need not be proved as an element of any sexual penetration. Any penetration, however slight, is sufficient to complete the crime.

### **Title 18 Criminal Code § 18-3-402 Sexual Assault (Includes Statutory Rape)**

Any actor who knowingly inflicts sexual intrusion or sexual penetration on a victim commits sexual assault if:

- The actor causes sexual intrusion or sexual penetration knowing the victim does not consent; or
- The actor knows that the victim is incapable of appraising the nature of the victim's conduct; or
- The actor knows that the victim submits erroneously, believing the actor to be the victim's spouse; or

- At the time of the commission of the act, the victim is less than fifteen years of age and the actor is at least four years older than the victim and is not the spouse of the victim; or
- At the time of the commission of the act, the victim is at least fifteen years of age but less than seventeen years of age and the actor is at least ten years older than the victim and is not the spouse of the victim; or
- The victim is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the victim and uses this position of authority to coerce the victim to submit, unless the act is incident to a lawful search; or
- The actor, while purporting to offer a medical service, engages in treatment or examination of a victim for other than a bona fide medical purpose or in a manner substantially inconsistent with reasonable medical practices; or
- The victim is physically helpless and the actor knows the victim is physically helpless and the victim has not consented.

### **Title 18 Criminal Code § 18-3-404 Unlawful Sexual Contact**

Any actor who knowingly subjects a victim to any sexual contact commits unlawful sexual contact if:

- The actor knows that the victim does not consent; or
- The actor knows that the victim is incapable of appraising the nature of the victim's conduct; or
- The victim is physically helpless and the actor knows that the victim is physically helpless and the victim has not consented; or
- The actor has substantially impaired the victim's power to appraise or control the victim's conduct by employing, without the victim's consent, any drug, intoxicant, or other means for the purpose of causing submission; or
- Repealed.
- The victim is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the victim and uses this position of authority, unless incident to a lawful search, to coerce the victim to submit; or
- The actor engages in treatment or examination of a victim for other than bona fide medical purposes or in a manner substantially inconsistent with reasonable medical practices.
- (1.5) Any person who knowingly, with or without sexual contact, induces or coerces a child by any of the means set forth in section 18-3-402 to expose intimate parts or to engage in any sexual contact, intrusion, or penetration with another person, for the purpose of the actor's own sexual gratification, commits unlawful sexual contact. For the purposes of this subsection (1.5), the term "child" means any person under the age of eighteen years.

### **Title 18 Criminal Code § 18-6-301 Incest**

Any person who knowingly marries, inflicts sexual penetration or sexual intrusion on, or subjects to sexual contact, as defined in section 18-3-401, an ancestor or descendant, including a natural child, child by adoption, or stepchild twenty-one years of age or older, a brother or sister of the whole or half blood, or an uncle, aunt, nephew, or niece of the whole blood commits incest, which is a class 4 felony. For the purpose of this section only, "descendant" includes a child by adoption and a stepchild, but only if the person is not legally married to the child by adoption or the stepchild.

### **Title 18 Criminal Code § 18-6-302 Aggravated Incest**

A person commits aggravated incest when he or she knowingly:

- Marries his or her natural child or inflicts sexual penetration or sexual intrusion on or subjects to sexual contact, as defined in section 18-3-401, his or her natural child, stepchild, or child by

adoption, but this paragraph (a) shall not apply when the person is legally married to the stepchild or child by adoption. For the purpose of this paragraph (a) only, "child" means a person under twenty-one years of age.

- Marries, inflicts sexual penetration or sexual intrusion on, or subjects to sexual contact, as defined in section 18-3-401, a descendant, a brother or sister of the whole or half blood, or an uncle, aunt, nephew, or niece of the whole blood who is under ten years of age.

## Statutory Rape

Statutory rape is prosecuted under Colorado's sexual assault law described above.

## Consent (State of Colorado Definition):

### **Title 18 Criminal Code § 18-3-401 Definitions**

"Consent" means cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A current or previous relationship shall not be sufficient to constitute consent under the provisions of this part 4. Submission under the influence of fear shall not constitute consent. Nothing in this definition shall be construed to affect the admissibility of evidence or the burden of proof in regard to the issue of consent under this part 4.

### **Consent as Defined in DU's Discrimination and Harassment Policy**

For all forms of Sexual Assault set forth above under this policy, Consent is (1) mutually understandable, clear, knowing and voluntary affirmative permission (2) given through clear words or actions (3) regarding the willingness to engage in and the conditions for sexual activity.

Consent cannot be obtained by:

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

- the frequency of the application of the pressure,
- the intensity of the pressure,
- the degree of isolation of the person being pressured, and
- the duration of the pressure.
- Abuse of Power, which occurs when an individual in a position of authority, whether that authority is real or perceived, induces another individual to engage in activity that would otherwise be nonconsensual based on the need for a specific performance or duty (e.g., grading, performance evaluation).

## Bystander Intervention

When someone interrupts a problematic or potentially harmful situation, stopping action or comments that promote sexual or discriminatory violence, bullying, harassment, intimidation, or threatening behavior - they are being an active bystander. An active bystander also takes action when they see someone who is intoxicated and in need of help or may even be in emotional distress. Being an active bystander is about challenging and changing the cultural norms that make problematic or harmful behavior acceptable.

At DU, we intervene when we see a community member in need of support or when a situation does not fit our values. Intervention is not one size fits all. You can select an intervention style that works for you:

- Direct: you feel comfortable acting as the primary helper.
- Distract: you create a distraction or other interruption to halt the potentially harmful situation.
- Delegate to a trusted resource: you request assistance from a qualified resource such as Campus Safety, Denver Police, Title IX, or Student Outreach & Support.
- Delay your intervention for when addressing the behavior is more appropriate: you may not feel comfortable saying something in the moment, so you follow up with the person within 24 hours to address things like harmful jokes, comments, or catcalling. Note that you should not delay when responding to a high risk situation like intoxication or sexual assault.

We can intervene on our own behalf. In a situation that is uncomfortable, or is close to crossing a limit or boundary, you can select an intervention style that works for you and fits the situation. Remember, your own safety is primary. And, whether or not you intervene for yourself, you deserve help and support. Someone crossing a boundary is never your fault.

- Direct: say you are feeling uncomfortable, or that a line has been crossed.
- Distract: come up with a quick distraction, like a phone call or having to use the restroom, to get out of the situation.
- Delegate: text, reach out to, or otherwise signal to friends that you'd like some assistance.
- Delay: if appropriate, follow up with the person within 48 hours to talk about what happened. Let them know how their actions impacted you, and re-state your boundary.

Remember, sexual assault is never the fault of the victim/survivor. Even if you do/did none of these things, you do not deserve to experience gender-based violence. These are tips meant to empower a person.

Remembering the following tips can help you prevent sexual assault:

- Always talk to your partner(s) before engaging in sexual or intimate activities.
- Make sure you all are consenting and that you clearly understand their likes, dislikes, and limits.

- Remember that alcohol and other substances can blur your thinking, making it more difficult for you to read someone's signals or body language - more likely to cross someone's boundaries.
- If the sexual act is no longer pleasurable or your partner(s) has stopped engaging, stop the activity and check in with them.
- Sex and intimacy should be pleasurable for everyone involved. Consent is just the minimum.
- Stop any activity if your partner is:
  - Silent or not responding
  - Avoiding answering a question
  - Using uncertain statements such as, "I'm not sure if I'm ready." "I don't know if I want to." "I think I've had too much to drink." "I'm scared."
  - Changing their mind after saying yes
  - Being pressured or coerced to say yes
  - "Giving in"
- Understand that the following are not consent:
  - Expanding what something may mean (i.e.: A "Yes" to "Do you want to go back to my place?" is only giving consent to physically go back to your place)
  - Entitlement through a committed relationship
  - Absence of a clear yes
  - When your partner says no, she/he really does not mean yes

If someone you know is sexually assaulted:

- Validate: Tell them know that you appreciate the courage it took to come forward and share their experience with you.
- Empower: Support your friend, do not tell them what to do. Believe them and let them make their own decisions. Do not call authorities without their permission.
- Connect: Talk about the DU and community resources that can help.

# Procedures for Victims of Sex- and Gender-Based Violence or Harassment

**If you are in immediate danger, call 9-1-1.**

**Get to a place of safety as soon as you can.**

**Contact someone you trust to be with you and support you.** DU's Center for Advocacy, Prevention and Empowerment (CAPE), 303.871.3853 or CAPE@du.edu, provides free and confidential support, assistance, resources, and options.

**Preserve any physical evidence.** Preserving evidence is important because evidence can be key in identifying the perpetrator in a gender-based violence case, especially those in which the offender is a stranger, may assist in proving the alleged criminal offense occurred, and may be helpful in obtaining a protection order. Document physical signs of injury with photographs as bruising can fade between the time the incident took place to when it is investigated. Document any destruction to property with photographs. Any unwanted or repeated electronic communications should be saved or captured with as screenshot.

- **Preserving sexual assault evidence.** In an instance of sexual assault, physical evidence should be collected immediately, ideally within the first 24 hours. A medical sexual assault forensic exam by a Sexual Assault Nurse Examiner (SANE) may be completed up to five days after a sexual assault to collect evidence in case the victim decides to report the assault at a later date. Sexual assault forensic evidence is an integral part of a law enforcement investigation that can build a strong case and so it is important to preserve evidence in case the decision is made to take legal action or press charges. Sexual assault physical evidence must be collected in a timely manner by a certified medical facility. Do not shower/bathe, comb your hair, change clothes, smoke, brush your teeth, eat/drink, wash or use the toilet (if possible – the hospital will take a urine sample when you arrive). Do not wash clothes or clean the bed/linens area or other items. Place clothing, bedding, or anything of evidentiary value during the assault, in a paper bag.
- **Preserving dating and domestic violence evidence.** Preserving evidence may be necessary to prove criminal domestic or dating violence, or in obtaining a protection order. Take photographs of injuries and damage. If victims do not opt for forensic evidence collection, health care providers can still treat injuries. Examples of other types of evidence to preserve can be threatening emails or phone messages, text messages, social media, messages or postings, computer screenshots, medical records, records of police responses to the home, witnesses, or any other form of evidence that would be helpful. Make sure information documented is kept in a safe location where the partner cannot find it, as it may cause further risk if they do.
- **Preserving stalking evidence.** Documentation is necessary. Keep a record of the details or call the police to have the incident documented by police. Victims of stalking should save evidence such as any letters, notes, emails, phone calls, videos, photos, texts, social media postings, computer screenshots, voicemails, gifts, or any other form of evidence that would be helpful.

**Get medical attention as soon as possible.** A medical provider can document injuries and offer needed treatment. Medication to prevent pregnancy and sexually transmitted infections/diseases is available. Trained medical staff may also assist you in collecting and preserving evidence and



connecting you to survivor advocacy supports or to law enforcement. You do not need to report to law enforcement to access medical care.

- DU is committed to providing students physical and emotional support following a sexual assault. After experiencing a sexual assault, you have the choice to have a Sexual Assault Nurse Examiner (SANE) forensic exam. A SANE forensic exam can be performed up to five days after an assault. Choosing to have a SANE forensic exam does not require an individual to formally report or participate in a law enforcement investigation.
- A SANE forensic exam is performed by a specially trained registered nurse. The exam is tailored to provide survivors of sexual assault with trauma-informed medical treatment, and to collect forensic evidence in the event a survivor chooses to report to Law Enforcement. Typical exams last anywhere from 2-6 hours. If you choose to have an exam, you have the right to decline any part of the exam and to go at a pace that feels comfortable to you. Standard exams include:

- A complete discussion about medical history
- Thorough head to toe physical examination
- Evidence collection
- Photographs of any injuries sustained during an assault
- Details about the assault to better inform evidence collection and medical treatment
- Treatment for possible sexually transmitted infections
- Pregnancy prevention, if applicable

In partnership with Denver Health, the Health and Counseling Center at DU is able to offer a SANE forensic exam on campus, Monday-Friday between the hours of 8am-2pm.

The Health and Counseling's Center for Advocacy, Prevention and Empowerment (CAPE) can accompany you and provide confidential support and guidance. CAPE can help explain the process and support any DU community member with participating in the SANE process and help arrange for transportation to the hospital or accompany the survivor to the HCC for a SANE forensic exam. During normal business hours, contact CAPE at 303-871-3853. After-Hours contact the Counselor on Call at 303-871-2205. Additional contact methods include: [cape@du.edu](mailto:cape@du.edu) or at their website: <https://www.du.edu/health-and-counseling-center/cape/index.html>.

#### **You can report an instance of gender-based violence to:**

- DU's Department of Campus Safety (303.871.3000 or 1-3000)
- DU's Office of Equal Opportunity and Title IX (303.871.7016 or 1.7016)
- DU's Center for Advocacy, Prevention and Empowerment (CAPE) (303.871.3853 or 1-3853). This is an anonymous resource.
- The Counselor on Call (After normal business hours at 303.871.2205 or 1-2205)
- Any Campus Security Authority at DU
- Denver Police Department or other appropriate law enforcement agency. (As a DU student, faculty or staff member, it is your right and decision to choose, or decline, to report the incident to law enforcement authorities)

**Alcohol and Drug Amnesty:** DU generally will not pursue disciplinary action against a student who makes a good faith report to a DU official, contacts emergency services, or who participates as a Party or Witness in the grievance process related to Prohibited Conduct, for personal consumption of alcohol or other drugs that would otherwise be a violation of the Honor Code, provided the misconduct did not endanger the health or safety of others. DU may, however, engage in an

assessment or educational discussion or pursue other non-disciplinary options regarding alcohol or other drug use. DU also provides Medical Amnesty as set forth in the Honor Code.

**You have the right to explore a Civil Order of Protection through the courts.** Students, faculty, and staff may request a temporary or permanent restraining order if there has been harm, the threat of harm or an act of violence.

The Protection Order Courtroom in the City and County of Denver (University Park Campus) is located at:

Denver's City and County Building  
1437 Bannock Street, Denver, Courtroom 170.  
Phone: 720.865.7275  
<https://www.denverda.org/protection-restraining-orders/>

The Protection Order Courtroom in Garfield County (Western Colorado Campus) is located at:

Garfield County Courthouse  
109 8th Street, Glenwood Springs, Suite 104  
Phone: 970.928.3065

The Protection Order Courtroom in La Plata County (Four Corners Campus) is located at:

La Plata County Courthouse  
1060 E 2nd Ave, Durango  
Phone: 970.247.2304

The Health and Counseling's Center for Advocacy, Prevention and Empowerment (CAPE) can provide support to any DU community member and help navigate the process of obtaining a civil protection order. During normal business hours, contact CAPE at 303-871-3853. After-Hours contact the Counselor on Call at 303-871-2205. Additional contact methods include: [cape@du.edu](mailto:cape@du.edu) or at their website: <https://www.du.edu/health-and-counseling-center/cape/index.html>

If a protective order is issued, you may elect to provide the DU Department of Campus Safety with a copy of the order, so the information is on file in case the order is violated on any DU owned and controlled property.

If the violation is in progress, call 9-1-1 and the appropriate law enforcement authority will respond. The Department of Campus Safety can contact the Denver Police Department to respond to violations of court issued protective orders that occur on the main campus and in DU owned or controlled buildings within the Denver Police Department's jurisdiction. If the student, faculty, or staff member holds a current court issued protective order, and that order is violated in another jurisdiction, the student, faculty, or staff member will need to call the law enforcement agency that serves the location in which the violation occurred.

**You have the right to explore a no contact order through the University.** Students, faculty, and staff who've made an allegation of sexual assault, dating violence, domestic violence, stalking or other gendered harassment, may request a Mutual No Contact Order and/or Location Restriction Order, if the other party is affiliated with DU.

**A Mutual 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 Mutual No Contact Order, contact is defined as communicating in person, communicating through a third party, and communicating through all forms of written and/or electronic contact (including phone, email, texting,

and social media). The Mutual No Contact Order may apply to other forms of contact, as DU deems appropriate under the circumstances.

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

**All No Contact and Location Restriction Orders are considered mutual for all parties.** No Contact Orders and Location Restriction Orders may be issued as an Emergency Order, Temporary Order, or Standing Order.

Although these Mutual No Contact Orders and Location Restriction Orders are not considered disciplinary in nature, failing to abide by the terms of the Mutual No Contact Order and Location Restriction Orders will constitute a violation of the Student Rights & Responsibilities Policies.

Mutual No Contact Orders and Location Restriction Orders can be requested through the following DU departments:

- Department of Campus Safety (303.871.2334)
- Student Rights and Responsibilities (303.871.2455)
- Office of Equal Opportunity and Title IX (303.871.7016)
- CAPE (303.871.3853)
- Or by completing the Request for No Contact Order Form:  
[https://cm.maxient.com/reportingform.php?UnivofDenver&layout\\_id=9](https://cm.maxient.com/reportingform.php?UnivofDenver&layout_id=9)

A complete copy of the DU's policies governing Mutual No Contact Orders which includes but is not limited to the legal options available to students, how to request information, how to file a report, the institutions responsibilities for honoring and complying with student's requests, and what an impacted party can do to enforce an order of protection can be reviewed at the below DU website:  
<https://studentaffairs.du.edu/sites/default/files/2022-04/eoixsrr.pdf>.

**DU Department of Campus Safety - Trespass Notification:** If an allegation of sexual assault, dating violence, domestic violence or stalking is against a person not affiliated with DU, and the crime was committed against a DU community member or on campus or other DU controlled building or property, the Department of Campus Safety may be able to issue a Trespass Notification, banning the accused from all campus owned or controlled properties. If the Trespass Notification is violated, victim/survivors should report the violation to the Department of Campus Safety. The Department of Campus Safety will notify local law enforcement authorities to have the violator arrested.

**Consider options for assistance, support, resources and on- and off-campus services.** As a student, faculty, or staff victim/survivor of gender-based violence requests may be made to DU for supportive measures such as accommodations, and/or other reasonable assistance. After an incident of gender-based violence, DU will work with students, or faculty and staff to address any issues that may impact the student's educational experience or the faculty and staff member's work experience; including protective measures, such as financial aid assistance; immigration or visa, travel assistance; available on-campus housing changes and academic accommodations for students; or work accommodations for DU employees.

DU shall endeavor to comply with a student's reasonable request for a living and/or academic situation change following an alleged sex offense. Supportive measures are available regardless of whether the victim/survivor chooses to share specific information about the incident, report the matter to Campus Safety or local law enforcement, or participate in the DU's administrative process, and regardless of whether the offense occurred on or off campus. For more information, contact the following:

- CAPE (confidential resource) at 303.871.3853. After-Hours contact the Counselor on Call at 303.871.2205. Additional contact methods include: [cape@du.edu](mailto:cape@du.edu) or at their website: <https://studentaffairs.du.edu/health-counseling-center/survivor-advocacy>
- Title IX Coordinator at 303.871.7016. Additional contact methods include: [TitleIX@du.edu](mailto:TitleIX@du.edu); or at their website: <https://www.du.edu/equalopportunity/titleix/>
- Department of Campus Safety at 303.871.3000.
  - Additional information on resources can be obtained on their website at: <https://www.du.edu/campussafety/resources/index.html>

It is important that survivors of gender violence know they are not alone, and DU hopes survivors feel comfortable reaching out for the support they need. There are many options for seeking support, including: Campus Safety, the Center for Advocacy, Prevention and Empowerment (CAPE), a resident assistant, a resident director, the police, a friend, a rape crisis center, a hospital, a counselor or the Title IX Office or someone else you trust. **You have a right to discuss these options without being required to select or participate in any of the available options.**

## Reporting Options

DU encourages all individuals to seek assistance from a medical provider, as needed, and/or law enforcement immediately after an incident of gender-based violence, whether or not the individual plans to pursue criminal action. Preserving any physical evidence is very helpful for successful investigation, arrest, and prosecution of the perpetrator(s) and may be helpful in obtaining a protective order. A victim/survivor of gender-based violence has many reporting options. DU students, faculty, and staff members may, as a victim/survivor of gender-based violence, elect, or decline, to notify Campus Safety or local law enforcement. If the victim/survivor chooses to file a police report, DU can assist with the process. A victim/survivor may also choose to report the incident to the appropriate DU department, a DU faculty or staff member, or the individual may choose confidential and/or anonymous reporting options. Reporting options are provided in detail below. If you are unsure what to do or how to report, please consider the following reporting options.

## Reporting to Law Enforcement (All Students, Faculty, or Staff)

Any member of the DU community who has experienced unwanted sexual misconduct, to include sexual assault, dating violence, domestic violence or stalking, is encouraged to report the incident as soon as possible to the local police department. If the incident occurred at properties owned or controlled by DU outside of the Denver Police Department's jurisdiction, DU can assist in determining the jurisdictional boundary as well as with contact information for the appropriate law enforcement agency if requested. As a DU student or employee, it is your right and decision to choose to report or decline to report the incident to law enforcement authorities.

To make a report with the Denver Police Department for crimes that occur at the University Park Campus, you may call them at 720-913-1300 or visit the police department at their District 3 Facility at 1625 S. University Blvd, Denver, CO 80210. To make a report with the Glenwood Springs Police Department for crimes that occur at the Western Colorado Campus, you may call them at 970-384-

6500 or visit the police department at 101 W 8th St, Glenwood Springs, CO 81601. To make a report with the Durango Police Department for crimes that occur at the Four Corners Campus, you may call them at 970-375-4700 or visit the police department at 990 E 2nd Ave, Durango, CO 81301. You may choose to have someone with you for support, as well as a DU employee to assist you with the process if desired. Depending on how you want to proceed, the report may be investigated. For example, you can choose no investigation, partial investigation, or full investigation, and you have the option to change your mind at any point in the process. For additional information on each police department, you may visit their websites listed below.

- Denver Police Department Website: <https://www.denvergov.org/Government/Agencies-Departments-Offices/Agencies-Departments-Offices-Directory/Police-Department>
- Glenwood Springs Police Department Website: <https://www.cogs.us/174/Police>
- Durango Police Department Website: <https://co-durango.civicplus.com/224/Police>

If you choose to report to the police, the DU offices below can assist with the process if you choose to request assistance.

- The Office Equal Opportunity and Title IX at 303.871.7016.
- You may contact the Title IX Coordinator directly at 303.871.2302
- The Center for Advocacy, Prevention and Empowerment (CAPE) at 303.871.3853
- The Department of Campus Safety at 303.871.3000 (emergency) or 303.871.2334 (non-emergency)

When a sexual assault, dating violence, domestic violence, stalking or other harassment is committed, the first concern is your safety and well-being. DU recognizes the sensitive nature of these crimes and respects your right to privacy and choice.

## Protecting Victim Confidentiality

DU recognizes the sensitive nature of gender-based violence (sexual assault, domestic violence, dating violence and stalking) or discrimination or harassment, including sexual harassment. DU is committed to protecting the privacy of any individual who makes a report. Different officials and personnel are able to offer varying levels of privacy protection to victims. DU will protect the confidentiality of victims/survivors of sexual assault, dating violence, domestic violence, stalking and other gendered harassment in accordance with federal and state laws.

- Reports made to designated confidential on-campus resources may talk to victims without revealing any identifying information about them to anyone else at DU, including the Title IX Office or law enforcement entities without the victim's consent. Except under certain limited circumstances (such as risk of imminent harm to the victim or others), victims can seek assistance and support from these counselors and advocates without triggering a DU or police investigation.
- Reports made to law enforcement. A victim who reports to the Denver Police Department may request to be treated as confidential, which means that the victim's name and other identifying information will not appear in its public records.
- Reports made to the Office of Equal Opportunity & Title IX (Title IX Coordinator) seek to protect the privacy of all individuals throughout all phases of the complaint resolution process. While Title IX cannot guarantee confidentiality, disclosure of facts to parties and witnesses is limited to what is reasonably necessary to conduct a fair and thorough investigation, determine outcomes, or to deliver resources or supportive measures to the parties.

- Supportive Measures. DU will maintain as confidential any accommodation or supportive measures provided to parties, to the extent such confidentiality does not impair DU's ability to provide the accommodation or supportive measures.
- Clery Act and Other Public Records. Publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without including personally identifying information about the victim. Also, DU's Department of Campus Safety does not publish the name of crime victims as part of its Clery mandated reporting, nor does it keep identifiable information regarding victims in the daily crime and fire log or online.

## University of Denver Department of Campus Safety

DU's Department of Campus Safety maintains the privacy of individuals who report crimes to the Department in accordance with state and federal law. However, if a report of a sexual assault, dating violence, domestic violence or stalking is reported to the Department of Campus Safety, even if the victim/survivor does not want action taken by the Department of Campus Safety, substantive information provided in the report will be shared with the Title IX Coordinator to allow the Title IX Coordinator to perform follow-up in accordance with Title IX mandates. Information concerning these types of incidents is also shared with the Office of Students Rights & Responsibilities who is required to provide institutional assistance and resources.

A Department of Campus Safety report is considered a law enforcement record exempt from restrictions under the Family Educational Rights and Privacy Act of 1974 ("FERPA"). As such, the Department of Campus Safety report may be shared with law enforcement agencies upon request as part of an investigation. DU and Department of Campus Safety is a private university; therefore, requests under the Freedom of Information Act do not apply to DU. DU treats all records as proprietary.

The Daily Crime Log maintained by the Department of Campus Safety, does not disclose any personally identifying information that may identify a victim or disclose the location of a victim of domestic violence, dating violence, sexual assault or stalking, in accordance with VAWA 40002(a)(20), which states:

"The term 'personally identifying information' or 'personal information' means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected, including:

- A first and last name;
- A home or other physical address;
- Contact information (including a postal, email, or internet protocol address, or telephone or facsimile number);
- A social security number, driver's license number, passport number or student identification number; and
- Any other information, including dates of birth, racial or ethnic background, or religious affiliation that would serve to identify any individual"

## Reporting to the University (All Students, Faculty, or Staff)

DU has procedures in place that strive to be sensitive to those who report gender-based violence and gender-based harassment or discrimination. DU will provide victims of gender-based violence and gender-based harassment or discrimination written notification of their rights and options.

This includes informing victims/survivors, in writing, about their right to file criminal charges, as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, student financial aid and visa/immigration assistance and other services that can be found on and/or off campus. Information will also be given to the victim/survivor that pertains to supportive measures DU will provide to prevent contact between them and an accused party.

DU will provide written notification to the victim/survivor about their rights and options for available assistance in, and how to request changes to academic, living, transportation and working situations or other supportive measures, if the victim requests them and if they are reasonably available. DU is obligated to comply with a student's reasonable request for a living and/or academic situation change following an alleged sex offense. Supportive measures will be provided regardless of whether the victim/survivor chooses to share specific information about the incident, report the matter to Campus Safety or local law enforcement, or participate in DU's administrative process, and regardless of whether the offense occurred on or off campus.

## Resources and Institutional Assistance

As a student, faculty, or staff victim/survivor of sexual assault, dating violence, domestic violence, stalking or harassment, you may request that DU provide assistance and/or accommodations. After an incident of gender-based violence (sexual assault, domestic violence, dating violence or stalking) or discrimination or harassment, DU will work with students, or faculty and staff to address any issues that may impact the student's educational experience or the faculty and staff member's employment experience; including supportive measures, such as financial aid assistance; immigration or visa, travel assistance; available on-campus housing changes and academic accommodations for students; or work accommodations for DU employees and other assistance requested or needed.

DU shall endeavor to accommodate a student's reasonable request for a living and/or academic situation change following gender-based violence. Supportive measures are provided regardless of whether the victim/survivor chooses to share specific information about the incident, report the matter to Campus Safety or local law enforcement, or participate in the university's administrative process, and regardless of whether the offense occurred on or off campus.

Students and employees who report that they are victims/survivors of sexual assault, dating violence, domestic violence and stalking and the respondents to such proceedings have the right to:

- Receive written notification of your rights and options, including but not limited to:
  - Existing campus and community medical, mental health, counseling and legal services, victim advocacy, visa and immigration and financial aid assistance.
  - Information about how DU will provide options and available assistance for academic, living, transportation and working situations and supportive measures.
  - The right to have an advocate.
- Be informed of applicable reporting options and choices including the option to notify on or off-campus law enforcement or otherwise notify on or off-campus confidential resources.
- Be free from pressure to make a criminal report and notified of your right to decline to notify law enforcement.
- Be assisted by DU support staff in notifying law enforcement, if you choose to file a criminal report.
- Have allegations of sexual assault, dating violence, domestic violence, stalking and other gendered harassment investigated and adjudicated by the appropriate campus, civil and criminal authorities, as applicable.

- All complaints are presumed to be made in good faith, and all complainants have the right to be taken seriously.
- A respondent is presumed not responsible for alleged prohibited conduct unless and until a determination regarding responsibility for prohibited conduct is made at the conclusion of the investigation.

## Institutional Procedures for Reported Domestic Violence, Sexual Assault, and Stalking

### Title IX Response to Reports of Gender-Based Violence, Discrimination and Harassment

DU is committed to providing support and assistance to all members of our DU community who are impacted by discrimination, harassment, and gender-based violence. DU prohibits all forms of discrimination, harassment (including sexual harassment) and gender-based violence, which include, but is not limited to, the offenses of sexual assault, dating violence, domestic violence, and stalking. Gender-based violence is the umbrella term used by DU when referring to sexual assault, dating or domestic violence, sexual harassment, and stalking.

DU officials respond swiftly to all reports of these incidents to provide support services for those who have experienced gender-based violence; protect the rights of all DU students, faculty, and staff members and campus visitors under our Title IX and Clery obligations; apply Student Honor Code and employee conduct policies and other applicable policies and procedures; and cooperate fully with law enforcement officials to the extent of the law. Complaints of dating violence, domestic violence, sexual assault, stalking, and other forms of harassment may be resolved pursuant to DU's EOIX Discrimination and Harassment Procedures. A complete copy of DU's policies and procedures governing gender-based violence (sexual misconduct) can be reviewed at <https://www.du.edu/equalopportunity/policies-procedures>.

The procedures seek to encourage faculty, staff, and students to report and address incidents of harassment. The procedures are prompt, fair, and impartial – from the initial investigation to the final result.

### Reporting to the Office of Equal Opportunity & Title IX

The Office of Equal Opportunity and Title IX has established procedures for addressing instances of reports of gender-based violence, discrimination or harassment by DU students, faculty, and staff. All reports of gender-based violence, harassment or discrimination are forwarded to the Office of Equal Opportunity & Title IX. The Title IX Coordinator will reach out to all victims regardless of where the victimization took place and who the accused is and offer an intake meeting. While there is no time limit for reporting, reports of prohibited conduct should be brought forward as soon as possible; all incidents should be reported even if significant time has elapsed, but prompt reporting will better enable DU to respond, investigate, provide an appropriate remedy, and impose disciplinary action if appropriate.

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



or the individuals involved, DU may not be able to fully respond or take further action in response to an anonymous report.

The Title IX Coordinator will offer assistance to the victim, provide information about supportive measures and offer to meet to review the applicable DU procedures and investigation process with the victim and options for participation in a formal DU investigation and reporting to law enforcement. Although DU encourages formal reporting to both the Office of Equal Opportunity & Title IX and law enforcement (when criminal behavior is involved), victims are not required to participate in DU investigations or report to local law enforcement. A victim's decision not to move forward with a DU investigation or not to report to law enforcement does not impact their ability to utilize all the support and resources available through DU.

Requests regarding the confidentiality of such reports will be considered by DU in determining an appropriate response; however, DU may not be able to fully investigate and respond to a report if the complainant requests that their name not be disclosed to the respondent or declines to participate in an investigation. DU will consider Complainant's request for confidentiality as one of many factors in determining the appropriate means for resolution of the reported conduct. DU may be unable to honor such a request in certain circumstances in order to adequately fulfill DU's obligations to promote a safe and inclusive environment.

DU has confidential resources with whom members of the DU community can consult for advice and information regarding making a report of gender-based violence, discrimination, or harassment, including sexual harassment.

## The Process

DU administrative proceedings are conducted in a manner that is consistent with state and federal law, and that supports DU's commitment to enhancing safety. Proceeding in a manner that is respectful of victims/survivors, DU administrative proceedings provide prompt and appropriate action to prevent future incidents of gender-based violence, discrimination, or harassment. DU investigates these incidents and takes steps reasonably calculated to prevent their recurrence.

The Office of Equal Opportunity and Title IX's investigation and resolution make sure allegations of gender-based violence, discrimination, and harassment are addressed in a fair and equitable manner and are conducted in a manner that protects the safety of victims and promotes accountability.

Investigations are conducted by professional staff in the Office of Equal Opportunity and Title IX, who do not have a real or perceived conflict of interest or bias for or against the complainant or the respondent and receive annual specialized training on issues related to gender-based violence.

The standard of proof that the Office of Equal Opportunity & Title IX applies to its investigations and all proceedings is preponderance of the evidence. Preponderance of the evidence means an allegation is proven, if, based on the credible, relevant information acquired during the investigation and provided at the hearing under the Title IX procedures on one side outweighs the credible, relevant information on the other side, such that it is more likely than not the alleged fact or conduct occurred.

## The Federal Campus Sex Crimes Prevention Act

The Federal Campus Sex Crimes Prevention Act mandates that convicted sex offenders who are required to register under state law must also disclose their association with institutions of higher education when applicable. Specifically affected are those registered sex offenders who attend, are employed by/at, or volunteer at institutions of post-secondary education.

How to inquire: Inquiries regarding registered sex offenders who reside in the neighborhood or who have disclosed an association with DU, as noted above, should be directed to:

Denver Police Department – Administration Building  
1331 Cherokee Street Denver, CO  
In-Person: Monday – Friday 8:00am to 3:00pm, excluding holidays  
Information Desk: 720.913.6010  
Non-Emergency Line: 720.913.2000  
Sex Offender Hotline: 720.913.6511

Additionally, requests for information about sex offenders in Colorado may be obtained at the following websites:

- Denver Police Department Sex Offenders Tracking and Registration: <https://www.denvergov.org/content/denvergov/en/police-department/crime-information/sex-offenders.html>
- Public Sexual Offender Tracking and Registration: <https://www.sotar.us/sotar-public/initPublicIndexRedirect.do>
- Colorado Bureau of Investigation: <https://apps.colorado.gov/apps/dps/sor/>
- National Sex Offender Public Website: <https://www.nsopw.gov/>
- For more information on CSCPA, individuals may view the Disclosure of Education Records concerning Registered Sex Offenders on the U.S. Department of Education's website: <https://www.ed.gov/>

# Office of Equal Opportunity and Title IX (EOIX)

## Discrimination and Harassment Policy

### I. INTRODUCTION

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

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

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

When the University becomes aware that a member of the University community may have been subjected to or affected by discrimination, harassment, or gender-based violence, the University will take prompt, appropriate action to enforce this Policy. The University's Office of Equal Opportunity & Title IX ("EOIX") is responsible for enforcing this Policy pursuant to the applicable EOIX procedures (collectively, the "Procedures").

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

### II. POLICY OVERVIEW

#### A. Title IX

The University does not discriminate, nor does the University permit discrimination, on the basis of sex, including discrimination on the basis of sex stereotypes, sex characteristics, sexual orientation, or gender identity; parental, family, or marital status; or pregnancy or related conditions in its education program or activity, including with respect to applications for enrollment and/or employment. The University has adopted Procedures to implement this Policy, which provide for the prompt and equitable resolution of complaints alleging any action which would be prohibited by this Policy or by Title IX of the Education Amendments of 1972 ("Title IX"), which provides:

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

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

## **B. Equal Opportunity**

The University also provides equal opportunity in employment, educational activities, and other programs to all employees, students, and applicants. The University prohibits discrimination and does not discriminate based on a Protected Status in any condition of employment or opportunity because of race, color, national origin (including shared ancestry or ethnic characteristics)<sup>1</sup>, ancestry, age, religion, creed, disability, sex, sexual orientation, gender identity, gender expression, marital status, pregnancy or related conditions, genetic information, military enlistment, or veteran status (each a “Protected Status”). The University will determine what constitutes a Protected Status based on the applicable federal and/or state laws or regulations.

## **C. Federal Pay Transparency**

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

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

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

The University is also committed to the principle of pay equity, and expressly prohibits disparate pay on the basis of an employee’s race, color, national origin, ancestry, age (over 40 for employment), religion, creed, disability, sex, sexual orientation, gender identity, gender expression, marital status, pregnancy, genetic information, military enlistment, or veteran status. The University also prohibits pay discrimination based on sex, discriminatory pay practices based on sex, and sex discrimination affecting compensation.

## **E. Application**

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

This Policy applies to Prohibited Conduct that allegedly occurred on or after August 1, 2024<sup>2</sup>.

This Policy applies to students, employees, and third parties. For purposes of this Policy and the Procedures, Students are defined as any individual registered for or auditing classes at the University; admitted to or enrolled in any University program; or on University premises for any purpose related to the same regardless if the class, program, or other education activity is credit earning or part of a degree or non-degree program ("Students"). An individual is also considered a Student under this definition if they have completed the immediately preceding term and are enrolled for a subsequent term or program; if they are representing the University between terms or programs; or, if they have been previously enrolled, but are on a leave of absence or otherwise have a continuing relationship with the University.

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

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

#### **F. Scope and Jurisdiction**

This Policy applies to conduct that occurs under the University's education program or activity and includes, but is not limited to (a) conduct that occurs in a building owned or controlled by a student organization that is officially recognized by the University; and (b) conduct that is subject to the University's disciplinary authority.

For Students, this Policy applies to conduct that takes place from the date on which an individual meets the definition of a Student and until the Student withdraws, graduates, or is expelled. For Employees, this Policy applies to conduct that takes place from the date on which the individual accepts an offer of employment with the University until their employment ceases. If a Student graduates, withdraws, or is expelled, or if an Employee voluntarily resigns or is terminated prior to final resolution of any matter, EOIX has the discretion to retain jurisdiction in order to address the matter as necessary to fulfill the University's obligations under applicable laws and regulations. Third Parties are both protected from and subject to the restrictions on Prohibited Conduct in this Policy. However, Third Parties do not have any contractual rights pursuant to this Policy or the Procedures.

### **III. PROHIBITED CONDUCT UNDER THIS POLICY**

The following conduct (collectively "Prohibited Conduct") is prohibited under this Policy:

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<sup>2</sup> For Prohibited Conduct that allegedly occurred on or after August 14, 2020 and prior to August 1, 2024, and falls within the definition of Title IX Prohibited Conduct under the University's Discrimination and Harassment Policy dated August 7, 2023 ("2023 Policy"), the University will apply the 2023 Policy and the 2023-2024 Title IX Sexual Harassment Procedures. For Prohibited Conduct that allegedly occurred prior to August 1, 2024, and that does not fall within the definition of Title IX Prohibited Conduct, the University will apply the definitions in effect at the time the conduct is alleged to have occurred (if available), and the Associate Vice Chancellor of Equal Opportunity & Title IX/Title IX Coordinator, in their discretion, shall determine the applicable Procedures.

## **A. Discrimination**

Discrimination is an adverse action with respect to an individual's employment or participation in an education program or activity based, in whole or in part, upon the individual's Protected Status.

Sex discrimination includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Discrimination may also include a failure to provide reasonable accommodations, such as for disability, religion, or creed, or reasonable modifications for pregnancy or related conditions, as required by law.

## **B. Discriminatory Harassment**

Discriminatory Harassment is a form of discrimination based, in whole or in part, upon an individual's Protected Status and includes the following:

### **1. Quid Pro Quo Harassment**

*Quid Pro Quo Harassment* occurs when an Employee, agent or other person authorized by the University to provide an aid, benefit, or service within a University education program or activity explicitly or impliedly conditions the provision of that aid, benefit, or service on an individual's participation in unwelcome conduct.

### **2. Hostile Environment Harassment**

*Hostile Environment Harassment* is unwelcome conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the University's education program or activity or, in the context of employment, is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

## **C. Sex-Based Harassment**

Sex-based Harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex that satisfies one or more of the following:

### **1. Quid Pro Quo Sex-Based Harassment**

*Quid Pro Quo Sex-based Harassment* occurs when an Employee, agent, or other person authorized by the University to provide an aid, benefit, or service under a University education program or activity explicitly or impliedly conditions the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.

### **2. Hostile Environment Sex-Based Harassment**

*Hostile Environment Sex-based Harassment* is unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive

and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from a University education program or activity, or, in the context of employment, is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- a. The degree to which the conduct affected the Complainant's ability to access a University education program or activity;
- b. The type, frequency, and duration of the conduct;
- c. The parties' ages, roles within the University's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- d. The location of the conduct and the context in which the conduct occurred; and
- e. Other sex-based harassment in the University's education program or activity.

The University has an obligation to address a sex-based hostile environment under a University program or activity even when some conduct alleged to be contributing to the hostile environment occurred outside a University education program or activity or outside the United States.

Sex-based Harassment also includes specific offenses as defined by law,<sup>3</sup> including the following:

### **3. Sexual Assault**

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

#### **a. Rape**

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

#### **b. Fondling**

Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of his/her age or because of his/her temporary or permanent mental incapacity.

#### **c. Incest**

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<sup>3</sup> The definitions in Section III.C.3.a through d and Section III.C.4 through 6 use the wording set forth in the regulations implementing the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 (the "Clery Act"). The University recognizes that Sexual Assault, including Rape, can occur between individuals of the same or different sexes and/or gender identities. Because the University is using the language from the Clery Act without alteration, these definitions use gendered pronouns.

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

**d. Statutory Rape**

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

**e. Consent**

For all forms of Sexual Assault set forth above under this Policy, Consent is (1) mutually understandable, clear, knowing and voluntary affirmative permission (2) given through clear words or actions (3) regarding the willingness to engage in and the conditions for sexual activity.

Consent cannot be obtained by:

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



- the degree of isolation of the person being pressured, and
- the duration of the pressure.
- *Abuse of Power*, which occurs when an individual in a position of authority, whether that authority is real or perceived, induces another individual to engage in activity that would otherwise be nonconsensual based on the need for a specific performance or duty (e.g., grading, performance evaluation).

#### **4. Dating Violence**

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

For purposes of this definition,

- a. Dating violence, includes, but it not limited to, sexual or physical abuse or the threat of such abuse.
- b. Dating violence does not include acts covered under the definition of domestic violence.

#### **5. Domestic Violence**

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

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

#### **6. Stalking**

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

For purposes of this definition,

- a. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- b. Reasonable person means a reasonable person under similar

circumstances and with similar identities to the victim.

- c. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

#### **D. Discrimination under the Equal Pay Act and/or Colorado Equal Pay for Equal Work Act**

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

#### **E. Harassment under the POWR Act**

1. For purposes of the University's compliance with the Colorado Protecting Opportunities and Workers' Rights ("POWR") Act, for an allegation by a University employee of harassment, the University defines harassment under the POWR Act as any unwelcome physical or verbal conduct or any written, pictorial, or visual communication directed at an individual or group of individuals because of that individual's or group's membership in, or perceived membership in, a protected class listed in the POWR Act (disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, religion, age, national origin, or ancestry), which conduct or communication is:
  - a. Subjectively offensive to the individual alleging harassment; and
  - b. Is objectively offensive to a reasonable individual who is a member of the same protected class.
2. The conduct or communication need not be severe or pervasive to constitute a discriminatory act or unfair employment practice under the POWR Act if:
  - a. Submission to the conduct or communication is explicitly or implicitly made a term or condition of the individual's employment;
  - b. Submission to, or objection to, or rejection of the conduct or communication is used as a basis for employment decisions affecting the individual; or
  - c. The conduct or communication has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment.
3. The nature of the work or the frequency with which harassment in the workplace occurred in the past is not relevant to whether the conduct or communication is a discriminatory or an unfair employment practice under the POWR Act.

4. Petty slights, minor annoyances, and lack of good manners do not constitute harassment unless the slights, annoyances, or lack of manners, when taken individually or in combination and under the totality of the circumstances, meet the standards set forth in Section III.E.1 above.
5. Because the scope of the POWR Act is limited to allegations by a University employee of harassment, the standard set forth above does not apply to allegations by a student of harassment outside of the context of their employment by the University.

## **F. Sexual Exploitation**

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

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

## **G. Intimate Partner Violence**

Intimate Partner Violence includes any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship. The existence of such a relationship is determined based on consideration of the (1) length of the relationship, (2) type of relationship, and (3) frequency of interaction between the persons involved in the relationship.

#### **H. Physical Misconduct Based on a Protected Status**

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

#### **I. Failure to Inform Supervisor of a Consensual Sexual Relationship with a Student or a Supervisee**

The University strongly discourages romantic or sexual relationships between a teacher and student or between a supervisor and supervisee. In the event of such a relationship between a teacher and student or between a supervisor and supervisee, the person in a position of authority must notify their own supervisor of the relationship so that the supervisor can address any issues raised by the relationship through this Policy. Failure to provide such notice is a violation of this Policy.

1. For purposes of this Policy, teacher includes a faculty member, teaching assistant, graduate student, administrator, coach, advisor, counselor, professional housing staff, program director or other University employee having supervisory, teaching, mentoring, or other evaluative responsibilities for students.
2. Where a Complainant who in a subordinate position alleges Discrimination, Sex-Based Harassment or Discriminatory Harassment pursuant to this Policy, and the Respondent has not disclosed the relationship as provided herein, the Respondent's assertion that the Complainant consented to the relationship shall not be a sufficient defense for Prohibited Conduct.

#### **J. Retaliation**

1. Retaliation means:
  - a. an adverse action or other form of negative treatment, including but not limited to intimidation, threats, coercion, discrimination, or harassment
  - b. against any person(s)
  - c. by the University, a Student, an Employee, or other person authorized by the University to provide an aid, benefit, or service under a University education program or activity
  - d. for the purpose of interfering with any right or privilege under the applicable laws covered by this Policy or because the person has
    - i. reported information; or
    - ii. made a complaint, testified, assisted or participated or refused to participate in any manner in any investigation, proceeding, hearing, or any other action taken by the University under the Procedures, including any formal or informal resolution process.

2. To be a violation of this Policy, the challenged actions or treatment must be sufficient to discourage a reasonable person from further reporting, assistance, or participation in any investigation, proceeding, hearing, or any other action taken by the University under the Procedures.
3. Retaliation also includes peer retaliation, which means retaliation by a student against another student.
4. Individuals are also protected from Retaliation for making good faith requests for accommodations on the basis of religion or disability or for making requests for reasonable modifications on the basis of pregnancy or related conditions.
5. The University will treat Retaliation as a separate incident of Prohibited Conduct under this Policy.

#### **K. Obstruction**

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

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

#### **IV. RECORDS**

- A. Consistent with its obligations under Title IX, the University will maintain for a period of at least seven (7) years:
  1. For each complaint of sex-based discrimination, records documenting the resolution process and, if applicable, the resulting outcome; and
  2. For each notification received by the Title IX Coordinator of information about conduct that reasonably may constitute sex-based discrimination, records documenting the actions the University took to meet its obligations under applicable law.
- B. Consistent with its obligations under the POWR Act, the University will preserve any personnel or employment records made, received, or kept for at least five (5) years after the later of:
  1. The date the University made or received the record; or
  2. The date of the personnel action about which the record pertains or the final disposition of a charge of discrimination or related action, as applicable.

The University will maintain an accurate repository of all written or oral complaints of discriminatory or unfair employment practices under the POWR Act, including the date

of the complaint, the identity of the complaining party (if the complaint was not made anonymously), the identity of the alleged perpetrator, and the substance of the complaint.

- C. The University will maintain records related to the reporting, review, investigation, and resolution of other alleged Prohibited Conduct reported pursuant to this Policy consistent with the applicable federal and/or state laws and regulations.

## V. PROCESS OVERVIEW

The Associate Vice Chancellor for Equal Opportunity & Title IX/Title IX Coordinator shall develop and publish procedures that describe the rights and obligations under the Policy as well as clarify definitions and scope within this Policy. The Associate Vice Chancellor for Equal Opportunity & Title IX/Title IX Coordinator submits recommendations for substantive changes to this Policy to the Senior Vice Chancellor for Operations and Strategy Implementation and to the Provost and Executive Vice Chancellor for their review and approval.

## VI. DEFINITIONS

**“Complainant”** means an individual who is alleged to have experienced conduct that could constitute Prohibited Conduct as defined in this Policy. “Complainant” also refers to the University when it exercises the right to initiate a complaint under the Procedures.

**“Protected Status”** means race, color, national origin (including shared ancestry or ethnic characteristics),<sup>4</sup> ancestry, age, religion, creed, disability, sex (including stereotypes, sex characteristics, sexual orientation, gender identity, and gender expression), marital, family, or parental status, pregnancy or related conditions, genetic information, military enlistment, or veteran status. The University will determine what constitutes a Protected Status based on the applicable federal, state, local laws, regulations, or ordinance.

**“Respondent”** means an individual who is alleged to have engaged in conduct that could constitute Prohibited Conduct as defined in this Policy.

## VII. RESOURCES

- A. [University of Denver Non-Discrimination Statement](#)
- B. [Office of Equal Opportunity & Title IX Policies and Procedures](#)
- C. [Statement of Policy and Principles on Freedom of Expression](#)
- D. [Interim Policy on Demonstrations, Protest, and Free Expression](#)
- E. [University of Denver Honor Code](#)

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<sup>4</sup> Consistent with the U.S. Department of Education’s Office for Civil Rights’ (“OCR”) interpretation of higher education institutions’ obligations under Title VI of the Civil Rights Act of 1964, the University will interpret national origin to include, among other categories, shared Jewish, Palestinian, Arab, Muslim, and/or South Asian ancestry or ethnic characteristics. The University will respond to reports of discrimination and harassment involving antisemitism, Islamophobia, or other unlawful discrimination based on actual or perceived shared ancestry or ethnic characteristics or citizenship or residency in a country with a dominant religion or distinct religious identity consistent with this Policy and the applicable Procedures.

# Office of Equal Opportunity and Title IX (EOIX) Discrimination and Harassment Procedures

## I. Purpose

Consistent with the University's [Non-Discrimination Statement](#) and the [University's Discrimination and Harassment Policy](#) (the "Policy"), the University has adopted these Procedures to take prompt and effective action through its Office of Equal Opportunity & Title IX ("EOIX") to address and resolve reports of Prohibited Conduct within the University's education program and activities.

The University has designated the Associate Vice Chancellor for Equal Opportunity & Title IX/Title IX Coordinator ("AVC for EOIX") to coordinate the University's compliance with all federal, state, and local laws within the scope of the Policy.<sup>1</sup> The University's AVC for EOIX is

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

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

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

The ADA Coordinator oversees the provision of reasonable accommodations for University

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<sup>1</sup> The AVC for EOIX may, in their discretion, designate responsibilities to the Deputy Title IX Coordinator, Deputy Equal Opportunity Coordinator, or other appropriately trained personnel within the University. In these Procedures, when the term "AVC for EOIX" is used, it should be understood to include any of the AVC for EOIX's designees.

Employees, applicants for employment or admission, visitors, and guests. The University has designated Accessible DU: Student Disability Services (“SDS”) to manage the process for granting reasonable accommodations to qualified students with documented disabilities to facilitate equal opportunity and full participation in University programs for undergraduate and graduate students. SDS is the only office on campus authorized to review a student’s self-disclosure of a disability, medical, and/or mental health condition and determine the student’s eligibility for requested accommodations.

Inquiries about the University’s prohibitions against discrimination and harassment and related retaliation under the Policy may be directed to the AVC for EOIX (for all forms of discrimination or harassment based on Protected Status) or the ADA/504 Coordinator (for disability-related questions or requests for reasonable accommodations from University Employees, applicants for employment or admission, visitors, and guests).

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

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

U.S. Department of Education  
Office for Civil Rights  
Denver Office  
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  
[OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov)

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

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

OFCCP  
U.S. Department of Labor  
200 Constitution Ave. NW  
Washington, D.C. 20210



[www.dol.gov](http://www.dol.gov)

Telephone: (800) 397-6251 or (202) 693-0103

TTY: (877) 889-5627 or (202) 693-1337

## **II. Application**

As stated in Section II.E of the Policy, these Procedures apply to Prohibited Conduct that allegedly occurred on or after August 1, 2024. For Prohibited Conduct that allegedly occurred on or after August 14, 2020 and prior to August 1, 2024, and falls within the definition of Title IX Prohibited Conduct under the University's Discrimination and Harassment Policy dated August 7, 2023 ("2023 Policy"), the University will apply the 2023 Policy and the 2023-2024 Title IX Sexual Harassment Procedures. For Prohibited Conduct that allegedly occurred before August 1, 2024, and for matters pending within EOIX as of August 1, 2024, and that does not fall within the definition of Title IX Prohibited Conduct, the University will apply the definitions in effect at the time the conduct is alleged to have occurred (if available), and the AVC for EOIX in their discretion shall determine the applicable Procedures.

All members of the University of Denver community are subject to these Procedures, including Students, Employees, and Third Parties, subject to the following limitations. Third Parties may initiate a report or, consistent with Section IV of these Procedures, a Complaint, that a member of the University community engaged in Prohibited Conduct against them, but Third Parties alleged to have themselves engaged in Prohibited Conduct are limited in their rights pursuant to these Procedures, at the discretion of the AVC for EOIX. For example, the University may "trespass" (restrict campus access to) Third Parties who have been alleged to have engaged Prohibited Conduct without any rights to the resolution processes described in these Procedures.

## **III. Definitions**

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

The Associate Vice Chancellor of Equal Opportunity & Title IX/Title IX Coordinator or their designee ("AVC for EOIX").

### **B. Business Days**

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

### **C. Complainant**

As stated in Section VI of the Policy, an individual who is alleged to have experienced conduct that could constitute Prohibited Conduct. For the purposes of these Procedures, Complainant may also be used to refer to the University when it exercises the right to initiate a Complaint under these Procedures, although in such cases, the individual affected by the alleged Prohibited Conduct that is the subject of the Complaint remains the Complainant and the AVC of EOIX does not actually become the Complainant. For purposes of the University's Title IX obligations, a Complaint can be brought by (1) a Student or Employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or (2) a Third Party who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX and who was participating or attempting to participate in the University's education program or activity at the time of the alleged sex discrimination. With respect to allegations of sex discrimination other than Sex-

Based Harassment, a Complaint may be brought by any Student or Employee, or any other person who was participating or attempting to participate in the University's education program or activity at the time the alleged Prohibited Conduct took place.

#### **D. Complaint**

An oral or written request made to the University that objectively can be understood as a request for the University to investigate and make a determination about alleged Prohibited Conduct pursuant to these Procedures.

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

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

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

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

#### **G. Investigator**

The individual or individuals designated by the AVC for EOIX to be responsible for gathering evidence, including interviewing Parties and Witnesses, and/or drafting investigation reports.

#### **H. Outcomes**

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

#### **I. Outcome Council**

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

#### **J. Parental Status**

For purposes of the University's obligations under Title IX, parental status means the status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is: (1) A biological parent; (2) An adoptive parent; (3) A foster parent; (4) A stepparent; (5) A legal custodian or guardian; (6) In loco parentis with respect to such a person; or (7) Actively seeking legal custody, guardianship, visitation, or adoption of such a person.

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

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

#### **L. Pregnancy or Related Conditions**

For purposes of the University's obligations under Title IX, Pregnancy or Related Conditions means: (1) Pregnancy, childbirth, termination of pregnancy, or lactation; (2) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

#### **M. Preponderance of the Evidence**

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

alleged fact or conduct occurred.

**N. Prohibited Conduct**

Conduct prohibited by the University as set forth in Section III of the Policy.

**O. Protected Status**

As set forth in Section VI of the Policy, race, color, national origin (including shared ancestry or ethnic characteristics),<sup>2</sup> ancestry, age, religion, creed, disability, sex, sexual orientation, gender identity, gender expression, marital status, pregnancy or related conditions, parental status, genetic information, military enlistment, veteran status, or any other characteristic protected by state or federal law or regulation. The University will determine what constitutes a Protected Status based on the applicable federal and/or state laws or regulations.

**P. Reasonable Person**

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

**Q. Relevant**

Related to the allegations of Prohibited Conduct under investigation as part of a Formal Resolution process under these Procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged Prohibited Conduct occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged Prohibited Conduct occurred or in determining the credibility of Parties or Witnesses. As described in Section XI below, certain evidence will not be considered as Relevant.

**R. Remedies**

The measures provided, as appropriate, to a Complainant or any other person that EOIX identifies as having had their equal access to a University education program or activity limited or denied, after EOIX determines, pursuant to these Procedures, that Prohibited Conduct has occurred or that there exists or existed a Hostile Environment.

**S. Reporting Party or Reporter**

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

**T. Respondent**

As stated in Section VI of the Policy, an individual who is alleged to have engaged in conduct that could constitute Prohibited Conduct. In the event that a Complaint alleges that a University policy or

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<sup>2</sup> Consistent with the U.S. Department of Education's Office for Civil Rights' ("OCR") interpretation of higher education institutions' obligations under Title VI of the Civil Rights Act of 1964, the University will interpret national origin to include, among other categories, shared Jewish, Palestinian, Arab, Muslim, and/or South Asian ancestry or ethnic characteristics. The University will respond to reports of discrimination and harassment involving antisemitism, Islamophobia, or other unlawful discrimination based on actual or perceived shared ancestry or ethnic characteristics or citizenship or residency in a country with a dominant religion or distinct religious identity consistent with this Policy and these Procedures.

practice discriminates on the basis of Protected Status, the University is not considered a Respondent. In such cases, the University will follow this Policy, including the Formal Resolution process, although the University will, necessarily, not be entitled to certain procedural rights and steps afforded to individual Respondents. In the event a Complaint against an individual Respondent is based on actions the Respondent took in accordance with a University policy or practice, the Complaint may, in the University's sole discretion, be amended to substitute the University as Respondent. This determination will be made after a consideration of factors including, but not limited to, whether the individual was, in fact, following the University policy or practice; what actions the individual took; and whether the individual could be subject to Disciplinary Action or Outcomes.

#### **U. Responsible Employee**

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

#### **V. Student(s)**

As stated in Section II.E of the Policy, any individual registered for or auditing classes at the University; admitted to or enrolled in any University program; or on University Premises for any purpose related to the same regardless if the class, program, or other education activity is credit earning or part of a degree or non-degree program. An individual is also considered a Student under this definition if they have completed the immediately preceding term and are enrolled for a subsequent term or program; if they are representing the University between terms or programs; or, if they have previously been enrolled, but are on a leave of absence or otherwise have a continuing relationship with the University.

#### **W. Supportive Measures**

Individualized measures offered, as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to: 1) restore or preserve that Party's access to the University's education programs or activities, including measures that are designed to protect the safety of the Parties or of the University's educational or employment environment; or 2) provide support during any resolution process under these Procedures.

#### **X. Third Party / Third Parties**

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

#### **Y. Title IX Coordinator**

Title IX Coordinator means the Associate Vice Chancellor for Equal Opportunity & Title IX/Title IX Coordinator or their designee.

#### **Z. University Premises**

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

#### **AA. Witness(es)**

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

#### **BB. Written Notice**

Notice in writing and delivered (1) via electronic mail to the Party's or Witness's University email

address or other email address reported to EOIX; (2) in person; or (3) by other means to a Party's or Witness's permanent mailing address, as reported by the individual to EOIX.

#### **IV. Reporting and the Filing of Complaints**

Reporting concerns of potential Prohibited Conduct is critical to the University's ability to respond to potential Prohibited Conduct, to provide appropriate supports and resources to individuals who may have been impacted, and to monitor campus trends and provide appropriate training and prevention education to the University community. The University encourages all individuals to report any incident to the University and, if the incident involves potential criminal conduct, to also report to law enforcement. Individuals have several reporting options within and outside the University. Individuals may pursue these options simultaneously or any one of them separately.

The AVC for EOIX will monitor the University's education program and activity for barriers to reporting information about conduct that may reasonably constitute Prohibited Conduct and will take steps reasonably calculated to address such barriers.

Under these Procedures, a report provides notice to the University about an allegation of or concern about Prohibited Conduct. A report may be made in person, by telephone, in writing, by email or other electronic submission to the Office of Equal Opportunity & Title IX, or by any other means that results in the AVC for EOIX receiving notice of the concern. Reporting allows the University to reach out to the Complainant or Reporting Party to provide information about their rights and options and the availability of Supportive Measures or other community resources.

Any individual may make a report of alleged Prohibited Conduct under these Procedures; however, only the Complainant, or in limited circumstances the AVC for EOIX may file a Complaint and request the University initiate a Formal Resolution process. The University's process for assessing Complaints is addressed in Section X below.

For any individual who has been impacted by conduct that may constitute Prohibited Conduct under the Policy, deciding whether to make a report and choosing how to proceed are personal decisions. At the time a report is made, a Complainant does not have to decide whether or not to request any particular course of action, nor does a Complainant need to know how to label what happened. The University provides support to assist each individual in making these important decisions and will give considerable weight to an individual's preference in deciding how to proceed. In this process, the University will balance the individual's interest with the University's obligation to provide a safe and non-discriminatory environment for all members of the University community.

The University will review and address all reports by following these Procedures and will treat all individuals involved with dignity and respect. In every report under these Procedures, the University will make an immediate assessment of any risk of harm to the University or to the broader University community and will take steps necessary to address those risks. These steps may include Supportive Measures to provide for the safety of the individual and the University community. In appropriate cases, the AVC for EOIX may initiate an emergency removal or administrative leave process, as described in Section VIII below.

In addition to the emergency removal and administrative leave processes, if a report of Prohibited Conduct discloses a serious and immediate threat to the University community, the University's Department of Campus Safety will determine whether the Jeanne Clery Disclosure of Campus

Security Policy and Campus Crime Statistics Act of 1998 (the “Clery Act”) requires that the University issue a timely notification to protect the health or safety of the community. The notification will not include the Complainant’s name. Pursuant to the Clery Act and the Violence Against Women Act (“VAWA”), the Office of Equal Opportunity & Title IX will provide information regarding reported criminal incidents to the University’s Clery and Compliance Coordinator for inclusion in the Daily Crime Log and in the University’s Annual Security & Fire Safety Report. The University may also share aggregate data about reports, Outcomes, and/or Disciplinary Action without including personally identifiable information.

#### **A. Reporting Prohibited Conduct to the University**

The University encourages Complainants to report incidents of Prohibited Conduct directly to the Office of Equal Opportunity & Title IX by contacting the Associate Vice Chancellor of Equal Opportunity & Title IX/Title IX Coordinator or a Deputy Coordinator:

Marti McCaleb, JD  
Associate Vice Chancellor of Equal Opportunity & Title IX/Title IX Coordinator  
Office of Equal Opportunity & Title IX  
University of Denver  
Driscoll Center South, Suite 30  
2050 E. Evans Avenue  
Denver, CO 80208  
(303) 871-7016  
[Equal Opportunity & Title IX website](#)  
[Marti.McCaleb@du.edu](mailto:Marti.McCaleb@du.edu)  
[Equalopportunity@du.edu](mailto:Equalopportunity@du.edu)  
[TitleIX@du.edu](mailto:TitleIX@du.edu)

Molly Hooker  
Deputy Title IX Coordinator  
Office of Equal Opportunity & Title IX  
University of Denver  
Driscoll Center South, Suite 30  
2050 E. Evans Avenue  
Denver, CO 80208  
(303) 871-7016  
[Equal Opportunity & Title IX website](#)  
[Molly.Hooker@du.edu](mailto:Molly.Hooker@du.edu)  
[TitleIX@du.edu](mailto:TitleIX@du.edu)

Britt Swett, JD  
Interim Deputy Equal Opportunity Coordinator  
Office of Equal Opportunity & Title IX University of Denver  
Driscoll Center South, Suite 30  
2050 E. Evans Avenue  
Denver, CO 80208  
(303) 871-7016  
[Equal Opportunity & Title IX website](#)  
[Equalopportunity@du.edu](mailto:Equalopportunity@du.edu)

Lin-Chi Wang, JD  
Interim Director of Equal Opportunity & Title IX Investigations  
Office of Equal Opportunity & Title IX  
University of Denver  
Driscoll Center South, Suite 30  
2050 E. Evans Avenue  
Denver, CO 80208  
(303) 871-7016  
[Equal Opportunity & Title IX website](#)  
[Equalopportunity@du.edu](mailto:Equalopportunity@du.edu)

## **B. Responsible Employee Reporting**

In order to facilitate the University's ability to respond to Prohibited Conduct and to meet the University's obligations under state and federal law, the University requires employees who have witnessed, have been informed of, or may otherwise have information that reasonably may constitute Prohibited Conduct to report such conduct to the University, unless such employees qualify as Confidential Employees as defined in the University's Reporting by University Employees on Disclosures Relating to the University's Discrimination and Harassment Policy. If a Responsible Employee fails to timely report incidents of alleged Prohibited Conduct to the Office of Equal Opportunity & Title IX, that employee may be referred to the Division of Human Resources & Inclusive Community for disciplinary action. Individuals may report Prohibited Conduct by submitting a report through the [Office of Equal Opportunity & Title IX online reporting form](#). Individuals may also report Prohibited Conduct to other units identified below, each of which must promptly inform the Office of Equal Opportunity & Title IX. Individuals may also report Prohibited Conduct to other units identified below, each of which must promptly inform the Office of Equal Opportunity & Title IX:

Department of Campus Safety  
University of Denver  
2130 S. High St., MSC 6200  
Denver, CO 80208  
General Reports: 303-871-2334  
Anonymous Reports: 303-871-3130  
Emergencies: 911 and 303-871-3000  
[Department of Campus Safety website](#)

Office of Student Rights & Responsibilities  
University of Denver  
Community Commons  
2055 E. Evans Avenue, Suite 3001  
Denver, CO 80208  
303-871-5724  
[srr@du.edu](mailto:srr@du.edu)  
[Office of Student Rights & Responsibilities website](#)

Student Outreach & Support (SOS)  
University of Denver  
Community Commons  
2055 E. Evans Avenue, Suite 3100  
Denver, CO 80208  
[SOS@du.edu](mailto:SOS@du.edu)

SOS Referral [Online Report Form](#)

Housing and Residential Education (HRE)  
HRE staff (including Resident Assistants (RAs), Graduate Resident Director (GRDs))  
Dimond Family Residential Village  
2020 S. High Street, #P112  
Denver, CO 80208  
Phone: 303-871-2246  
[housing@du.edu](mailto:housing@du.edu)  
[Housing and Residential Education \(HRE\)](#)

Human Resources & Inclusive Community  
Mary Reed Building, Room 403  
2199 S. University Boulevard  
Denver, CO 80208  
[AskHRPartners@du.edu](mailto:AskHRPartners@du.edu)  
[Human Resources & Inclusive Excellence website](#)

Upon receiving a report of alleged Prohibited Conduct, the AVC for EOIX must take action to promptly and effectively end any Prohibited Conduct, prevent its recurrence, and remedy its effects. The AVC for EOIX will notify the Complainant, or if the Complainant is unknown, the Reporter, of the University's Informal and Formal Resolution procedures. The AVC for EOIX will also offer and coordinate Supportive Measures, as provided in Section VII below.

### **C. Reporting to Law Enforcement**

The University encourages Complainants to contact local law enforcement to report incidents of Prohibited Conduct that may also be crimes under applicable state or federal criminal statutes. At the Complainant's request, the University will assist a Complainant in contacting local law enforcement and will cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process. The University encourages all individuals to seek assistance from a medical provider, as needed, and/or law enforcement immediately after an incident of gender-based 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's definitions, burden of proof, and procedures differ from federal and state criminal law. The University is not bound by law enforcement's determination whether or not to prosecute a Respondent nor by the outcome of any criminal prosecution. The University will independently determine under these Procedures whether Prohibited Conduct has occurred. The University may undertake any process under these Procedures prior to, simultaneously with, or following civil or criminal proceedings.

### **D. Anonymous Reporting**

Any individual other than a Responsible Employee can make a report without disclosing one's own name, identifying the Respondent, or requesting any action. The Office of Equal Opportunity & Title IX will evaluate an anonymous report in the same manner as a report with an identified Complainant, consistent with these Procedures; however, 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. The University will review all anonymous reports, and where there is sufficient information, include applicable information in Clery Act reporting, as well as



in annual reporting statistics compiled by Office of Equal Opportunity & Title IX.

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

Although there is no time limit on reporting Prohibited Conduct to the University, the University encourages Complainants and other individuals to promptly report allegations of Prohibited Conduct as soon as reasonably possible after the event(s) occurred.

Delays in reporting can prevent the University from gathering evidence sufficient to initiate an investigation or reach a determination of responsibility. If the Respondent is no longer a Student or Employee, the University may not be able to impose Outcomes and/or Disciplinary Action against the Respondent. Nevertheless, the University will still seek to provide Supportive Measures for a Complainant and take steps to end the Prohibited Conduct, prevent its recurrence, and address its effects.

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

The Investigator or AVC for EOIX will grant reasonable extensions of timeframes set forth in these Procedures on a case-by-case basis for good cause with Written Notice to the Parties that includes the reason for the delay.

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

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

The University generally will not initiate a formal conduct process under the Honor Code if a Student who makes a good faith report to a University official, who contacts emergency services, or who participates as a Party or Witness in any resolution process related to Prohibited Conduct, for personal consumption of alcohol or other drugs that would otherwise be a violation of the Honor Code, provided that the misconduct did not endanger the health or safety of others. However, the University does not extend this amnesty to (1) the distribution or sale of alcohol or other drugs; or (2) the provision of alcohol or other drugs to another individual for the purpose of inducing incapacitation as defined in the Policy.

When granting amnesty for the personal use of drugs or alcohol, the University may, however, refer the Student for an evaluation related to their health status or substance use; engage with the Student in an assessment or educational discussion; or pursue other non-disciplinary options regarding alcohol or other drug use.

The University also provides the Medical Amnesty Process as set forth in the [Honor Code](#).

## **V. Privacy and Confidentiality**

The Office of Equal Opportunity & Title IX is not a confidential resource. However, EOIX will maintain the privacy of Complainants, Respondents, and Witnesses to the extent possible. EOIX may share information related to a report of Prohibited Conduct with those University Employees who have a “need to know” in order to provide Supportive Measures or assist in the active response, review, investigation, or resolution of the alleged Prohibited Conduct. EOIX will not share information regarding a report by a Student or Employee with the Complainant’s or Respondent’s parents, guardians, or any Third Party unless required or permitted by the Family Educational Rights and Privacy Act of 1974 (“FERPA”). The University will not release information, including the identity of the Parties, from proceedings under the Procedures except as required or permitted by federal or state law, regulation (including by the terms of a Federal award, i.e., grant award or other funding agreement), or University policy.

### **A. Confidential Resources**

For purposes of these Procedures, confidentiality means that a client or patient (including Students, staff, and faculty) sharing information with a designated confidential employee 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).

When a Complainant shares information with a Confidential Employee, the Confidential Employee is not required to disclose that information to the AVC for EOIX. The Confidential Employee must, however, provide the Complainant with the AVC for EOIX’s contact information, assist the Complainant in reporting, if desired, and provide the Complainant with information about how to report Prohibited Conduct to EOIX and how EOIX can assist by offering and coordinating Supportive Measures, as well as initiate an Informal Resolution process or Formal Resolution process. Confidential Employees may also share non-identifiable information about reported incidents for statistical tracking purposes or to assist in the development of education and prevention programs.

The following University offices are designated as Confidential Resources under these Procedures:

Center for Advocacy, Prevention and Education (CAPE)  
303-871-3853  
[Cape@du.edu](mailto:Cape@du.edu)  
[CAPE website](#)

University Ombudsperson  
303-871-4712  
[ombuds@du.edu](mailto:ombuds@du.edu)

Health and Counseling Center (HCC)  
2240 E. Buchtel Blvd. 3N  
Denver, CO 80208  
303-871-2205  
[Info@hcc.du.edu](mailto:Info@hcc.du.edu)

[HCC website](#)

## **B. Unauthorized Disclosure of Information**

The University will take reasonable steps to prevent and address a Party's unauthorized disclosure of information and evidence that a Party obtains solely through the resolution process under these Procedures. The restrictions regarding a Party's use of information and evidence are set forth in Section XI below. The Parties, including others acting on their behalf, must not disclose information and evidence except as provided in these Procedures or as required or authorized by law.

## **VI. Requests for Accommodations and/or Language Assistance**

A Party or Witness may request reasonable assistance or support (i.e., for disabilities or language barriers) to allow their full participation in any process under these Procedures. Employees or Third Parties should contact the ADA Coordinator at [ADACoordinator@du.edu](mailto:ADACoordinator@du.edu). Students with disabilities who seek accommodations to fully access these Procedures should promptly contact [Accessible DU: Student Disability Services](#) at [dsp@du.edu](mailto:dsp@du.edu) to submit a request for such accommodations. Parties or Witnesses needing language assistance should contact EOIX to request such assistance.

## **VII. Supportive Measures**

Supportive Measures are available to a Complainant regardless of whether the matter is reported to the University for purposes of initiating a resolution process (i.e., regardless of whether a Complaint is filed). A Complainant who submits a report solely to request Supportive Measures retains the right to file a Complaint either at the time the Supportive Measure is requested or at a later date.

Supportive Measures may also be requested by and made available to Respondents, Witnesses, and other impacted members of the University community.

Supportive Measures may vary depending on what the University determines to be reasonably available.

Supportive Measures may include, but are not limited to:

1. Assistance in seeking academic adjustments, including modified class schedules (including transfer to another section), permission to withdraw from and/or retake a class or attend a class via alternative means, and extension of assignment deadlines or other course-related adjustments.
2. Assistance in modifying University employment arrangements, including changes in work schedules, job assignments, work locations, and/or assigned parking.
3. Campus escort services and safety planning through Campus Safety.
4. Mutual restrictions on contact between the Parties.
5. Assistance in requesting leaves of absence.
6. Modifications to University housing arrangements, including immediate temporary relocation to alternative living quarters and/or permanent reassignment of University housing.
7. Assistance in arranging a meeting with law enforcement to discuss reporting or safety planning.
8. Assistance in modifying assigned parking.
9. Increased security and monitoring of certain areas of the campus.

10. Trainings and educational programs
11. Other changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative.
12. Any other mechanism which can be tailored to the involved individuals to achieve the goals of these Procedures.

The AVC for EOIX will offer and coordinate Supportive Measures and may consult with other relevant University administrators to determine whether a particular Supportive Measure is appropriate, not unreasonably burdensome, and reasonably available in a particular matter. The AVC for EOIX may coordinate with [Accessible DU: Student Disability Services](#) regarding Supportive Measures for Students. The AVC for EOIX is responsible for coordinating the effective implementation of Supportive Measures and will serve as the point of contact for any individual requesting Supportive Measures pursuant to these Procedures.

A Party may request to modify or reverse the University's decision to provide, deny, modify, or terminate Supportive Measures applicable to them by submitting a written request to the AVC for EOIX within five (5) Business Days of notification of the decision. The AVC for EOIX or another appropriate and impartial employee other than the employee who implemented the Supportive Measures will review the request and determine whether the decision to provide, deny, modify, or terminate the supportive measures was inconsistent with the University's definition of Supportive Measures. The University will provide a Party with the opportunity to seek additional modification or termination of Supportive Measures applicable to them if circumstances materially change. The Party must submit such a request in writing to the AVC for EOIX.

Witnesses and other members of the University community who have been impacted by the alleged Prohibited Conduct may request Supportive Measures; however, an individual who is not a Party does not have the right to appeal the AVC for EOIX's decision regarding the appropriateness and reasonable availability of a Supportive Measure.

The University will train employees with the authority to modify or reverse a decision to provide, deny, modify, or terminate Supportive Measures.

The University will not disclose information about any Supportive Measures to persons other than the person to whom the Supportive Measure applies unless: (1) necessary to provide the Supportive Measure; (2) necessary to restore or preserve a Party's access to the education program or activity; or (3) unless permitted or required by federal or state law or regulation. This restriction on disclosure includes informing one Party of Supportive Measures provided to another Party.

## **VIII. Emergency Removal and Administrative Leave**

### **A. Emergency Removal**

The University may remove a Student Respondent who is alleged to have engaged in Prohibited Conduct from all or part of its education program or activity on an emergency basis if the University:

1. Undertakes an individualized safety and risk analysis;
2. Determines that an imminent and serious threat to the health or safety of a Complainant or any Students, Employees, or other individual arising from the allegations of Prohibited Conduct justifies removal; and

3. Provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

## **B. Administrative Leave**

The University may place a Respondent who is an Employee on administrative leave from their employment responsibilities during the pendency of a Resolution Process set forth in Section XI below. The University, in its discretion and based on the totality of the circumstances, will determine whether any administrative leave imposed is to be imposed with or without pay or benefits.

## **C. Trespass Notices**

The University may trespass Third Parties who have been alleged to have engaged in Prohibited Conduct without any rights to the resolution processes described in these Procedures. Members of the University community who host Third Parties may be held accountable for the misconduct of their Third Parties pursuant to applicable University policies.

## **IX. Advisor**

Throughout the entire resolution process, each Party has the right to be assisted by one (1) advisor (who may also be considered a support person) of their choosing. Although the University does not limit a Party's choice of advisor, the University will only communicate with a Party directly and not through an advisor.

An advisor may not:

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

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

Where a Party is a Student, prior to an advisor participating in any meeting or receiving any documents as part of any process under these Procedures, the Party must execute a release pursuant to the Family Education Rights Privacy Act of 1974 ("FERPA") permitting the University to allow the advisor to have access to the Party's education records related to the process. The advisor may accompany and be present at any meeting or interview and may consult directly with the Party whom they are assisting, provided that this occurs in a manner that does not disrupt or delay the meeting or interview.

The University expects that the advisor will arrange their schedules to allow them to attend meetings with the Party they are assisting. The AVC for EOIX may grant a request to reschedule a meeting based on an advisor's schedule if such rescheduling does not create an unreasonable delay.

The University will not allow advisors the opportunity to review any document or to attend any meeting in the absence of the Party they are assisting. The University may exclude advisors who act in a manner contrary to these limitations or otherwise disrupt any proceeding from that proceeding and/or future proceedings. Although a licensed attorney is permitted to serve as an advisor at any stage in the process under these Procedures, their participation in the process is subject to the limitations described above.

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

### **A. Initial Assessment**

When the Office of Equal Opportunity & Title IX receives a report of Prohibited Conduct or a Complaint, the AVC for EOIX will, typically within seven (7) Business Days, conduct an initial assessment of the alleged conduct in order to determine whether the nature or circumstances of the alleged conduct are within the scope of these Procedures. The initial assessment may include, as applicable:

1. An evaluation of any immediate health or safety concerns regarding the alleged conduct, in consultation with the Department of Campus Safety, to determine if the Clery Act requires the Department of Campus Safety to include non-identifying information in the University's Daily Crime Log and/or to make a timely notification to the University community;
2. A determination whether the alleged conduct, if proved, would reasonably constitute Prohibited Conduct;
3. Consideration whether the Complainant has expressed a preferred method of resolution;
4. A determination whether the University has jurisdiction over the alleged conduct, as defined in the Policy and these Procedures; and
5. A determination whether any Supportive Measures are appropriate to address the Complainant's safety, well-being, and continued access to educational and employment opportunities.

In addition, EOIX will assess whether the alleged Prohibited Conduct, alone or in combination with other reports and Complaints, constitutes a hostile environment and will evaluate what measures the University may take to redress the effects of the hostile environment on the University community. EOIX will undertake this assessment regardless of whether the Reporting Party or Complainant responds to outreach from EOIX.

If the AVC for EOIX concludes that the allegations contained in the report or Complaint do not fall within the scope of Prohibited Conduct under the Policy, the AVC for EOIX will, as appropriate, refer the matter to the applicable administrator or University unit, provide the Complainant and/or Reporting Party with resources, dismiss the Complaint, and/or close the matter. Prior to dismissing a Complaint based on an initial assessment, the University will make reasonable efforts to clarify the allegations in the report or Complaint with the Complainant.

### **B. Intake**

If, after the initial assessment, the AVC for EOIX determines that the allegations in the report or Complaint may reasonably constitute Prohibited Conduct, the AVC for EOIX may request an intake meeting with the Complainant to discuss the Complainant's options for resolution under the Policy

and Procedures. The AVC for EOIX may also request an intake meeting with the Complainant if more information or clarification is needed to make an initial assessment whether the allegations may reasonably constitute Prohibited Conduct. The University may use information gathered during the intake process in any future resolution process.

As part of the intake meeting, the AVC for EOIX will generally, as appropriate:

- Review the Policy and these Procedures, discuss the options, 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 allegations may also constitute a crime(s) under applicable state or federal 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:
  - a. On-and off-campus resources;
  - b. The available range of Supportive Measures;
- Provide an explanation of the procedural options, including Informal Resolution and Formal Resolution, and the possibility of Disciplinary Action (for Employees) and/or Outcomes (for Students);
- Discuss the Complainant's expressed preference for the manner of resolution and any barriers to proceeding in that manner;
- Explain the University's prohibition on Retaliation; and
- Explain the Complainant's right to be assisted by an advisor of their choice and the role of the advisor in the resolution process.

### **C. Evaluation**

The AVC for EOIX will consider the Complainant's expressed preference for the manner of resolution and will seek to honor the Complainant's preferences while also balancing the University's obligation to promote a safe and non-discriminatory environment for all members of the University community.

Although the University will consider a Complainant's request for anonymity, the University may not be able to fully investigate and respond to a report if the Complainant requests that their name not be disclosed to the Respondent or if the Complainant 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 alleged conduct. The University may be unable to honor such a request in certain circumstances in order to adequately fulfill the University's obligations to promote a safe and non-discriminatory environment.

When a Party is both a Student and an Employee in a matter involving alleged Prohibited Conduct that may constitute sex discrimination under Title IX, the AVC for EOIX will make a fact-specific inquiry to reasonably determine whether the Party is considered a Student or an Employee for purposes of these Procedures. The AVC for EOIX will consider, among other factors, whether the Party's primary relationship with the University is to receive an education and whether alleged Prohibited Conduct that may constitute sex discrimination under Title IX occurred while the Party was performing employment-related work.

#### **D. When the Associate Vice Chancellor May Initiate a Complaint**

In the absence of a Complaint filed by a Complainant, or when the Complainant withdraws any or all of the allegations in a Complaint, the AVC for EOIX will consider whether to initiate a Complaint alleging Prohibited Conduct after considering, at a minimum:

1. The Complainant's request not to proceed with initiation of a Complaint;
2. The Complainant's reasonable safety concerns regarding initiation of a Complaint;
3. The risk that additional Prohibited Conduct would occur if a Complaint is not initiated;
4. The severity of the alleged Prohibited Conduct, including whether the alleged Prohibited Conduct, if established, would require the removal of a Respondent from University Premises or imposition of another Outcome/Disciplinary Action to end the Discrimination and prevent its recurrence;
5. The age and relationship of the Parties, including whether the Respondent is an Employee;
6. The scope of the alleged Prohibited Conduct, including information suggesting a pattern of Prohibited Conduct, ongoing Prohibited Conduct or Prohibited Conduct alleged to have impacted multiple individuals;
7. The availability of evidence to assist a decisionmaker in determining whether Prohibited Conduct occurred; and
8. Whether the University could end the alleged Prohibited Conduct and prevent its recurrence without initiating a formal resolution process.

If, after considering these and other relevant factors, the AVC for EOIX determines that the alleged Prohibited Conduct presents an imminent and serious threat to the health or safety of the Complainant or another person, or that the alleged Prohibited Conduct prevents the University from providing equal access to its education program or activity, the AVC for EOIX may initiate a Complaint.

When the AVC for EOIX determines that the University's obligation to promote a safe and non-discriminatory environment requires initiating a Complaint, the AVC for EOIX will notify the Complainant prior to doing so and appropriately address any reasonable concerns about the Complainant's safety or the safety of others, including by providing Supportive Measures consistent with these Procedures.

Regardless of whether the University or a Complainant initiates a Complaint, or if the Complainant participates in resolution process under these Procedures, the AVC for EOIX will take other appropriate prompt and effective steps to end the Prohibited Conduct and prevent its recurrence within the University's education program or activity.

If the AVC for EOIX determines that the allegations, if proven, would not constitute Prohibited Conduct but would contribute to a hostile environment, the AVC for EOIX will address on-going concerns raised by the Complainant to determine whether Supportive Measures and/or Remedies are appropriate.

In matters alleging Sex-Based Harassment, when the University is the Complainant, a Reporting Party is treated as a complaining Witness and will only see their statement and be informed of the result of the investigation. The University will not coerce or retaliate against a Reporting Party to persuade them to participate in the investigation.

#### **E. Dismissal of a Complaint**



At any time during the Resolution process, the AVC for EOIX may, in their discretion, dismiss a Complaint, for any of the following reasons:

1. The University is unable to identify the Respondent after taking reasonable steps to do so;
2. The Respondent is no longer enrolled or employed by the University;
3. The Complainant notifies the AVC for EOIX in writing of the Complainant's wish to voluntarily withdraw any or all of the allegations in the Complaint, the AVC for EOIX declines to initiate a Complaint under this section, and the University determines that, without the Complainant's withdrawn allegations, the remaining allegations in the Complaint, if any, would not constitute Prohibited Conduct, even if proven; and/or
4. The University determines (after reasonable efforts to clarify have been made, as appropriate) that the conduct alleged in the Complaint would not constitute Prohibited Conduct, if proven.

Upon dismissal of the Complaint or any allegations therein, the AVC for EOIX will promptly provide Written Notice of and the basis for the dismissal to the Complainant. If the dismissal occurs after EOIX has notified the Respondent of the allegations, the AVC for EOIX will also provide Written Notice to the Respondent of and the basis for the dismissal. Either Party may appeal the dismissal of a Complaint as set forth in Section XIII below.

#### **F. Consolidation**

The AVC for EOIX may consolidate Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party, into one investigation when the allegations of Prohibited Conduct arise out of the same facts or circumstances.

Except in matters alleging Prohibited Conduct on the basis of sex, the AVC for EOIX may also consolidate a single Complainant or multiple Complainants, a single Respondent or multiple Respondents, and allegations of conduct that is temporally or logically connected.

The AVC for EOIX may, in consultation with other University administrators, elect to consolidate the investigation of Complaints of Prohibited Conduct under these Procedures with complaints of violations of other University policies where the allegations arise out of the same facts or circumstances.

1. For purposes of such consolidation, the Investigator may conduct a single investigation.
2. Following the completion of the investigation, the University may decide, in its sole discretion, whether to proceed with all allegations under these Procedures or whether to proceed with the allegations related to violations of other University policies under the applicable procedures (e.g., the Honor Code).
3. If Complaints involving multiple Complainants and/or multiple Respondents are consolidated, each Party will have access to all of the information being considered, including information provided by all involved Complainants, all involved Respondents, and all involved Witnesses.
4. The University will communicate the chosen course of action to all Parties.

5. The University exercising its discretion to consolidate is not subject to appeal.

## **XI. Resolution Options**

The University provides both informal or formal resolution procedures for EOIX to resolve reports. With consideration of the Parties' preferences and in consultation with other University administrators as appropriate, the AVC for EOIX will determine, based on the circumstances of each report and the factors set forth above, which resolution procedure(s) are available and appropriate.

### **A. Informal Resolution**

Informal Resolution is an alternative resolution process that does not include a full investigation or, in the case of Sex-Based Harassment involving one or more Students, a hearing. Informal Resolution includes a spectrum of facilitated, or structured, and adaptable processes between the Complainant, the Respondent, and/or other community members that seek to identify and meet the needs of the Parties, and seek to address and repair the harm (to the extent possible) experienced by the Complainant and/or other community members.

#### **1. Availability of Informal Resolution Process**

At any time after receiving a report of alleged Prohibited Conduct or a Complaint and prior to a determination of responsibility for Prohibited Conduct, the Parties may agree to pursue an Informal Resolution process, so long as such a process does not conflict with federal, state, or local law, and the University agrees that it is appropriate.

All Parties must voluntarily consent, in writing, to the Informal Resolution process. The University will not require or pressure the Parties to participate in an Informal Resolution process, nor require the Parties to waive their rights to a Formal Resolution process or the determination of a Complaint as a condition of enrollment, continuing enrollment, employment, or continuing employment, or exercise of any other right. If, during the course of a Formal Resolution process, either Party requests Informal Resolution, the Formal Resolution may be paused or terminated in order to initiate Informal Resolution instead.

The AVC for EOIX has the discretion to determine whether it is appropriate to permit an Informal Resolution process in any particular matter and may decline to permit Informal Resolution despite one or more of the Parties' wishes. Circumstances when the AVC for EOIX may decline to allow Informal Resolution include but are not limited to when the AVC for EOIX determines that the alleged Prohibited Conduct would present a future risk of harm to the Complainant or others in the University community. When offering an Informal Resolution Process under these Procedures, the AVC for EOIX will also take other appropriate prompt and effective steps to confirm that Prohibited Conduct does not continue to recur within the University's education program or activity.

At any time prior to executing an Informal Resolution Agreement, the Parties have the right to withdraw from the Informal Resolution process and resume the Formal Resolution process. If either Party withdraws from Informal Resolution before a Complaint has been filed, the Complainant retains the right to file a Complaint and initiate the Formal Resolution process described below.

The AVC for EOIX also has the discretion to terminate an Informal Resolution process if, at any time, the AVC for EOIX determines that Informal Resolution is not appropriate to resolve a Complaint or to stop Prohibited Conduct, remedy its impact, or prevent its recurrence.

## **2. Notice Prior to Commencing Informal Resolution**

Before initiating an Informal Resolution process, the AVC for EOIX will issue Written Notice to the Parties disclosing:

- a. The nature of the allegations in the report.
- b. The requirements of the Informal Resolution process, including the circumstances under which the process precludes the Parties from initiating or resuming a Formal Resolution process arising from the same allegations.
- c. The Informal Resolution process is only available if the Parties voluntarily consent in writing. If the Parties voluntarily consent, the University may initiate an Informal Resolution process any time prior to reaching a determination regarding responsibility.
- d. That either Party may withdraw from the Informal Resolution process prior to agreeing to an Informal Resolution agreement and may initiate or resume the Formal Resolution process.
- e. The potential terms that may be requested or offered in an Informal Resolution agreement, including but not limited to:
  - i. Restrictions on contact;
  - ii. Restrictions on the Respondent's participation in one or more of the University's programs or activities or attendance at specific events; and/or
  - iii. Restrictions that the University could have imposed as Remedies, Outcomes, or Disciplinary Action had EOIX determined at the conclusion of the Formal Resolution Process that Respondent was responsible for Prohibited Conduct
  - iv. That an Informal Resolution Agreement is binding only on the Parties.
  - v. What information the University will maintain and whether and how the University could disclose or use such information in a Formal Resolution process if initiated or resumed.

## **3. The facilitator for the Informal Resolution will:**

- a. not be the same person as the Investigator or Decisionmaker in the Formal Resolution process
- b. be free from conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent
- c. be trained by the University as set forth in Section XV below.

## **4. Conclusion and Finality of Informal Resolution Process**

After the Parties have engaged in an Informal Resolution process, a resolution, and both Parties have signed an Informal Resolution agreement, and the AVC for EOIX has accepted the result of that process, the resolution is binding and the Parties generally are precluded from initiating or resuming a Formal Resolution process relating to the same allegations of Prohibited Conduct.

No Party may appeal a binding resolution reached through the Informal Resolution process. However, a Party's failure to complete the terms of an Informal Resolution, as set forth in the Informal Resolution agreement may result in the Office of Equal Opportunity & Title IX commencing or resuming a Formal Resolution and/or referral of that Party to the Office of Student Rights & Responsibilities or the Division of Human Resources & Inclusive Community for appropriate action or confirmed.

For Student Respondents, Informal Resolution will not result in Outcomes through the Outcome Council, but rather terms in an Informal Resolution agreement may include education, coaching, mentoring, voluntary withdrawal, or other action steps that the AVC for EOIX deems appropriate, in consultation with other University administrators as needed. For Informal Resolutions involving Students, the University division, department, unit, or office responsible for taking action or confirming the Student's action regarding the applicable term set forth in the Informal Resolution agreement, if applicable, must inform the Office of Equal Opportunity & Title IX that such action has been taken.

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

## **5. Timeframe for Informal Resolution**

The University will make a good faith effort to complete the Informal Resolution process within ninety (90) Business Days of the Parties' mutual agreement to enter into Informal Resolution, without jeopardizing the rights of a Party.

### **B. Formal Resolution Processes**

Subject to the restrictions set forth below, the University provides the following mechanisms for the formal resolution of Complaints under these Procedures:

- Administrative Inquiry
- Formal Investigation
  - Formal Investigation with Determination by Hearing
  - Formal Investigation with Investigator Determination

The University will resolve Complaints involving allegations of Sex-Based Harassment where any Party is a Student using the Formal Investigation with Determination by Hearing process.

Where a Complaint alleges only 1) Harassment under the POWR Act (except for Complaints alleging harassment on the basis of sex); or 2) Failure to Inform a Supervisor of a Consensual Relationship, the University will resolve the Complaint through the Administrative Inquiry process.

For all other Complaints, the AVC for EOIX will determine in their sole discretion the appropriate Formal Resolution Process. The AVC for EOIX's determination of the appropriate manner of resolution is not subject to appeal.

### **1. Time Frames for Formal Resolution**

To help facilitate completion of the investigation in a timely manner, the University has established time frames for certain components of the investigation. The time frame for resolution will depend on the availability of Witnesses, University breaks or vacations, complexities of a case, including the

number of Witnesses and volume of information provided by the Parties, as well as other considerations. The University will make a good faith effort to address and resolve Complaints, exclusive of any appeals, within ninety (90) Business Days, without jeopardizing the rights of a Party. The University will strive to complete the Formal Resolution process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness. The University will provide regular updates to the Parties of the status of the Formal Resolution.

The Parties have the right to determine whether, and to what extent, they will participate in the Formal Resolution process. However, the resolution process will move forward to the next stage regardless of whether a Party or Witness completes the identified component within the applicable time frame.

Based on extenuating circumstances, a Party may seek an extension of time by submitting a written request to the AVC for EOIX showing good cause. The AVC for EOIX will notify the Parties of any extension granted and the reason for the extension. Where a time frame applies to both Parties, the extension will be given to both Parties.

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

## **2. Administrative Inquiry**

The Administrative Inquiry process cannot be used to resolve Complaints of Prohibited Conduct on the basis of sex. Otherwise, the AVC for EOIX may initiate an Administrative Inquiry to gather information and attempt to resolve a Complaint at the earliest stage. Such an Inquiry may include a review of applicable University policies or procedures, division, academic unit or departmental policies and procedures. An Inquiry may also be used to address allegations of Hostile Environment Harassment based on a Protected Status (excluding sex) that may be impacting the educational or employment environment of an individual or group within the University community.

### **a. Initiation and Notice**

Upon the initiation of an Administrative Inquiry, the AVC for EOIX will provide Written Notice of the initiation and the scope of the Administrative Inquiry:

- i. Where a Complainant(s) and a Respondent have been identified, to the Parties;
- ii. Where a Complainant(s) are identified, but no individual Respondent is identified, to the Complainant(s) and to the leader of the involved unit or

campus leadership, as applicable.

b. Process and Determination

As part of an Administrative Inquiry, to determine whether Prohibited Conduct has occurred and whether identifiable individuals or groups are responsible for Prohibited Conduct, the AVC for EOIX may interview any Parties and/or Witnesses, gather relevant evidence from the Parties, Witnesses, or other University administrators, review University records, and/or interview Witnesses.

Through the Administrative Inquiry, EOIX may establish one or more of the following that:

- i. Prohibited Conduct has or has not occurred;
- ii. Identified individual(s) or group(s) is/are responsible for Prohibited Conduct;
- iii. The allegations in the Complaint do not meet the definition of Prohibited Conduct but have impacted the educational or employment environment of an individual or group that share a Protected Status;
- iv. No identified individual(s) or group(s) is/are responsible for Prohibited Conduct.

c. Conclusion, Referral, and Remedies

At the conclusion of an Administrative Inquiry, the AVC for EOIX may:

- i. Consult with other University officials to determine appropriate Outcomes and/or Disciplinary Action, if applicable, and Remedies based on the findings of the Administrative Inquiry;
- ii. Refer the matter to an appropriate University administrator to implement remedies, including connecting impacted community members to available resources; and/or
- iii. Offer awareness and education programs and trainings to the campus community, including programs addressing the presence and effects of bias on campus.

EOIX will provide any identified Complainant(s) and Respondent(s) with a Written Notice of conclusion that includes a summary of the steps taken in the Administrative Inquiry, the applicable findings, and any recommendations, referrals, and/or Remedies. Unlike in a Formal Investigation, the Complainant and Respondent do not have the right to review all information gathered through the course of an Administrative Inquiry. The AVC for EOIX has the discretion to redact, remove, or summarize, including, but not limited to, personally identifiable information, personnel records, Witness statements, and other evidence that the Associate Vice Chancellor determines necessary or appropriate.

If the AVC for EOIX determines that an Administrative Inquiry is insufficient to address and resolve the Complaint or that the information gathered indicates that a Formal Investigation is warranted, the AVC for EOIX may initiate a Formal Investigation. Information gathered as part of an Administrative Inquiry may be included as evidence in a Formal Investigation.

If through an Inquiry or another Formal Resolution process, the EOIX finds that alleged Prohibited Conduct has otherwise contributed to a climate of systemic discrimination or finds a Hostile Environment that impacts the educational or employment environment of an individual or group based on a Protected Status, the AVC for EOIX may consult with other University administrators to determine appropriate remedial actions needed to address the situation.

### **3. Inquiry for the POWR Act**

- a. If the alleged Prohibited Conduct in the Complaint involves solely allegation(s) of Harassment under the POWR Act that are not based on sex, the AVC for EOIX will initiate an Administrative Inquiry to address the Complaint. When conducting an Administrative Inquiry into allegation of harassment under the POWR Act, the AVC for EOIX will consider the following factors to determine the totality of the circumstances, including:
  - i. The frequency of the conduct or communication, recognizing that a single incident may rise to the level of Harassment under the POWR Act;
  - ii. The number of individuals engaged in the conduct or communication;
  - iii. The type or nature of the conduct or communication, recognizing that conduct or communication that, at one time, was or is welcome between two or more individuals may become unwelcome to one or more of those individuals;
  - iv. The duration of the conduct or communication;
  - v. The location where the conduct or communication occurred;
  - vi. Whether the conduct or communication is threatening;
  - vii. Whether any power differential exists between the individual alleged to have engaged in harassment and the individual alleging the harassment;
  - viii. Any use of epithets, slurs, or other conduct or communication that is humiliating or degrading; and
  - ix. Whether the conduct or communication reflects stereotypes about an individual or group or individuals in a protected class.
- b. If the Administrative Inquiry determines that a Respondent is responsible for Harassment under the POWR Act, the AVC for EOIX may consult with other University administrators to determine appropriate Disciplinary Action and Remedies and will refer the matter to the appropriate University official to implement such actions and Remedies. Complainant and Respondent will receive a written notice of decision that includes a summary of the steps taken in the Administrative Inquiry, the applicable findings and any recommendations, referrals, and/or Remedies.

### **4. Formal Investigation**

If the AVC for EOIX determines to resolve a Complaint through a Formal Investigation, the AVC for EOIX will designate one or more Investigators from the Office for Equal Opportunity and Title IX and/or an experienced external investigator(s) to conduct a prompt and equitable investigation. Any Investigator chosen to conduct the investigation must be free of any conflict of interest or bias for or against Complainants or Respondents generally, or a specific Complainant or Respondent.

The Parties will have two (2) Business Days from receipt of the name(s) of the Investigator(s) to raise any objection to the Investigator(s) based upon conflict of interest or bias. The Party must object in

writing, specifically describe the purported conflict of interest or bias, and provide any evidence to support this concern. The AVC for EOIX will assess the circumstances and determine whether to assign a different Investigator to the matter.

a. Written Notice of Investigation

After the AVC for EOIX determines to initiate a Formal Investigation, the Office of Equal Opportunity & Title IX will notify the Parties in writing that EOIX has initiated an investigation. If the University has reasonable concerns for the safety of any person as a result of providing this Written Notice, EOIX may reasonably delay in providing it in order to address the safety concern appropriately. Reasonable concerns must be based on individualized safety and risk analysis and not on mere speculation or stereotypes.

The Written Notice will identify the Policy and the applicable Procedures containing information about the informal and formal resolution processes and provide:

- i. The identities of the Parties involved (the Complainant(s) and Respondent(s)), if known;
- ii. The alleged Prohibited Conduct;
- iii. The date(s) and location(s) of the incident(s), if known;
- iv. State that Retaliation is prohibited;
- v. State the Parties are entitled to an equal opportunity to access the Relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes the evidence as provided in a Formal Investigation process as set forth below; and if EOIX provides access to an investigative report, the Parties are entitled to an equal opportunity to access the Relevant and not otherwise impermissible evidence upon the request of any Party;
- vi. State that the Respondent is presumed not responsible for alleged Prohibited Conduct until a determination regarding responsibility is made at the conclusion of the Formal Investigation process described below;
- vii. State that prior to the determination of responsibility, the Parties will have an opportunity to present Relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- viii. Inform the Parties that they may have an advisor of their choice to serve the role set forth in Section IX, and that the advisor may be, but is not required to be, an attorney;
- ix. Inform Parties who are Students that the Honor Code prohibits intentionally giving false or misleading information to a University official;
- x. Identify any other potential violations of other University policies that will be consolidated into the Formal Investigation (if any), and the process for informing the Parties of any additional allegations of Prohibited Conduct that may be added to the Formal Investigation;
- xi. Identify the assigned Investigator(s);
- xii. Explain how the Parties may challenge the Investigator(s) for bias or conflict of interest; and
- xiii. Instruct the Parties to preserve any potentially relevant evidence in any format.

The University encourages Parties to raise all issues or allegations that may arise out of the same facts or circumstances at the outset of the investigation. If during the course of an investigation, the University decides to investigate additional allegations which are consolidated with the ongoing



investigation, but that were not included in the earlier Written Notice, the University will provide notice of the additional allegations to the Parties whose identities are known.

#### b. Participation of Parties and Witnesses

EOIX will provide each Party with written notice of the date, time, location, participants, and purpose of all meetings or proceedings in the Formal Investigation with sufficient time for the Party to prepare to participate. No Party or Witness is required to participate in the Formal Investigation; a Party's decision not to participate in the investigation, in whole or in part, will be documented in the investigative report. However, if either Party declines to participate or limits the extent of their participation, such decision may limit the ability of the University to thoroughly investigate and resolve the Complaint.

In the Written Notice, the AVC for EOIX will invite each Party to an informational meeting to review these Procedures, discuss the rights and responsibilities of a Party, review the resources available to Parties throughout the Investigation process, and answer any questions that the Party may have. Each Party wishing to participate in an informational meeting before the Formal Investigation begins must complete the informational meeting within five (5) Business Days of the date of notice.

After completing the informational meeting, or upon the expiration of the deadline to have an initial informational meeting, Complainant and Respondent will be invited to complete an initial interview with an Investigator. The initial interview typically will be completed within ten (10) Business Days of the Investigator's request for an interview, or the investigation will move forward without the initial interview.

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

The Investigator or AVC for EOIX will grant reasonable extensions of timeframes set forth in these Procedures on a case-by-case basis for good cause with Written Notice to the Parties that includes the reason for the delay.

#### c. Investigation Procedure

The University, and not the Complainant or the Respondent, has the burden of gathering evidence sufficient to reach a determination regarding responsibility. As noted above, the University will take reasonable steps to protect the privacy of the Parties and Witnesses during the Investigation process. However, in doing so, the University will not restrict the ability of either Party to obtain and present evidence; identify and speak to Witnesses; consult with family members, confidential resources, their advisor; or otherwise prepare for or participate in the Investigation or hearing, if any. The University will take reasonable steps to prevent and address the Parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the Investigation.

During the investigation, each Party has an equal opportunity to present fact Witnesses and submit other inculpatory and exculpatory evidence (such as documents, communications, photographs, or other information) that are Relevant, and to suggest questions to be posed to the other Party or Witnesses. The Investigator may ask a Party or Witness to describe the relevance of the information submitted or to provide a description of what Relevant evidence a proposed Witness is expected to provide. The Investigator has the discretion to determine the appropriate scope of the Investigation. Witnesses must have observed the acts in question or have information relevant to the incident and

cannot be participating solely to speak about an individual's character. The Investigator will review and has discretion to determine the necessity of interviewing potential Witnesses.

The Investigator will record and transcribe (or arrange for transcription of) all interviews. Each Party or Witness will be given the opportunity to review the transcript of their own interview to correct spelling/grammar or any transcription errors by the deadline set by the Investigator.

d. Admissibility of Evidence

- i. Evidence must be Relevant in order to be admissible. Questions must be intended to elicit Relevant evidence.
- ii. A Complainant's sexual interests or prior sexual history is not Relevant, and the Investigator will not consider such information during an investigation, provided that in a case involving Sexual Assault the Investigator may consider
  - such evidence when offered to prove that someone other than the Respondent committed the alleged Prohibited Conduct; and
  - evidence concerning specific incidents of the Complainant's prior sexual behavior with Respondent, when offered to prove Consent.
- iii. A Party's or Witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or Witness are excluded as evidence unless the University obtains that Party's or Witness's voluntary, written consent to use those records in the Formal Resolution process.
- iv. Additionally, personnel records are generally confidential; however, the Investigator may review Relevant personnel records.
- v. If Relevant, the Investigator will summarize the information from the confidential records in the preliminary report for both parties to review, and the Investigator will make available the Relevant portions of such records, with appropriate redactions for the non-sharing Party's review.
- vi. The Investigator may seek Relevant information from other University offices, such as course evaluations, course syllabi and schedules, course materials, housing records, swipe card data, parking data, campus video records, as appropriate for the investigation. The Investigator may visit Relevant sites or locations and record observations through written, photographic, or other means.
- vii. Evidence that is protected under a privilege as recognized by federal or state law or evidence provided to a confidential employee is inadmissible, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality.
- viii. The Investigator may interview experts who have no connection to the reported incident when expertise on a specific issue or submitted evidence is needed, for example, to gain a fuller understanding of the issue or of the relevance or value of the evidence. In instances where the Investigator plans to interview an expert, prior to such interview, the Investigator will share the expert's identity with both Parties. The Parties have two (2) Business Days from receipt of the name of the expert to raise any objection to the expert based upon conflict of interest or bias.

The AVC for EOIX will assess the circumstances and determine whether to consult a different expert to the matter. The Party must object in writing, specifically describe the purported conflict of interest or bias, and provide any evidence to support this concern.

- ix. The Investigator will not accept or consider external investigations or reports from privately hired consultants (including, but not limited to, those conducted by private investigators, polygraph examiners, or any person retained to offer opinions on how available evidence should be interpreted). This prohibition does not apply to external investigators or experts hired or consulted by the University pursuant to these Procedures.
- x. In gathering the facts, the Investigator may consider prior allegations, findings of responsibility for, or similar conduct by the Respondent to the extent that such information is relevant.

e. Review and Comment on Investigative Report

After each Party has been provided the opportunity to be interviewed and to identify potential Witnesses and other information, and the Investigator has completed interviews and the gathering of evidence, the Investigator will prepare an investigative report that accurately summarizes the Relevant Evidence. The Investigator must conduct an objective evaluation of all Relevant Evidence, including both inculpatory and exculpatory evidence. The investigative report will include, as applicable, the interview transcripts for Complainant, Respondent, and any Witnesses, and either a copy or written summary of any other information the Investigator in their discretion deems Relevant.

The Investigator will concurrently provide the Complainant and Respondent with access to review the investigative report via the University's chosen cloud storage platform. The University prohibits the Parties and their advisors/support persons from downloading, photographing, copying or otherwise duplicating, sharing, or transmitting the material provided; any use contrary to this prohibition constitutes unauthorized disclosure. If a Party and/or their advisor makes an unauthorized disclosure, the Party will be referred to the Office of Student Rights & Responsibilities (if the Party is a Student) or the Division of Human Resources & Inclusive Community (if the Party is an Employee).

The Complainant and Respondent have ten (10) Business Days from the time they are given access to the investigative report to submit any comments, feedback, additional documents, evidence, requests for additional investigation, names of additional potential Witnesses, or any other information they deem Relevant to the Investigator. Each Party may meet with the Investigator to provide this additional information in lieu of or in addition to written comments.

The AVC for EOIX may grant the Parties on a case-by-case basis an extension of the time to review and respond to the investigative report, upon written request by either Party and a showing of good cause for the extension, with Written Notice to the Parties that includes the reason for the extension, and recognizing that such an extension may cause resolution process to exceed the timeframes specified in these Procedures.

If the Investigator receives information from a Party in response to the investigative report that warrants further substantive investigation or review, the Investigator, in consultation with the AVC for EOIX, has the discretion to extend the investigation. If the Investigator extends the investigation, the

Investigator will notify the Parties in writing, and any additional relevant information will be incorporated as a supplement to the investigative report or as part of the Investigator's final report and determination, as applicable.

## **5. Determination by Investigator**

For investigations that do not involve allegations of Sex-Based Harassment where either Complainant or Respondent is a Student, the Investigator will make the determination of responsibility in the final investigative report.

### **a. Final Investigative Report**

After the Investigator receives any comments to the investigative report that are submitted by the Complainant and/or Respondent, or after the comment period has lapsed without receiving comments, the Investigator will address any additional relevant issues, pursue any additional investigative steps as needed, and then the Investigator will notify the Parties that the investigation is complete and that the Investigator is drafting the final investigative report. The Investigator will deliver the final investigative report and all attached materials to the AVC for EOIX. The AVC for EOIX will review and approve the final investigative report before releasing the final investigative report to the Parties within twenty (20) Business Days of the Investigator's notification to the Parties that the investigation is complete.

In drafting the final investigative report, the Investigator will review all Relevant (not otherwise impermissible) evidence, both inculpatory and exculpatory, and will make a determination based on a Preponderance of the Evidence whether there is sufficient evidence to support a finding of responsibility for a violation of the Policy (and, where applicable, any other relevant policies). The investigator will assess the credibility of the Parties and Witnesses, to the extent credibility is both in dispute and Relevant to evaluating the allegations. Any credibility determinations will not be based on a person's status as a Complainant, Respondent, or Witness.

The final investigative report will contain all information from the investigative report, any response to the investigative report submitted by the Complainant and/or Respondent, and any additional information gathered after the investigative report. The final investigative report will include the Investigator's determination, and the rationale for such determination.

### **b. Determination Letter**

The AVC for EOIX will issue a determination letter to the Parties simultaneously, indicating whether or not a Respondent was found responsible for Prohibited Conduct, and will provide the Parties with access, via the University's chosen cloud storage platform, to review the final investigative report and all attached materials. The AVC for EOIX will also send a copy of the determination letter, and may send the final investigative report, if appropriate, to necessary administrators and supervisors. Where there is a determination of responsibility for Prohibited Conduct, the determination letter will contain information regarding the next steps for Disciplinary Action or Outcomes, as applicable.

## **6. Determination by Hearing**

For matters involving allegations of Sex-Based Harassment under the Policy where either Complainant or Respondent is a Student, the determination of responsibility for Prohibited Conduct will be made by the Hearing Officer after a hearing and the determinations regarding Outcome or Disciplinary Action, as applicable, will be made as set forth below.

a. Completion of Investigation

As set forth above, the Complainant and Respondent have the opportunity to review and provide comments on the investigative report. After the Investigator receives any comments to the investigative report that are submitted by the Complainant and/or Respondent, or after the comment period has lapsed without receiving comments, the Investigator will address any additional relevant issues, pursue any additional investigative steps as needed, issue a supplement to the investigative report, as applicable, and then the Investigator will notify the Parties that the investigation is complete.

Any information not provided to the Investigator prior to the completion of the investigation will not be allowed during the hearing unless the Party offering the evidence can clearly demonstrate that (1) such information was not reasonably available to the Party through the exercise of reasonable diligence at the time of the investigation or (2) that the evidence has significant relevance to a material fact at issue in the investigation.

Each Party may submit a written response to the investigative materials, which the AVC for EOIX will submit to the Hearing Officer for consideration prior to or during the hearing. A Party must submit the written response, if any, to the AVC for EOIX by the deadline designated by the AVC for EOIX, unless the deadline is extended for good cause as provided in these Procedures. If a Party submits a response prior to the hearing, the written responses will be provided to the other Party and the Hearing Officer prior to the hearing.

b. Pre-hearing Procedures

The University will appoint a Hearing Officer, who may or may not be a University Employee, to serve as the decision-maker at the hearing. At least ten (10) Business Days prior to date of the hearing, the AVC for EOIX will notify both Parties and their advisor of: (1) the identity of Hearing Officer who will hear the matter; and (2) the identities of the Outcome Council members (for Student Respondents) or the Decision-Maker for Disciplinary Action (for Employee Respondents) who will make determinations about Outcomes or Disciplinary Action, as applicable, as set forth below, if a Respondent is found responsible for Prohibited Conduct. The Parties will have two (2) Business Days to submit an objection in writing to the participation of the Hearing Officer, Outcome Council member, and/or Decision-Maker for Disciplinary Action based on conflict of interest or bias, with a specific description of the purported conflict of interest or bias and evidence to support the objection. The AVC for EOIX will assess the circumstances and determine whether to assign a different Hearing Officer, Outcome Council Member or Decision-Maker for Disciplinary Action, as applicable, to the matter.

At least ten (10) Business Days prior to the scheduled hearing, the AVC for EOIX will make available the investigative report and the Relevant evidence to each Party and their advisor, if any, via the University's chosen cloud storage platform.

Prior to the hearing, the Hearing Officer will review the investigative report, any supplement to the investigative report, and the written responses provided by the Parties to the Investigator, if any. The Hearing Officer has discretion to determine whether to hold a pre-hearing conference. The pre-hearing conference may address issues including, but not limited to:

- i. The Witnesses a Party will request to call;

- ii. The questions a Party would like posed to other Parties and/or Witnesses;
- iii. Decisions regarding relevance of evidence;
- iv. The Standards of Decorum applicable to the hearing.

c. Conduct of the Hearing

The Hearing Officer will conduct a live hearing, with all questioning conducted by the Hearing Officer in real time. The hearing will occur in a manner allowing the participants to simultaneously see and hear the Parties, Witnesses, Advisors, and the Hearing Officer.

The University will record the hearing and make a transcript of the hearing available to the Parties for inspection and review via the University's chosen cloud storage platform.

A Party may, but is not required to, be accompanied to the hearing by one (1) advisor of their choice. The advisor may confer quietly with the Party they are assisting but, the advisor is not permitted to ask questions or to present argument on their Party's behalf at any point during the hearing.

The University has standards of decorum for the hearing that apply equally to each Party, Witness or advisor. The Office of Equal Opportunity & Title IX will maintain the standards of decorum and provide the standards of decorum to the parties with the Notice of Hearing.

d. Standard of Evidence

The Hearing Officer will make a determination of responsibility using the Preponderance of the Evidence standard.

e. Relevant Evidence Considered

In making a determination of responsibility, the Hearing Officer may only consider Relevant evidence. In making a determination of Outcomes or Disciplinary Action, the Outcomes Council and Decision-Maker for Disciplinary Action may only consider Relevant evidence.

The Hearing Officer will not consider:

- i. Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless
  - Evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct; or
  - Evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent is offered to prove Consent.
- ii. Evidence that is protected under a privilege recognized by Federal or State law, or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality.

The Hearing Officer must not draw an inference about the determination regarding responsibility based solely on a Party's or Witness's refusal to answer questions deemed Relevant and not impermissible. However, the Hearing Officer may choose to place less or no weight upon statements by a Party or Witness who refuses to respond to such questions.

If a Party or Witness, after being provided notice, does not appear at the hearing, the hearing will take place in their absence. In such a case, or in the event that a Party or Witness appears at the hearing but refuses to answer questions, the Hearing Officer will make its determination using the evidence available. The Hearing Officer may choose to place less or no weight upon statements by a Party or witness who refuses to respond to questions deemed Relevant (and not otherwise impermissible).

The Hearing Officer will conduct an objective evaluation of all Relevant Evidence, including both inculpatory and exculpatory evidence.

f. Party Statements and Witness Examination

- i. Each Party will have an equal amount of time in which to make a statement of their case.
- ii. The Hearing Officer may ask questions of any Party or Witness. The Hearing Officer will question Parties and Witnesses to adequately assess a Party's or Witness's credibility, to the extent credibility is both in dispute and Relevant to evaluating the allegations of Sex-Based Harassment. Any credibility determinations will not be based on a person's status as a Complainant, Respondent, or Witness.
- iii. The Parties will have an opportunity to suggest questions to be asked by the Hearing Officer. Neither the Parties nor their advisor will be permitted to ask questions directly to Parties or Witnesses.
- iv. All Relevant and not otherwise impermissible questions will be asked. The Hearing Officer will determine whether the proposed questions are Relevant and not otherwise impermissible prior to the question being posed, and the Hearing Officer will explain any decision to exclude a question. The Hearing Officer will not permit questions that are irrelevant or otherwise impermissible. The Hearing Officer will not permit questions that are unclear or harassing and may revise a question or request that the Party clarify their request in order to determine whether the question is proper.
- v. If a Party or Witness refuses to respond to questions that have been deemed Relevant and not impermissible, the Hearing Officer may place less weight or no weight upon the Party or Witness's statements. However, the Hearing Officer will not draw an inference about whether the alleged Prohibited Conduct occurred based solely on a Party's or Witness's refusal to respond to such questions.
- vi. After all Witness examinations have concluded, each Party will have an equal amount of time in which to make a closing statement.

g. Written Determination

After considering the investigative report, including any Party's written response to the investigative report, as well as all Relevant evidence presented at the hearing, the Hearing Officer will issue a written determination.

Before the Hearing Officer issues the written determination, if the Hearing Officer has made a finding of responsibility, the Hearing Officer will provide the Outcome Council or Decision-Maker for Disciplinary Action with the determination of responsibility for purposes of determining Outcomes or Disciplinary Action, respectively. The Outcome Council will convene promptly after the end of the hearing to determine the appropriate Outcomes for the Respondent. The Outcome Council or Decision-Maker for Disciplinary Action will communicate Outcomes and Disciplinary Action to the Hearing Officer in writing for inclusion in the Hearing Officer's written determination.

Promptly after the Hearing Officer provides the written determination to the AVC for EOIX, the AVC for EOIX will provide the written determination simultaneously to the Parties no later than twenty (20) Business Days after the hearing.

The written determination will include:

- i. Identification of the allegations potentially constituting Sex-Based Harassment and the Policy applied;
- ii. Information about the policies and procedures used to evaluate the allegations
- iii. The Hearing Officer's evaluation of the Relevant and not otherwise impermissible evidence and determination whether Sex-Based Harassment occurred;
- iv. A determination regarding responsibility and the specific behaviors for which the Respondent was found to be responsible;
- v. Any Disciplinary Actions or Outcomes imposed on the Respondent;
- vi. The AVC for EOIX will determine whether any Remedies will be provided to the Complainant, or to the extent appropriate, others, and will communicate applicable Remedies to the Parties when providing the written determination to the Parties.
- vii. Procedures and permissible bases for the Parties to appeal.

The written determination will become final either on the date that the Parties receive written determination of the result of any appeal, or if no Party appeals, the date on which an appeal would no longer be considered timely.

## **XII. Outcomes, Disciplinary Action, and Remedies**

If a Respondent is found responsible for Prohibited Conduct, or violation of any other University policies, the following processes address the determination of appropriate Outcomes (if the Respondent is a Student) and Disciplinary Actions (if the Respondent is an Employee). The AVC for EOIX may determine appropriate Remedies as set forth below.

### **A. Outcomes**

If the Respondent is a Student, and is found responsible for Sex-Based Harassment following a Determination by Hearing pursuant to these Procedures, the Outcome Council will determine Outcomes as set forth above.



For all other matters in which a Respondent who is a Student is found responsible for Prohibited Conduct, the AVC for EOIX will notify the Chair of the Outcome Council in writing when a finding of responsibility requires convening of the Outcome Council. The AVC for EOIX will provide the Outcome Council the Relevant evidence related to the matter, including the investigation report, as well as all related materials to the Outcome Council.

When an investigator makes a determination of responsibility for a Student Respondent, the AVC for EOIX will notify the Parties in writing that the matter is being referred to the Outcome Council. The AVC for EOIX will provide the Parties with the names of the Outcome Council members who will hear the matter. The Parties have two (2) Business Days from receipt of the names of the Outcome Council members to raise any objection to the members of the Outcome Council based upon conflict of interest or bias. The Party must object in writing, specifically describe the purported conflict of interest, or bias, and provide any evidence to support this concern. The AVC for EOIX will assess the circumstances and determine whether to assign a different Outcome Council member to the matter. The Outcome Council will convene within seven (7) Business Days of receipt of investigation report and will determine the appropriate Outcomes for the Respondent. The Chair of the Outcome Council may submit a written request to the AVC for EOIX for a reasonable extension upon a showing of good cause, and the AVC for EOIX will provide Written Notice to the Parties of any such extension that includes the reason for the extension.

The criteria for selection of the Outcome Council are set forth in the [Honor Code](#).

#### 1. Determining Outcomes

In determining Outcomes, the Outcome Council has the following primary objectives:

- a. Promoting safety or deterring individuals from similar future behavior;
- b. Protecting the University community;
- c. Ending the Prohibited Conduct;
- d. Taking steps reasonably calculated to prevent the future reoccurrence of the Prohibited Conduct;
- e. Restoring the Complainant to their pre-deprivation status, to the extent practical and possible.

The Outcome Council considers the following criteria in determining Outcomes to meet those objectives:

- a. Nature and severity of the Prohibited Conduct;
- b. The degree of physical violence (if any) associated with the Prohibited Conduct;
- c. Number of Complainants;
- d. Number of impacted individuals;
- e. Prior student conduct history or relevant or related criminal convictions (if known) of the Respondent;
- f. Whether the Respondent has accepted responsibility
- g. The impact the Prohibited Conduct has had on the Complainant(s), University Community, community members, University and community safety, and University environment;
- h. The maintenance of a safe, nondiscriminatory, and respectful living, learning, and working environment; and
- i. Any other mitigating, aggravating, or compelling factors.

The range of possible Outcomes includes:

- a. Status Outcomes, including but not limited to Educational Letter; Written Warning; Probation; Elevated Probation; Suspension; and Expulsion;
- b. Educational Outcomes, including but not limited to Reflective Activities; Programs & Activities; Interventions; Restrictions; and Referrals.

The Outcome Council will notify the AVC for EOIX in writing of the Outcomes determined to be appropriate by the Outcome Council. The AVC for EOIX will concurrently notify in writing the Complainant, Respondent, their respective advisor (if any) of the Outcomes and will provide both Parties with information on their right to appeal pursuant to these Procedures.

## **B. Disciplinary Action**

If the Respondent is found responsible for Sex-Based Harassment following a Determination by Hearing pursuant to these Procedures, and the Complainant is a Student, the Decision-Maker for Disciplinary Action will determine Disciplinary Action as set forth above.

If the Respondent is an Employee, the AVC for EOIX will notify the appropriate Decision-Maker for Disciplinary Action in writing when a finding of responsibility requires the assignment of Disciplinary Action. The AVC for EOIX will provide the investigation report and all related materials to the Decision-Maker for Disciplinary Action.

The AVC for EOIX will notify the Parties in writing when a matter in which an Investigator makes a finding of responsibility is referred to a Decision-Maker for Disciplinary Action and will provide the Parties with the name of the Decision-Maker for Disciplinary Action. The Parties have two (2) Business Days to raise any objection to the Decision-Maker for Disciplinary Action based upon conflict of interest or bias. The Party must object in writing, specifically describe the purported conflict of interest or bias, and provide any evidence to support this concern. The AVC for EOIX will assess the circumstances and determine whether to assign a different Decision-Maker for Disciplinary Action to the matter.

1. The following University officials will serve as Decision-Maker for Disciplinary Action who may determine appropriate Disciplinary Actions:
  - a. For Employees who are staff, the Respondent's supervisor or other responsible administrator will determine the appropriate Disciplinary Action, in consultation with the Division of Human Resources & Inclusive Community and the AVC for EOIX.
    - i. The Respondent's supervisor, or the Division of Human Resources & Inclusive Community, shall determine the Disciplinary Action within ten (10) Business days of receipt of the final investigation report and notify the AVC for EOIX of the Disciplinary Action imposed. If the Respondent's supervisor requires additional time, they shall submit a written request for an extension of time to the AVC for EOIX with a showing of good cause. The AVC for EOIX will inform the Parties simultaneously and in writing of any extensions of time and the reason for the extension.

- b. For Employees who are faculty, the Vice Provost for Faculty Affairs will determine the appropriate Disciplinary Action, in consultation with the dean of the applicable college or school and the AVC for EOIX.
      - i. The Vice Provost for Faculty Affairs shall determine the Disciplinary Action within ten (10) Business Days of receipt of the final investigation report and notify the AVC for EOIX of the Disciplinary Action imposed. If the Vice Provost for Faculty Affairs requires additional time, they shall submit a written request for an extension of time to the AVC for EOIX with a showing of good cause. The AVC for EOIX will inform the parties simultaneously and in writing of any extensions of time and the reason for the extension. Disciplinary Action involving faculty is further subject to the Policies and Procedures Relating to Faculty Appointment, Promotion and Tenure.
2. In determining Disciplinary Action, the Decision-Maker for Disciplinary Action has the following objectives:
  - a. Promoting safety and protecting the University community;
  - b. Assigning sanctions to Respondents for engaging in Prohibited Conduct and deterring them from similar future behavior;
  - c. Ending Prohibited Conduct;
  - d. Taking steps reasonably calculated to prevent the future reoccurrence of the Prohibited Conduct;
  - e. Restoring the Complainant to their pre-deprivation status, to the extent practical and possible.
3. In determining Disciplinary Action, the Decision-Maker for Disciplinary Action will consider whether the nature of the conduct at issue warrants removal from the University, either permanent (termination) or temporary (suspension). The Decision-Maker for Disciplinary Action will also consider other factors including, but not limited to:
  - a. The nature of the Prohibited Conduct at issue;
  - b. The degree of physical violence (if any) associated with the Prohibited Conduct;
  - c. The impact of the Prohibited Conduct on the Complainant or University community;
  - d. The Respondent's prior disciplinary history and/or relevant or related criminal convictions (if known);
  - e. Whether the Respondent has accepted responsibility for the Prohibited Conduct;
  - f. Previous University response to similar conduct;
  - g. The maintenance of a safe, nondiscriminatory, and respectful living, learning, and working environment; and
  - h. Any other mitigating, aggravating, or compelling factors.
4. Disciplinary Action for Employees may vary, up to and including termination of employment, based on the circumstances of the matter, and includes but is not limited to:
  - a. Prohibition from various academic or managerial responsibilities involving the

- Complainant or others;
- b. Informal or formal coaching;
- c. Training or education;
- d. A letter of reprimand placed in a Respondent's personnel file;
- e. Restrictions on a Respondent's access to University programs or facilities;
- f. Limitations on merit pay or other salary increases for a specific period; or
- g. Demotion, suspension, or dismissal/termination from the University, or a recommendation that a separate process required to impose such action be commenced. Such a process shall rely on the written determination pursuant to these Procedures and may only address appropriate Disciplinary Action.

### **C. Remedies**

1. Remedies are designed to restore or preserve equal access to employment and/or the University's education program or activity.
2. Remedies may eliminate a hostile environment for the Complainant and/or provide safety protections for the Complainant or the University community.
3. Remedies may be disciplinary or punitive.
4. Remedies may include arrangements that were provided as Supportive Measures during the investigation.
5. The AVC for EOIX, in consultation with other University officials, as appropriate, has the discretion to determine the applicable Remedies.
6. The AVC for EOIX will communicate any applicable Remedies to the Parties when providing the written determination or the determination letter, as applicable.

## **XIII. Appeals**

### **A. Appealable Issues**

Either Party may appeal:

1. Dismissal of a Complaint or any allegations therein; or
2. A Written Determination regarding responsibility and Outcomes and Disciplinary Actions as set forth below.

No other basis for appeal is permitted.

### **B. Bases for Appeal**

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

1. Procedural irregularity that would change the outcome of the matter;
2. New evidence that would change the outcome and that was not reasonably available when the determination regarding responsibility or dismissal of the Complaint was made.
  - a. This basis for appeal is not satisfied simply because evidence was not presented during the proceedings if the evidence was reasonably available at the time the determination was made.
3. The AVC for EOIX, Investigator, Hearing Officer, Outcome Council, or Decision-Maker for Disciplinary Action had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, that would change the outcome of the matter; or
4. Where the Respondent is a Student, the Outcomes imposed are substantially disproportionate to the severity of the violation.

Mere disagreement with the decision is not grounds for appeal under these Procedures. The appellate process shall not re-hear a matter in part or in its entirety.

### **C. Filing an Appeal**

1. If a Party wishes to file an appeal, the Party must submit the appeal to the AVC for EOIX in writing no later than five (5) Business Days after, as applicable:
  - a. the notice of dismissal of the Complaint;
  - b. the date on which the written determination is sent to a Party in a determination by hearing;
  - c. the date on which the determination letter is sent to a Party in a determination by investigation where there is no finding of responsibility; or
  - d. the date on which the written notification is sent of Outcomes or Disciplinary Action, as applicable, when a Party is found responsible for violations of the Policy following a determination by investigation.

The written appeal must state with specificity both (1) the issues being appealed and (2) the bases for the appeal.

### **D. Timeframe for Completion of Appeal**

The University will make a good faith effort to complete the appeal within fifteen (15) Business Days of the date the appeal and any response is provided to the Appellate Officer. The AVC for EOIX may extend the timeframe for completion of the appeal on a case-by-case basis following a written request and a showing of good cause. If the timeframe for completion of appeal is extended, the AVC for EOIX will notify the Parties in writing of the delay or extension and the reasons for the delay or extension.

### **E. Appeal Procedure**

1. After receiving a timely written appeal, the AVC for EOIX will notify the Parties in writing:
  - a. That the appeal was submitted;
  - b. The opportunity for the Party who did not submit an appeal to:
    - i. Review the appeal statement of the other Party; and
    - ii. Submit a written statement in support of or challenging the issues being appealed within five (5) Business Days of the date of the Written Notice of appeal.
2. The Appellate Officer shall not be the same person as the decisionmakers that reached the determination regarding responsibility, Outcomes, Disciplinary Action, or dismissal of the Complaint, the investigator(s), or the AVC for EOIX.
3. The Appellate Officers are as follows:
  - a. For Students, the Vice Chancellor for Student Affairs or designee;
  - b. For Employees who are staff, the Vice Chancellor for Human Resources or designee; and
  - c. For Employees who are faculty, the Provost and Executive Vice ChancellorThe University will notify both Parties of the identity of the Appellate Officer, and the Parties will have two (2) Business Days from receipt of the name to raise any objection to the participation of the member based on conflict of interest or bias.
4. The Appellate Officer will consider the appeal, including any written statements submitted by the Parties.

5. The Appellate Officer may also consider the investigative report, including any Party's written response to the investigative report, all Relevant Evidence presented at the hearing (if any), and the transcript of the hearing (if any).
6. The Appellate Officer may take one of the following actions:
  - a. Deny the appeal based on not satisfying the Appeal Criteria and uphold the written determination issued following the hearing;
  - b. Accept the appeal in whole or in part based on satisfying the Appeal Criteria and either:
    - c. Send the matter back for supplemental investigation or hearing;
    - d. If the defect cannot be cured through supplemental investigation or hearing, then the Appellate Officer may order a new investigation and/or new hearing, as appropriate;
  - e. Dismiss the Complaint; or
  - f. If the Respondent is a Student, and the Appellate Officer determines that the Outcomes imposed are disproportionate to the violation, the Appellate Officer may return the matter to the Outcome Council with or without recommendations
7. The Appellate Officer will prepare a written determination of appeal, which will describe the result of the appeal and the rationale for the result and will provide the written determination to the AVC for EOIX. The AVC for EOIX will provide the written determination of appeal simultaneously to the Parties.
8. The result of the appeal is final.

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

In addition to the appellate rights set forth above in this Section, Employees may file a grievance with respect to Disciplinary Action imposed pursuant to Section XII.B in accordance with the following procedures:

1. Faculty members may pursue their applicable rights pursuant to the Policies and Procedures Relating to Faculty Appointment, Promotion & Tenure, where applicable, or pursue a grievance pursuant to the Employee Grievance Procedures applicable to faculty;
2. Staff may pursue a grievance pursuant to the Employee Grievance Procedures applicable to staff; and
3. Employees who are subject to a collective bargaining agreement must pursue their grievance rights pursuant to that agreement.

#### **XIV. Bias and Conflicts of Interest**

All officials involved in the resolution of reports of Prohibited Conduct pursuant to these Procedures (including the Title IX Coordinator, Deputy Title IX Coordinator, Deputy Equal Opportunity Officer, Director of Investigations, Investigators, Hearing Officers, Decision-Maker for Disciplinary Action, Outcome Council Members, Appellate Officers, and/or Informal Resolution facilitators) must serve without bias or conflict of interest. The University provides training to all individuals serving in these capacities. to confirm that they are free from any conflicts of interest and bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

If any Party has concerns that an official involved in the resolution of a matter may be biased or have a conflict of interest, the Party should share the basis for their concerns with the AVC for EOIX within the time frames described in these Procedures. Concerns about the AVC for EOIX should be directed to the Senior Vice Chancellor for Operations and Strategic Initiatives. Officials involved in

the resolution of a matter will only be removed for conflict of interest or bias. The AVC for EOIX or the Senior Vice Chancellor will review the Party's concern and determine whether the challenged official should remain involved in the matter. The AVC for EOIX or Senior Vice Chancellor's decision is not appealable.

## **XV. Training and Qualifications of EOIX Officials**

The University will provide annual training to the Title IX Coordinator, Deputy Title IX Coordinator, Deputy Equal Opportunity Officer, Director of Investigations, Investigators, Hearing Officers, Decision-Maker for Disciplinary Action, Outcome Council Members, Appellate Officers, and Informal Resolution facilitators. The University will make these training materials available for inspection upon request. Such requests should be made in writing to the AVC for EOIX. Subject to any restrictions of copyright or other contractual obligations preventing the disclosure of third-party proprietary training materials, these materials will be made available for in-person inspection at a mutually agreed time and place.

### **A. Investigators and EOIX Staff**

The University will provide training to all Investigators and the staff of the Office of Equal Opportunity & Title IX on the following:

1. The scope of the University's Discrimination and Harassment Policy, including but not limited to the definitions of all forms of Prohibited Conduct and the scope of the University's education program or activity;
2. The University's EOIX Discrimination and Harassment Procedures;
3. How to conduct investigations and resolutions process that are fair and impartial, including information regarding hearings, appeals, and informal resolution process;
4. How to create an investigative report that fairly summarizes Relevant Evidence;
5. Issues of relevance, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant;
6. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
7. An explanation of relevant state and federal laws concerning Prohibited Conduct;
8. Options for involving law enforcement; and
9. The effects of trauma on individuals involved in allegations of Prohibited Conduct.

### **B. Hearing Officers**

The University will provide training to Hearing Officers on the following:

1. The scope of the University's Discrimination and Harassment Policy, including but not limited to the definitions of all forms of Sex-Based Harassment and the scope of the University's education program or activity;
2. How to conduct a hearing;
3. Issues of relevance, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant;
4. How to serve impartially by, among other things, avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and other relevant issues;
5. The effects of trauma on individuals involved in allegations of Sex-Based Harassment; and

6. Any technology that might be used during a hearing.

### **C. Other Personnel**

The University will provide training to all other officials involved in the resolution of reports of Prohibited Conduct under these Procedures (including Decision-Maker for Disciplinary Action, Outcome Council Members, Appellate Officers, and Informal Resolution facilitators) on the following:

1. The scope of the University's Discrimination and Harassment Policy, including but not limited to the definitions of all forms of Prohibited Conduct and the scope of the University's education program or activity;
2. How to conduct investigations and hearings;
3. Issues of relevance, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant;
4. How to serve impartially by, among other things, avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and other relevant issues; and
5. The effects of trauma on individuals involved in allegations of discrimination, harassment, and gender-based violence.

### **D. All Employees**

The University will also provide training to all University Employees upon hiring, upon change of position that alters their duties under Title IX, and annually thereafter. This training will include the following:

1. The University's obligation to address Discrimination in the University's education program or activity.
2. The scope of the University's Discrimination and Harassment Policy, including but not limited to the definitions of all forms of Prohibited Conduct and the scope of the University's education program or activity;
3. Employee obligations to report known or suspected incidents of Prohibited Conduct in compliance with the [University's Reporting by University Employees of Disclosures relating to the University's Discrimination and Harassment Policy](#); and
4. Employee obligations to promptly inform Students who report Pregnancy or Related Conditions of the Title IX Coordinator's contact information and Title IX Coordinator's ability to coordinate reasonable modifications to provide the Student equal access to the University's education program or activity.

### **E. Students**

The University will provide training to Students through education and prevention programs for all incoming Students that address:

1. An overview of the University's policies and procedures; relevant definitions, including Prohibited Conduct, and related Retaliation;
2. Discussion of the impact of alcohol and illegal drug use; Consent; safe and positive options for bystander intervention;
3. Review of resources and reporting options available for Students, faculty and staff;
4. Information about risk reduction.



The University's Department of Health Promotion within the Health & Counseling Center provides education and prevention programming and can tailor programming to address specific campus needs and climate. Groups can request trainings by completing an [online request form](#).

## **XVI. Recordkeeping and Recordings**

As set forth in Section IV of the Policy, the University maintains records related to the reporting, review, investigation and resolution of alleged Prohibited Conduct by the Office of Equal Opportunity & Title IX consistent with applicable federal, state, and local laws and regulations and applicable University policies.

The University has the right to make electronic recordings of any meeting, interview, or other proceeding under these Procedures. Parties, Witnesses, advisors/support persons are prohibited from making an electronic recording of any meeting, interview, or other proceeding under these Procedures.

## **XVII. Miscellaneous**

### **A. Responsibilities of Parties**

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

1. Provide the University with truthful information and operate in good faith with University officials.
2. Not engage in Retaliation or Obstruction against any person who is perceived to have participated in any process pursuant to these Procedures.
3. Notify one's advisor/support person of the time, date, and location of any meeting associated with any process pursuant to these Procedures. The Investigator is not required to reschedule meetings to accommodate the schedule of an advisor.
4. Provide the University with accurate address and other contact information so that notifications are not unduly delayed.
5. Promptly open and read any communication from the Office of Equal Opportunity & Title IX, the Office of Student Rights & Responsibilities, or any other University administrator involved in any process pursuant to these Procedures.

### **B. External Agreements**

The University will not recognize or enforce agreements between the Parties outside those contemplated by these Procedures. However, the University will recognize any lawful order of a local, state, or federal law enforcement or similar agency or any lawfully issued protective or other order of a court or similar authority with appropriate jurisdiction.

### **C. Revision and Amendment**

Pursuant to the Policy, the University may, in its sole discretion, update these Procedures at any time for any reason, including as necessary to comply with applicable local, state, and federal laws and regulations, and/or directives from relevant government agencies. Where these Procedures are silent on a procedural issue, and no other applicable policy governs the issue, the AVC for EOIX has

the discretion to adopt sound practice.

The University will make such updates subject to approval from the Provost and Executive Vice Chancellor and the Senior Vice Chancellor for Operations and Strategy Implementation. Updates or revisions will be effective upon publication to the University community.

## Drug, Alcohol, and Substance Abuse

DU's policies uphold state and federal laws regarding alcohol and controlled substances and maintain compliance with the federal Drug-Free Schools and Communities Act. The illegal use, possession, or sale of alcohol on DU owned or controlled property or as part of any DU activity is prohibited. The illegal use, possession, distribution, dispensing or manufacturing of controlled substances on DU owned or controlled property or as part of any DU activity is also prohibited.

DU may impose status and/or educational outcomes against any student found to have violated DU policies, consistent with applicable provisions of federal and state laws, administrative rules and regulations, and DU policies. The possible status outcomes for students include, but are not limited to, suspension, probation, or dismissal. DU may impose disciplinary actions against employees found to have violated these policies, consistent with applicable provisions of administrative rules, state and/or federal laws, collective bargaining agreements, and DU policies. The possible disciplinary actions include, but are not limited to, suspension and termination of employment.

### Drug and Alcohol Statement of Policies for Employees

Employees at DU must abide by all DU drug and alcohol policies as well as local, state, and federal drug and alcohol laws, as a condition of their employment. DU's policies for employees on alcohol and drugs are defined below. For a complete copy of DU's drug and alcohol policies, employees may contact the Department of Human Resources or access the documents on DU's website: <https://www.du.edu/>.

#### Alcohol Policy

- Consumption of alcoholic beverages should be limited to persons of legal age and undertaken only by personal choice.
- Those who choose to consume alcoholic beverages should do so responsibly and in moderation.
- Behaviors related to the misuse of alcohol pose a danger to the individual, members of the campus community, and the learning environment.
- DU discourages the consumption of alcoholic beverages during working hours or during the discharge of DU duties (whether or not on DU premises). Although moderate consumption with meals or during social events is not prohibited, individuals must not report to work under the influence of alcohol.
- If an employee's supervisor has reasonable grounds to believe, based on observations by the supervisor or others the supervisor believes to be reliable, that the employee is under the influence of alcohol while at work, the employee may be deemed to have violated this policy and may be required to leave the workplace immediately. DU may, but is not obligated to, provide transportation to the employee's destination. To the extent permitted by law, DU may require any employee to submit to a blood alcohol test administered by DU designated laboratories or physicians. If the test indicates that the employee has a blood alcohol level of .5 or higher, the employee is considered to be under the influence. Refusal to consent to an alcohol test may result in disciplinary action. A written admission of being under the influence of alcohol may be allowed in lieu of testing.

## Drug Policy

Anyone who has a concern about the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances should immediately contact one of the following resources for assistance:

- The Employee Assistance Program for referrals on treatment and related issues.
- Campus Safety to report incidents of illegal activity.
- The Department of Human Resources and Inclusive Community for assistance on the disciplinary process or policy related issues.
- If an employee's supervisor has reasonable grounds to believe, based on observation by the supervisor or by others whom the supervisor believes to be reliable, that the employee may be under the influence of illegal drugs or improperly under the influence of controlled substances, then the employee may be deemed to have violated this Policy and may be required to leave the workplace immediately. DU reserves the right to conduct drug or alcohol testing of its employees. DU may, but is not obligated to, provide transportation to the employee's destination.

## Drug and Alcohol Statement of Policies for Students

DU's policies for students on alcohol and drugs are defined below; however, all students should be familiar with the entire Honor Code. More information on the SRR process, including the complete text of the Honor Code, as upheld by the SRR Policies, can be found on the SRR website:

<https://studentaffairs.du.edu/student-rights-responsibilities>

Alcohol violations include the following:

- **Unauthorized Possession:** Possession and/or use of alcoholic beverages by any person under the legal drinking age of the United States (currently twenty-one (21) years of age), unless expressly permitted by law and DU Policies.
- **Unauthorized Distribution:** The manufacturing and/or delivery of alcohol, except as expressly permitted by law and University Policies. Students may not provide alcoholic beverages to any person under the legal drinking age of the United States (currently twenty-one (21) years of age). This includes hosting an event/gathering or providing the space where underage and/ or excessive consumption occurs.
- **Intoxication:** Being under the influence of alcohol to the point of causing a disruption to University activities and/or endangering one's own health or safety regardless of age.
- **Coerced Consumption:** Any act that may be reasonably expected to influence or cause a person to consume alcohol without their Effective Consent.
- **Paraphernalia:** Any possession or use of paraphernalia used to facilitate the unauthorized use or rapid consumption or distribution of alcohol, including, but is not limited to, simulated or actual drinking games, beer bongs, flasks, shot glasses, or similar items.

Drug violations include the following:

- **Unauthorized Possession:** Possession and/or use of any Federally Illegal Drug, or any possession and/or use of any prescription drug or other controlled substance except under the direction of a licensed physician and with a valid prescription. As cannabis is a Federally Illegal Drug, the University prohibits possession and/or use of cannabis, including medical cannabis, on University Premises in all circumstances.

- Distribution: Manufacturing and/or delivery of any Federally Illegal Drug, prescription drugs, or other controlled substance, including cannabis in any form. This includes hosting an event/ gathering or providing the space where consumption of drugs occurs.
- Intoxication: Being under the influence of any Federally Illegal Drug, prescription or non-prescription drug, or other controlled substance to the point of causing a disruption to University activities and/or endangering one's own health or safety regardless of age.
- Coerced Consumption: Any act that may be reasonably expected to influence or cause a person to ingest any Federally Illegal Drug, prescription drug, or other controlled substance without their Effective Consent.
- Paraphernalia: Any possession or use of paraphernalia used to facilitate the unauthorized or rapid use or distribution of any Federally Illegal Drug or other controlled substance regardless of age; including but not limited to, cannabis pipes, bongs and scales or other measuring devices.
- CBD: The use of cannabidiol (CBD) is restricted to products with no levels of THC as stated on the container. Any product containing THC or that does not state the level of THC is not allowed in University owned or operated housing or on University Premises.

## Drug and Alcohol Abuse Education Programs

DU offers a variety of drug and alcohol use education programs for students and employees and publishes a biennial Drug and Alcohol Prevention Program resource. For information on these programs and other resources, visit the Alcohol and Other Drugs web page at <https://studentaffairs.du.edu/health-counseling-center/promoting-health-wellbeing/alcohol-other-drugs> which contains information about DU's drug and alcohol prevention program, pursuant to the Drug-Free Schools and Communities Act Amendments of 1989.

DU's Drug and Alcohol Prevention Program policy may also be accessed at <https://studentaffairs.du.edu/sites/default/files/2022-04/Drug%20and%20Alcohol%20Abuse%20Prevention%20Program.pdf> and includes a full listing of drug and alcohol use education programs offered to the campus community.

# Definitions of Reportable Crimes

There are four categories of reportable crimes under Clery:

1. Primary criminal offenses;
2. Hate crimes;
3. Violence Against Women Act (VAWA) offenses; and
4. Arrests and disciplinary referrals for violation of weapons, drug abuse, and liquor laws.

## Primary Criminal Offenses

**Murder/Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.

**Negligent Manslaughter:** The killing of another person through gross negligence.

**Rape:** the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

**Fondling:** the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

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

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

**Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.

**Arson:** The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another, etc.

## Hate Crimes

Hate Crimes include all of the primary criminal offenses (listed above) and other criminal offenses (listed in this section) that manifest evidence that the victim was intentionally chosen based on one of the categories of bias (listed below).

**Larceny-Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

**Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

**Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Destruction/Damage/Vandalism of Property (Except Arson):** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

## Categories of Bias

**Race:** A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.

**Gender:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

**Gender Identity:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.

**Religion:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.

**Sexual Orientation:** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.

**Ethnicity:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.

**National Origin:** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

**Disability:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

## VAWA Offenses Definitions

**Domestic Violence:** A felony or misdemeanor crime of violence committed

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition

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

## Arrests and Disciplinary Referrals: Violations of Weapons, Drug Abuse, and Liquor Laws

**Weapons: Carrying, Possessing, Etc.:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

**Drug Abuse Violations:** The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacture and making of narcotic drugs.

**Liquor Law Violations:** The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.



**Arrest:** Persons processed by arrest, citation or summons.

**Disciplinary Referral:** The referral of any person to any official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

## Definitions Related to VAWA

**Primary Preventions Programs:** Primary prevention programs means programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

**Ongoing Awareness Programs:** Awareness programs means community-wide or audience- specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

**Ongoing Awareness and Prevention Campaigns:** Ongoing prevention and awareness campaigns means programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault and stalking, using a range of strategies with audiences throughout the institution.

**Bystander Intervention:** Bystander intervention means safe and positive options that may be carried out by an individual or individuals to intervene when there is a risk of harm or a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

**Risk Reduction:** Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

**Advisor:** Advisor means any individual who provides the accuser or accused support, guidance, or advice. Refers to advisors of choice in the DU Comprehensive Discrimination and Harassment Procedures and Title IX Sexual Harassment Procedures.

**Proceeding:** Proceeding means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, factfinding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim. Refers to those courses of action taken in response to reports of alleged policy violations as described in the DU Comprehensive Discrimination and Harassment Procedures and Title IX Sexual Harassment Procedures.

**Result:** Result means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions. Refers to outcomes for students and

disciplinary actions for employees as described in the DU Comprehensive Discrimination and Harassment Procedures and Title IX Sexual Harassment Procedures.

## Definitions of Geography

The following definitions are specified in the Clery Act to identify the location of crimes on and around DU's campus.

### **On-Campus Building or Property**

- Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and
- Any building or property that is within or reasonably contiguous to the area identified in Paragraph 1 above, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or retail vendor).

### **On-Campus Student Housing**

- Any student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up campus.

### **Noncampus Building or Property**

- Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
- Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geography area of the institution.

### **Public Building or Property**

- All public property, including thoroughfares, streets, sidewalks, and parking facilities, that are within the campus or immediately adjacent to and accessible from the campus. DU's crime statistics do not include crimes that occur in privately owned homes or business within or adjacent to the campus boundaries.

## Daily Crime Log

### Daily Crime Log

A daily crime log of all crimes reported to the Department of Campus Safety is accessible to the DU community and general public on the Department of Campus Safety's website at:

<https://portal.arms.app/?agencyId=16F7C107-4431-4600-BCCD-3B57E6E20855>

A printed copy of the crime log is available upon request at the DU Campus Safety Center located at 2130 S High St, Denver, CO 80208 during business hours.

## 2021-2023 University Park Campus Clery Crime Statistics

| Criminal Offenses Reported by Hierarchy |      |                    |                           |                    |                 |
|---|------|--------------------|---------------------------|--------------------|-----------------|
| Crimes                                  | Year | On-Campus Property | On-Campus Student Housing | Noncampus Property | Public Property |
| Murder/Non-Negligent Manslaughter       | 2021 | 0                  | 0                         | 0                  | 0               |
|   | 2022 | 0                  | 0                         | 0                  | 0               |
|   | 2023 | 0                  | 0                         | 0                  | 0               |
| Negligent Manslaughter                  | 2021 | 0                  | 0                         | 0                  | 0               |
|   | 2022 | 0                  | 0                         | 0                  | 0               |
|   | 2023 | 0                  | 0                         | 0                  | 0               |
| Rape                                    | 2021 | 10                 | 8                         | 1                  | 0               |
|   | 2022 | 14                 | 12                        | 0                  | 0               |
|   | 2023 | 6                  | 6                         | 1                  | 0               |
| Fondling                                | 2021 | 11                 | 6                         | 1                  | 0               |
|   | 2022 | 4                  | 4                         | 0                  | 0               |
|   | 2023 | 7                  | 5                         | 0                  | 0               |
| Incest                                  | 2021 | 0                  | 0                         | 0                  | 0               |
|   | 2022 | 0                  | 0                         | 0                  | 0               |
|   | 2023 | 0                  | 0                         | 0                  | 0               |
| Statutory Rape                          | 2021 | 0                  | 0                         | 0                  | 0               |
|   | 2022 | 0                  | 0                         | 0                  | 0               |
|   | 2023 | 0                  | 0                         | 0                  | 0               |
| Robbery                                 | 2021 | 0                  | 0                         | 0                  | 0               |
|   | 2022 | 0                  | 0                         | 0                  | 1               |
|   | 2023 | 1                  | 0                         | 0                  | 0               |
| Aggravated Assault                      | 2021 | 2                  | 2                         | 1                  | 4               |
|   | 2022 | 4                  | 2                         | 0                  | 3               |
|   | 2023 | 1                  | 1                         | 0                  | 1               |
| Burglary                                | 2021 | 14                 | 9                         | 0                  | 0               |
|   | 2022 | 22                 | 14                        | 0                  | 0               |
|   | 2023 | 19                 | 9                         | 0                  | 0               |
| Motor Vehicle Theft                     | 2021 | 22                 | 0                         | 0                  | 12              |
|   | 2022 | 44                 | 2                         | 0                  | 8               |
|   | 2023 | 18                 | 0                         | 0                  | 9               |
| Arson                                   | 2021 | 1                  | 1                         | 0                  | 0               |
|   | 2022 | 1                  | 1                         | 0                  | 0               |
|   | 2023 | 0                  | 0                         | 0                  | 0               |

| <b>Violence Against Women Act Offenses</b>           |   |                    |                           |                    |                 |
|--|---|--------------------|---------------------------|--------------------|-----------------|
| VAWA Crimes  | Year  | On-Campus Property | On-Campus Student Housing | Noncampus Property | Public Property |
| Domestic Violence                                    | 2021  | 0                  | 0                         | 0                  | 0               |
|  | 2022  | 1                  | 1                         | 1                  | 1               |
|  | 2023  | 1                  | 1                         | 0                  | 1               |
| Dating Violence                                      | 2021  | 3                  | 1                         | 0                  | 0               |
|  | 2022  | 1                  | 0                         | 0                  | 0               |
|  | 2023  | 2                  | 0                         | 0                  | 0               |
| Stalking   | 2021  | 19                 | 16                        | 0                  | 1               |
|  | 2022  | 16                 | 6                         | 0                  | 1               |
|  | 2023  | 8                  | 3                         | 0                  | 0               |
| <b>Arrests and Referrals for Disciplinary Action</b> |   |                    |                           |                    |                 |
| Arrests and Disciplinary Referrals                   | Year  | On-Campus Property | On-Campus Student Housing | Noncampus Property | Public Property |
| Weapons Laws Arrests                                 | 2021  | 0                  | 0                         | 0                  | 1               |
|  | 2022  | 0                  | 0                         | 0                  | 1               |
|  | 2023  | 0                  | 0                         | 0                  | 0               |
| Drug Laws Arrests                                    | 2021  | 0                  | 0                         | 0                  | 3               |
|  | 2022  | 0                  | 0                         | 0                  | 2               |
|  | 2023  | 2                  | 1                         | 0                  | 0               |
| Liquor Law Arrests                                   | 2021  | 0                  | 0                         | 0                  | 1               |
|  | 2022  | 0                  | 0                         | 0                  | 0               |
|  | 2023  | 0                  | 0                         | 0                  | 0               |
| Weapons Laws Disciplinary Referrals                  | 2021  | 1                  | 1                         | 0                  | 0               |
|  | 2022  | 0                  | 0                         | 0                  | 0               |
|  | 2023  | 0                  | 0                         | 0                  | 0               |
| Drug Laws Disciplinary Referrals                     | 2021  | 90                 | 88                        | 0                  | 0               |
|  | 2022  | 107                | 103                       | 0                  | 0               |
|  | 2023  | 85                 | 80                        | 0                  | 4               |
| Liquor Laws Disciplinary Referrals                   | 2021  | 321                | 315                       | 0                  | 0               |
|  | 2022  | 268                | 259                       | 0                  | 2               |
|  | 2023  | 315                | 303                       | 0                  | 4               |
| <b>Hate Crimes</b>                                   |   |                    |                           |                    |                 |
| 2023   | <ul style="list-style-type: none"> <li>Two theft incidents characterized by religious bias. Both incidents occurred on-campus in student housing.</li> <li>Two vandalism incidents characterized by religious bias. One incident occurred on-campus in a parking garage. One incident occurred on-campus in student housing.</li> </ul> |                    |                           |                    |                 |
| 2022   | <ul style="list-style-type: none"> <li>There were no reported hate crimes</li> </ul>  |                    |                           |                    |                 |
| 2021   | <ul style="list-style-type: none"> <li>One intimidation incident characterized by sexual orientation bias. The incident occurred on-campus in student housing</li> </ul>  |                    |                           |                    |                 |
| Unfounded Crime Reports                              | <ul style="list-style-type: none"> <li>There was one unfounded crime in 2023. There were no unfounded crimes in 2022. There were no unfounded crimes in 2021.</li> </ul>  |                    |                           |                    |                 |

## 2021-2023 Western Colorado Campus Clery Crime Statistics

| Criminal Offenses Reported by Hierarchy |      |                    |                           |                    |                 |
|---|------|--------------------|---------------------------|--------------------|-----------------|
| Crimes                                  | Year | On-Campus Property | On-Campus Student Housing | Noncampus Property | Public Property |
| Murder/Non-Negligent Manslaughter       | 2021 | 0                  | N/A                       | N/A                | 0               |
|   | 2022 | 0                  | N/A                       | N/A                | 0               |
|   | 2023 | 0                  | N/A                       | N/A                | 0               |
| Negligent Manslaughter                  | 2021 | 0                  | N/A                       | N/A                | 0               |
|   | 2022 | 0                  | N/A                       | N/A                | 0               |
|   | 2023 | 0                  | N/A                       | N/A                | 0               |
| Rape                                    | 2021 | 0                  | N/A                       | N/A                | 0               |
|   | 2022 | 0                  | N/A                       | N/A                | 0               |
|   | 2023 | 0                  | N/A                       | N/A                | 0               |
| Fondling                                | 2021 | 0                  | N/A                       | N/A                | 0               |
|   | 2022 | 0                  | N/A                       | N/A                | 0               |
|   | 2023 | 0                  | N/A                       | N/A                | 0               |
| Incest                                  | 2021 | 0                  | N/A                       | N/A                | 0               |
|   | 2022 | 0                  | N/A                       | N/A                | 0               |
|   | 2023 | 0                  | N/A                       | N/A                | 0               |
| Statutory Rape                          | 2021 | 0                  | N/A                       | N/A                | 0               |
|   | 2022 | 0                  | N/A                       | N/A                | 0               |
|   | 2023 | 0                  | N/A                       | N/A                | 0               |
| Robbery                                 | 2021 | 0                  | N/A                       | N/A                | 0               |
|   | 2022 | 0                  | N/A                       | N/A                | 0               |
|   | 2023 | 0                  | N/A                       | N/A                | 0               |
| Aggravated Assault                      | 2021 | 0                  | N/A                       | N/A                | 0               |
|   | 2022 | 0                  | N/A                       | N/A                | 0               |
|   | 2023 | 0                  | N/A                       | N/A                | 0               |
| Burglary                                | 2021 | 0                  | N/A                       | N/A                | 0               |
|   | 2022 | 0                  | N/A                       | N/A                | 0               |
|   | 2023 | 0                  | N/A                       | N/A                | 0               |
| Motor Vehicle Theft                     | 2021 | 0                  | N/A                       | N/A                | 0               |
|   | 2022 | 0                  | N/A                       | N/A                | 0               |
|   | 2023 | 0                  | N/A                       | N/A                | 0               |
| Arson                                   | 2021 | 0                  | N/A                       | N/A                | 0               |
|   | 2022 | 0                  | N/A                       | N/A                | 0               |
|   | 2023 | 0                  | N/A                       | N/A                | 0               |

| <b>Violence Against Women Act Offenses</b>           |  |                    |                           |                    |                 |
|--|--|--------------------|---------------------------|--------------------|-----------------|
| VAWA Crimes  | Year   | On-Campus Property | On-Campus Student Housing | Noncampus Property | Public Property |
| Domestic Violence                                    | 2021   | 0                  | N/A                       | N/A                | 0               |
|  | 2022   | 0                  | N/A                       | N/A                | 0               |
|  | 2023   | 0                  | N/A                       | N/A                | 0               |
| Dating Violence                                      | 2021   | 0                  | N/A                       | N/A                | 0               |
|  | 2022   | 0                  | N/A                       | N/A                | 0               |
|  | 2023   | 0                  | N/A                       | N/A                | 0               |
| Stalking   | 2021   | 0                  | N/A                       | N/A                | 0               |
|  | 2022   | 0                  | N/A                       | N/A                | 0               |
|  | 2023   | 0                  | N/A                       | N/A                | 0               |
| <b>Arrests and Referrals for Disciplinary Action</b> |  |                    |                           |                    |                 |
| Arrests and Disciplinary Referrals                   | Year   | On-Campus Property | On-Campus Student Housing | Noncampus Property | Public Property |
| Weapons Laws Arrests                                 | 2021   | 0                  | N/A                       | N/A                | 0               |
|  | 2022   | 0                  | N/A                       | N/A                | 0               |
|  | 2023   | 0                  | N/A                       | N/A                | 0               |
| Drug Laws Arrests                                    | 2021   | 0                  | N/A                       | N/A                | 0               |
|  | 2022   | 0                  | N/A                       | N/A                | 0               |
|  | 2023   | 0                  | N/A                       | N/A                | 0               |
| Liquor Law Arrests                                   | 2021   | 0                  | N/A                       | N/A                | 0               |
|  | 2022   | 0                  | N/A                       | N/A                | 0               |
|  | 2023   | 1                  | N/A                       | N/A                | 0               |
| Weapons Laws Disciplinary Referrals                  | 2021   | 0                  | N/A                       | N/A                | 0               |
|  | 2022   | 0                  | N/A                       | N/A                | 0               |
|  | 2023   | 0                  | N/A                       | N/A                | 0               |
| Drug Laws Disciplinary Referrals                     | 2021   | 0                  | N/A                       | N/A                | 0               |
|  | 2022   | 0                  | N/A                       | N/A                | 0               |
|  | 2023   | 0                  | N/A                       | N/A                | 0               |
| Liquor Laws Disciplinary Referrals                   | 2021   | 0                  | N/A                       | N/A                | 0               |
|  | 2022   | 0                  | N/A                       | N/A                | 0               |
|  | 2023   | 0                  | N/A                       | N/A                | 0               |
| <b>Hate Crimes</b>                                   |  |                    |                           |                    |                 |
| 2023   | <ul style="list-style-type: none"> <li>There were no reported hate crimes</li> </ul>   |                    |                           |                    |                 |
| 2022   | <ul style="list-style-type: none"> <li>There were no reported hate crimes</li> </ul>   |                    |                           |                    |                 |
| 2021   | <ul style="list-style-type: none"> <li>There were no reported hate crimes</li> </ul>   |                    |                           |                    |                 |
| Unfounded Crime Reports                              | <ul style="list-style-type: none"> <li>There were no unfounded crime in 2023. There were no unfounded crimes in 2022. There were no unfounded crimes in 2021.</li> </ul> |                    |                           |                    |                 |

## 2021-2023 Four Corners Campus Clery Crime Statistics

| Criminal Offenses Reported by Hierarchy |      |                    |                           |                    |                 |
|---|------|--------------------|---------------------------|--------------------|-----------------|
| Crimes                                  | Year | On-Campus Property | On-Campus Student Housing | Noncampus Property | Public Property |
| Murder/Non-Negligent Manslaughter       | 2021 | 0                  | N/A                       | N/A                | 0               |
|   | 2022 | 0                  | N/A                       | N/A                | 0               |
|   | 2023 | 0                  | N/A                       | N/A                | 0               |
| Negligent Manslaughter                  | 2021 | 0                  | N/A                       | N/A                | 0               |
|   | 2022 | 0                  | N/A                       | N/A                | 0               |
|   | 2023 | 0                  | N/A                       | N/A                | 0               |
| Rape                                    | 2021 | 0                  | N/A                       | N/A                | 0               |
|   | 2022 | 0                  | N/A                       | N/A                | 0               |
|   | 2023 | 0                  | N/A                       | N/A                | 0               |
| Fondling                                | 2021 | 0                  | N/A                       | N/A                | 0               |
|   | 2022 | 0                  | N/A                       | N/A                | 0               |
|   | 2023 | 0                  | N/A                       | N/A                | 0               |
| Incest                                  | 2021 | 0                  | N/A                       | N/A                | 0               |
|   | 2022 | 0                  | N/A                       | N/A                | 0               |
|   | 2023 | 0                  | N/A                       | N/A                | 0               |
| Statutory Rape                          | 2021 | 0                  | N/A                       | N/A                | 0               |
|   | 2022 | 0                  | N/A                       | N/A                | 0               |
|   | 2023 | 0                  | N/A                       | N/A                | 0               |
| Robbery                                 | 2021 | 0                  | N/A                       | N/A                | 0               |
|   | 2022 | 0                  | N/A                       | N/A                | 0               |
|   | 2023 | 0                  | N/A                       | N/A                | 0               |
| Aggravated Assault                      | 2021 | 0                  | N/A                       | N/A                | 0               |
|   | 2022 | 0                  | N/A                       | N/A                | 0               |
|   | 2023 | 0                  | N/A                       | N/A                | 0               |
| Burglary                                | 2021 | 0                  | N/A                       | N/A                | 0               |
|   | 2022 | 0                  | N/A                       | N/A                | 0               |
|   | 2023 | 0                  | N/A                       | N/A                | 0               |
| Motor Vehicle Theft                     | 2021 | 1                  | N/A                       | N/A                | 0               |
|   | 2022 | 0                  | N/A                       | N/A                | 0               |
|   | 2023 | 0                  | N/A                       | N/A                | 0               |
| Arson                                   | 2021 | 0                  | N/A                       | N/A                | 0               |
|   | 2022 | 0                  | N/A                       | N/A                | 0               |
|   | 2023 | 0                  | N/A                       | N/A                | 0               |

| <b>Violence Against Women Act Offenses</b>           |  |                    |                           |                    |                 |
|--|--|--------------------|---------------------------|--------------------|-----------------|
| VAWA Crimes  | Year   | On-Campus Property | On-Campus Student Housing | Noncampus Property | Public Property |
| Domestic Violence                                    | 2021   | 0                  | N/A                       | N/A                | 0               |
|  | 2022   | 0                  | N/A                       | N/A                | 0               |
|  | 2023   | 0                  | N/A                       | N/A                | 0               |
| Dating Violence                                      | 2021   | 0                  | N/A                       | N/A                | 0               |
|  | 2022   | 0                  | N/A                       | N/A                | 0               |
|  | 2023   | 0                  | N/A                       | N/A                | 0               |
| Stalking   | 2021   | 0                  | N/A                       | N/A                | 0               |
|  | 2022   | 0                  | N/A                       | N/A                | 0               |
|  | 2023   | 0                  | N/A                       | N/A                | 0               |
| <b>Arrests and Referrals for Disciplinary Action</b> |  |                    |                           |                    |                 |
| Arrests and Disciplinary Referrals                   | Year   | On-Campus Property | On-Campus Student Housing | Noncampus Property | Public Property |
| Weapons Laws Arrests                                 | 2021   | 0                  | N/A                       | N/A                | 0               |
|  | 2022   | 0                  | N/A                       | N/A                | 0               |
|  | 2023   | 0                  | N/A                       | N/A                | 0               |
| Drug Laws Arrests                                    | 2021   | 0                  | N/A                       | N/A                | 0               |
|  | 2022   | 0                  | N/A                       | N/A                | 0               |
|  | 2023   | 0                  | N/A                       | N/A                | 0               |
| Liquor Law Arrests                                   | 2021   | 0                  | N/A                       | N/A                | 0               |
|  | 2022   | 1                  | N/A                       | N/A                | 0               |
|  | 2023   | 0                  | N/A                       | N/A                | 0               |
| Weapons Laws Disciplinary Referrals                  | 2021   | 0                  | N/A                       | N/A                | 0               |
|  | 2022   | 0                  | N/A                       | N/A                | 0               |
|  | 2023   | 0                  | N/A                       | N/A                | 0               |
| Drug Laws Disciplinary Referrals                     | 2021   | 0                  | N/A                       | N/A                | 0               |
|  | 2022   | 0                  | N/A                       | N/A                | 0               |
|  | 2023   | 0                  | N/A                       | N/A                | 0               |
| Liquor Laws Disciplinary Referrals                   | 2021   | 0                  | N/A                       | N/A                | 0               |
|  | 2022   | 0                  | N/A                       | N/A                | 0               |
|  | 2023   | 0                  | N/A                       | N/A                | 0               |
| <b>Hate Crimes</b>                                   |  |                    |                           |                    |                 |
| 2023   | <ul style="list-style-type: none"> <li>There were no reported hate crimes</li> </ul>   |                    |                           |                    |                 |
| 2022   | <ul style="list-style-type: none"> <li>There were no reported hate crimes</li> </ul>   |                    |                           |                    |                 |
| 2021   | <ul style="list-style-type: none"> <li>There were no reported hate crimes</li> </ul>   |                    |                           |                    |                 |
| Unfounded Crime Reports                              | <ul style="list-style-type: none"> <li>There were no unfounded crime in 2023. There were no unfounded crimes in 2022. There were no unfounded crimes in 2021.</li> </ul> |                    |                           |                    |                 |



# Timely Warnings and Emergency Notifications

DU sends out two types of alerts to keep the campus informed about safety and security threats: “timely warnings” and “emergency notifications.”

Timely warnings are used to inform the DU community, in a timely manner, about serious or continuing threats to students and employees. The intent of a timely warning is to inform students and employees about crimes on or near campus, enable the DU community to protect themselves, provide prevention and safety tips, and aid in the prevention of similar crimes.

Emergency notifications are used to immediately notify the DU community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on a DU campus. The process for DU’s emergency notifications can be found in this section.

## Timely Warnings

Timely warnings, called a “Campus Safety Alert” may be distributed for any Clery-reportable crimes that represent a serious or continuing threat to students and employees. Each incident is considered and evaluated on a case-by-case basis, depending on the facts of the case and the information known by the Department of Campus Safety at the time. For example, if an assault occurs between two students who have a disagreement, there may be no continuing threat to other campus community members, and a timely warning notice would not be distributed. Cases involving sexual assault are sometimes reported long after the incident occurred, so there is no opportunity to distribute a timely warning notice to the community.

In instances where information was not provided to DCS in a timely manner or if the threat has been appropriately mitigated, DCS will not generally issue a timely warning notice. If new information surfaces, the DCS will reevaluate the incident and may issue a timely warning.

The content of a timely warning generally consists of:

- a brief summary of the incident;
- a physical description of the suspect (if known and relevant);
- whether the case is under investigation;
- resources, safety and prevention tips, and;
- who to contact to report additional information.

DU must keep confidential the names and personally identifying information of crime survivors when issuing a timely warning. The DCS will never release a crime survivor’s personally identifiable information. When issuing a timely warning for sensitive matters, such as gender-based violence, DCS makes every effort to not release specific incident details that may identify a crime survivor; however, they may need to release information, such as a location, that may lead to identification of a crime survivor. The DCS balances the need to provide information of a serious or continuing threat to the DU community while also protecting the confidentiality of the crime survivor to the maximum extent possible.

Timely warning notices are developed, activated, and distributed under the direction of the Director of Campus Safety or their designee. The timely warning notice development process is as follows:

- Department of Campus Safety personnel receive information about a Clery crime on or near a DU campus from a campus security authority, from the public, or from another law enforcement agency.
- The Clery and Compliance Coordinator, or another DCS employee, completes a timely warning decision matrix to determine if it is appropriate to send a timely warning.
- The timely warning decision matrix and the incident report are provided to the Director of Campus Safety, Associate Director of Campus Safety, the DCS Patrol Captain, the Manager of Emergency Preparedness, and the Office of General Counsel to determine if the incident warrants the issuance of a timely warning.
- If a timely warning is needed, a staff member (usually Manager of Emergency Preparedness and Fire Safety) drafts the Campus Safety Alert.
- The draft is sent to DU employees in various units for review as well as to selected law enforcement personnel to confirm that the timely warning will not be hindering any active law enforcement investigation prior to the release of the timely warning to the DU community.
- The timely warning is issued to the entire DU community via mass email.

Timely warning notices are normally issued by either the Associate Director of Campus Safety or Manager of Emergency Preparedness and Fire Safety. Trained staff members in the DCS Communication Center may also distribute the timely warning notices at the direction of the Director of Campus Safety or their designee. Additionally, other DCS staff may be involved in developing and/or executing the timely warning process as necessary or as directed by the Director of Campus Safety or their designee.

Timely warning notices are distributed via mass email to @du.edu email accounts of all employees and students, and may also be posted to the DCS Twitter account, Facebook account, Instagram account, and DU SAFE app to be immediately received by individuals who follow or subscribe to those accounts. The DCS may post a copy of the Campus Safety Alert at the front desk of each residence hall, and/or at the doorway to each campus building, as well as deliver copies to each fraternity and sorority house.

DU does not routinely issue a timely warning for crimes reported to a Pastoral or Professional Counselor because of the confidentiality of those relationships.

## Emergency Notifications

An emergency is an event, expected or unexpected, that poses an immediate threat to the health and safety of students, faculty, and staff. DU faculty, staff, and students are instructed through new employee and student orientations, trainings, emergency/evacuations procedures (posted in visible areas in campus buildings and resident halls), printed materials, the Office of Emergency Preparedness and Fire Safety website, and the Department of Campus Safety website, to call 9-1-1 to report life threatening emergencies and for other emergency assistance.

DU has developed a comprehensive emergency notification system (DU Alert) that allows for the use of text messaging, emails, social media, and digital displays to immediately notify the DU community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of student, faculty, and staff on the campus.

If an emergency situation arises, DCS will issue an Emergency Notification, which are called a "DU Alert," to immediately notify the DU community and to expedite emergency response and/or evacuation procedures. The goal of an emergency notification is to notify as many people as possible, as rapidly as possible, with adequate follow-up information. To avoid unnecessary panic,

notifications are only sent by the Department of Campus Safety once confirmed by authorized individuals. When DCS follows the emergency notification procedures, DU is not required to issue a timely warning based on the same circumstances, however, DU will provide adequate follow-up information to the community as needed.

DU has implemented a formal process that gives designated DCS personnel the authority to do the following:

- Confirm a significant emergency or dangerous situation;
- develop the content and consider the appropriate segments of the campus community to receive the notification; and
- initiate appropriate emergency notification systems to send an emergency message to all or part of the DU community.

DU confirms an emergency or dangerous emergency when one or more of the following occurs:

- Confirmation of the incident by an emergency responder in the area;
- Visual confirmation via CCTV systems;
- Audible confirmation either in person or via telephone systems;
- Three unique reports of the incident from members of the public or DU community;
- Confirmation of an impending emergency by an emergency response or relevant agency; or
- Authorization is given by the rank of Captain or above regardless of confirmation.

The following positions within the DU Department of Campus Safety are authorized to release information via the emergency notification system after confirmation occurs:

- Chief of Campus Safety
- Commander of Campus Safety
- Manager of Emergency Preparedness & Fire Safety
- Captain (Patrol Operations)
- Clery and Compliance Coordinator
- Campus Safety Sergeants
- Campus Safety Corporals
- Campus Safety Officers
- Campus Safety Communication Technicians

The Chief of Campus Safety and/or their designee may also consult directly with DU's University Relations Department to provide an immediate, timely notification to the DU community via the emergency notification mechanisms.

Emergency notifications are issued for incidents that include but are not limited to active threat/active harmer, major hazardous materials release, major fire, bomb threat, civil unrest, terrorist incident, infectious disease outbreak, crimes in progress posing a threat to the physical safety of the community, or a tornado or other extreme weather conditions that would directly impact a DU campus.

The process guiding emergency notification confirms that the Department of Campus Safety will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional

judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Once the decision is made to send an emergency notification, the Department of Campus Safety Communications personnel or the DCS Manager of Emergency Preparedness or designee will send it to the entire DU community unless notifications to targeted groups are necessary. The Chief of Campus Safety or designee determines if the emergency notification is to be limited to a targeted group(s). In most cases, the emergency notification messages sent by Department of Campus Safety (DCS) are created using an established template format developed by the DCS Office of Emergency Preparedness and Fire Safety. When possible, additional incident specific information will be included. The use of this script will help reduce the time between the report of an incident and emergency notification to the community. The text of any additional or follow-up DU Alert messages will be crafted by the DCS Communications Technicians, the Incident Commander (when applicable), and/or the DCS Manager of Emergency Preparedness and Fire Safety or designee.

The system utilized to communicate with the DU community during a crisis or emergency includes several modes that can reach students, faculty, staff and the community at large, including parents, visitors, neighbors, and community partners. These modes include text message, email, social media, and digital display in select areas throughout campus.

## Dissemination and Emergency Notification

**DU Alert – Mass Text Message:** DU has the ability to send DU Alert text messages to students, faculty, staff, and parents of DU students that opt-in and register their personal cellular device in the Department of Campus Safety's web portal.

**DU Alert – Mass Email Notification:** DU has the ability to send emails to all students, faculty and staff members with @du.edu email addresses. All @du.edu email addresses are automatically added to the DU Alert system and cannot opt-out.

**Social Media:** DU has the ability to send DU Alert messages directly to several social media outlets. DU Alert messages can be sent to the following DCS Twitter account:  
[www.twitter.com/DUCampusSafety](http://www.twitter.com/DUCampusSafety).

**Digital Displays:** Certain digital display systems on the University Park campus are configured to receive and display DU Alert messages.

**Telephone Alert System:** Members of the DU community have the option to register a telephone number with the system to receive a telephone call with an automated message when the system is used.

Information critical to members of the larger campus community may be disseminated using additional mechanisms at the discretion of the Chief of Campus Safety or designee.

## Communication with the Larger Community

Any individual, even those who are not students, staff, or faculty, can view social media posts and information included on campus digital displays. Parents and guardians of students have the ability to opt into DU Alerts to receive emergency notifications via social media sites (Twitter). DU Alerts are sent to the Department of Campus Safety's Twitter page, which can be monitored by local media outlets as well. The media are able to view and monitor all DU Alerts via Twitter. Designated individuals in key positions within the Denver Police Department, University Park campus's local law

enforcement agency, are registered with the DU Alert system to receive emergency notifications via text messages and emails.

## DU Alert

All students, faculty, and staff are encouraged to update contact information for the DU emergency notification system by visiting: <https://www.du.edu/campussafety/du-alerts>.

The system is tested by the DCS Manager of Emergency Preparedness annually. For questions or problems concerning the DU Alert service, individuals are directed to contact the Department of Campus Safety at 303.871.2334.

### How to Receive DU Alert Emails

All @du.edu email addresses are automatically subscribed to receive DU Alert messages. There is no option to unsubscribe.

### How to Receive DU Alert Text Messages

Individuals with a DU identification number may subscribe to receive DU Alert text messages. Students, faculty, or staff can follow the instructions below.

Go to the Department of Campus Safety's webpage at <https://www.du.edu/campussafety/du-alerts>.

- Select the "Sign up" under the notification preferences section.
- Select the Notifications tab under Personal Information on DU's My4D if not automatically directed.
- Enter up to three text-enabled cell phone numbers, including area code.
- Hit "Submit."

# Emergency Response and Evacuations

## Emergency Response and Evacuation Procedures

The Department of Campus Safety's Office of Emergency Preparedness & Fire Safety develops, communicates, and trains on the DU's emergency policies, strategies, plans and procedures. The Office of Emergency Preparedness works closely with departments and offices to design, train and exercise emergency response and continuity of operation plans. This office educates students, faculty and staff on mitigation, preparedness, and response/recovery strategies. The office assesses DU's preparedness for natural, epidemic and human caused emergencies while working collaboratively with representatives from the City and County of Denver and other local, regional, state and federal agencies on emergency planning. More information on what to do in case of emergency is located on the Department of Campus Safety's website: <https://www.du.edu/campussafety/emergency-preparedness>.

DU has an Emergency Operations Plan and Aftercare Guide, referred to as "The Guide," that details immediate response and evacuation procedures, including the use of electronic and cellular communication. The Guide includes information about the Incident Management Team, incident priorities, shelter-in-place and evacuation guidelines, and command and control procedures. It also details the processes and functions for DU to prevent, plan for, and respond to events that become critical incidents. Critical incidents are defined as events that may impact the life, safety, financial condition, property, and reputation of DU. DU mission critical departments are responsible for developing their own emergency action plans and continuity of operations plans for their staff and areas of responsibility.

As a part of The Guide, DU has an Emergency Management Plan managed by the Department of Campus Safety and University Relations. The plan outlines the appropriate response strategy for a variety of critical incidents and the organizational hierarchy to be utilized by DU during response and recovery. The Department of Campus Safety then identifies Emergency Response Teams, which consists of a group of individuals in each building to augment Campus Safety's response during a fire evacuation or shelter-in-place situation. Members of the Emergency Response Team are trained on DU's Emergency Management Plan.

## Emergency and Evacuation Procedures for Student Housing

Evacuation procedures for student housing are included in the Fire Safety Report portion of this document.

## Emergency and Evacuation Procedures for Non-Residential Buildings

DU publicizes general emergency response and evacuation procedures to the broad campus community through emergency procedures posters. The Department of Campus Safety has site-specific emergency procedures information. The Department of Campus Safety's Office of Emergency Preparedness website includes information on how to respond to several different hazards/threats. It includes general information about procedures for lockdown, lockout, shelter-in-place, evacuation, evacuation for persons with disabilities, and emergency planning. The website can be accessed at <https://www.du.edu/campussafety/emergency-preparedness>.

## Testing, Exercises and Evacuation Drills

Regularly scheduled tests, drills, exercises, and follow-through activities are conducted to assess DU's emergency response and evacuation procedures. All tests are documented with description of exercise, date, time and whether announced or unannounced.

Each year, DU conducts at least one tabletop exercise with the Incident Management Team. In 2023, an unannounced tabletop exercise was held on February 8 with the Incident Management Team and Incident Command Team. The tabletop exercise was centered around a fictitious active shooter incident on campus. Members of the Incident Management Team and Incident Command Team were present.

DU also conducts an annual test of the DU Alert system by sending out a test message to the campus community.

Fire evacuation drills are conducted annually for non-housing buildings and three times a year for most student housing buildings. The Ricks Center and Fisher Early Learning Center undergo three drills per quarter (one type each month): an evacuation fire drill, a lockdown drill, and a tornado drill. Student housing evacuation drills are documented in the Fire Safety Report section of this document. The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency.

Following all tests, documentation is completed with the details and outcomes of the exercise to evaluate response plans, efficiency of implementation, and opportunities for improvement.

## Shelter in Place

There may be emergencies that arise that do not afford individuals the opportunity to evacuate. During these types of emergency situations, sheltering in place may be necessary. Sheltering in place means to stay inside a known, safe area to avoid adverse conditions in an exterior environment. Examples of emergencies where the shelter in place option may be necessary and/or preferred include severe weather or a hazardous material situation. Shelter in place procedures can be found at: <https://www.du.edu/campussafety/emergency-preparedness/shelter-place>.

## Missing Student Notification Policy

### Introduction

- The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, 20 U.S.C. § 1092(j) ("Clery Act"), is a federal law requiring institutions of higher education that maintain on-campus student housing to establish a missing student notification policy and related procedures.
- When a residential Student at the University of Denver is reported missing, the University will follow this Missing Student Notification Policy and related procedures.

### Policy Overview

- As part of the Housing & Residential Education ("HRE") housing application process and through a communication to all students from the Office of the Registrar, the University informs students of the opportunity to provide the name of, and contact information for, an individual whom the University should contact in case the Student is reported missing.
- The University will inform Student(s) through its Annual Security and Fire Safety Report and this Policy that the University will:

- register their missing Student notification contact information confidentially;
- limit access to such contact information to authorized University officials; and
- only disclose such contact information to law enforcement personnel in furtherance of an investigation into a reported missing Student.
- If the Student is under 18 years of age and not emancipated, the University will notify a custodial parent or guardian of the Student within twenty-four (24) hours of the determination that the Student is missing, in addition to notifying any additional contact person designated by the Student on the Missing Student Notification form.
- The University will notify the local law enforcement agency within twenty-four (24) hours of the determination that the Student is missing, unless the local law enforcement agency was the entity that made the determination that the Student is missing.
- If the University cannot reach the contact person designated by the Student on the Missing Student Notification form within a reasonable time frame, the University may contact the Student's parent(s) or guardian(s) if they were not listed as the designated contact.

## Process Overview

- Reports to Housing & Residential Education
  - If a family member and/or friend informs HRE staff that they have not been able to make contact with a Student, the HRE staff member must immediately notify the HRE Administrator on Call. Under the guidance of the HRE Administrator on Call, HRE staff members will (a) attempt to make contact with the Student by phone, room check, social networks known to HRE staff members, and/or with assistance from the Student's roommate(s), friend(s), parent(s), and/or guardian(s); and (b) inform the HRE Administrator on Call of the results of HRE's attempts to contact the Student.
  - The HRE Administrator on Call will inform the Department of Campus Safety ("Campus Safety") of the inquiry regarding the Student. In consultation with HRE, Campus Safety will begin their investigation to determine whether the Student is missing and engage with law enforcement as appropriate.
- Reports to Campus Safety
  - Members of the University community and other individuals who are concerned because they have been unable to make contact with a Student residing in University owned or operated housing may contact Campus Safety's 24-hour dispatch center at (303) 871-2334 (1-2334). Once Campus Safety is notified, Campus Safety will initiate an investigation to determine whether the Student is missing. When University officials other than HRE staff are contacted under these circumstances, those officials must immediately notify Campus Safety so that Campus Safety may begin their investigation to determine whether the Student is missing.
  - To determine if a Student is missing, Campus Safety may, as applicable:
    - Attempt to contact the Student using phone and email contact information the Student has provided to the University;
    - Retrieve the Student's photo, check the Student's class schedule, and attempt to contact the Student in class;
    - Contact individuals on campus who may know the Student, such as their roommate(s), floor mates, other friends, acquaintances, professors, coaches, team members, club advisors, and fellow club members;
    - Determine where and when the Student used their DU ID to enter campus facilities;
    - Check the Student's social media accounts for recent activity;



- If the Student has a University parking permit for a vehicle, attempt to locate the vehicle;
- Contact individuals off-campus who may know where the Student is located, such as employers and associates, parents, guardians, other family members; and
- Use other investigative measures Campus Safety deems appropriate.
- Should Campus Safety's investigation determine that the Student has been missing for twenty-four (24) hours, Campus Safety will notify the following individuals and entities within twenty-four (24) hours of making that determination:
  - the Denver Police Department and other law enforcement agencies, as appropriate, unless the local law enforcement agency was the entity that made the determination that the student is missing; and
  - the contact person the Student designated on the Missing Student Notification form; for Students who are under the age of 18 and not emancipated, in addition to contacting the individual designated by the Student above, University officials must contact a custodial parent or guardian to inform them that the University has determined that the Student is missing.

## Definitions

- "Student" is defined in the University's Honor Code as any persons registered for or auditing classes at the University; admitted to or enrolled in any University program; or on University Premises for any purpose related to the same regardless if the class, program, or other education activity is credit earning or part of a degree or non-degree program. For the purpose of this Honor Code, a person is also considered a Student if they have completed the immediately preceding term and are enrolled for a subsequent term or program; if they are representing the University between terms or programs; or, if they have been previously enrolled but are on a leave of absence or otherwise have a continuing relationship with the University.

# Fire Safety Report and Fire Statistics

In compliance with the Higher Education Opportunity Act (HEOA), DU has developed an annual fire safety report. This document summarizes the reporting components required by the HEOA and is applicable to only the University Park Campus. The Western Colorado and Four Corners Campuses do not have student housing.

DU maintains compliance with fire and life-safety standards in all buildings owned or under the control of DU, in accordance with the International Fire Code as adopted by the City and County of Denver, the Denver Amendments to the International Fire Code, and the National Fire Protection Association's (NFPA) regulations. This includes buildings associated with student housing.

The Department of Campus Safety in partnership with DU's Housing & Residential Education (HRE) are committed to providing students with fire safety training and a safe community for living and learning.

Residents of the following student housing buildings are subject to their housing contract, DU Honor Code and Guide to Residence Living.

- The Hub, Centennial Halls, Centennial Towers, Delta Delta Delta, Delta Zeta, Dimond Family Residential Village, Gamma Phi Beta, Hilltop Hall, Johnson-McFarlane Hall, Lambda Chi Alpha, Lynn Marie Apartments, Mesa Apartments, Nagel Hall, Nelson Hall, Ridgeline Apartments, Summit Apartments, Transfer House, University Lofts, University Place Apartments, and Zeta Beta Tau.

Residents of the following student housing buildings are subject to their leasing agreement and DU Honor Code (unless the resident is not affiliated with DU).

- Asbury Heights, Brittany Manor & Gardens, Carousel Apartments, The Florentine, University North, University South, York Street Flats, York Street Lofts.

## Fire Safety Definitions

### Definition of a Fire

For the purposes of fire safety reporting, a fire is defined as "any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner."

### Definition of a Fire Safety System

The HEOA defines a fire safety system as any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing systems, fire detection devices, stand-alone smoke alarms, devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.

## Fire Safety Reporting

For safety and statistical purposes, all fires, whether active or extinguished, should be reported to the Department of Campus Safety as soon as it is safe to do so.

To report an active fire on campus:

- Dial 9-1-1 for response by the local fire department.

- When feasible, contact the Department of Campus Safety at 303-871-3000.

To report evidence of a fire or past fire situation in DU Student Housing, contact the following:

- Department of Campus Safety at 303-871-2334
- Reported fire incidents, which are found to be actual fires, will be included in the annual fire statistics.

## Fire Prevention Policies and Procedures

HRE has developed policies and procedures for a safer community. These procedures are communicated to the resident hall students through The Guide to Residence Living. Students are also responsible for complying with DU's Honor Code, which outlines the policies and procedures applicable to all students at DU. HRE enters into a housing contract with each student, who lives in University owned or operated housing. Those agreements include restrictions related to portable electrical appliances, smoking and open flame. Residents living in Wheelhouse Apartments managed properties are subject to their lease agreement with Wheelhouse. The applicable fire prevention policies are as follows:

## DU Office of Student Rights & Responsibilities Policies and Procedures Honor Code

Endangerment includes the following:

- **Substantial Risk:** Any act that directly or indirectly creates a substantial risk to , , health or physical safety, regardless of intent. This includes, but is not limited to, preventing, delaying, or interfering with any University Official, law enforcement officer, and/or emergency service professional from evaluating or providing assistance to another individual.
- **False Report:** Any act, display, or communication that intentionally initiates or causes to be initiated any false report of an emergency, including, but not limited to, any threat of fire, explosion, or any other emergency or the unauthorized possession, use, or alteration of any emergency or safety equipment.
- **Weapons:** Any possession or use of Weapons, ammunition, explosives, or other objects designed or used to inflict injury or damage while on University Premises or items that simulate Weapons or other dangerous objects, even if the Student possesses a valid concealed Weapons permit or other lawful permission to carry a Weapon. The reckless misuse of these items either on or off University Premises is prohibited. The University does not prohibit the possession of non-lethal self-defense instruments such as pepper spray; however, the University does prohibit the reckless or inappropriate use of those instruments or other items that could cause harm when not used for their intended purpose.

Fire Safety violations includes the following:

- **Explosive Devices:** Any possession or use of fireworks, explosives, or other objects designed or used to explode, inflict injury or damage, or cause a spark while on University Premises, even if the Student possesses a valid permit or other lawful permission or the reckless misuse of these items either on or off University Premises.
- **Fire Setting/Starting:** Intentionally or recklessly causing or attempting to cause a fire that damages or threatens University or personal property and/or causes injury.

- **Fire Safety Equipment:** Intentionally or recklessly tampering with, damaging, or improperly using fire safety equipment.

## Violation of Housing and Residential Education's Community Standards

In addition to the Community Standards set forth in the Honor Code, Residents and their Guests in University owned or operated housing are expected to comply with all community standards listed below, and any alleged violation of such community standards may be documented. Residents may have permitted Guests and are responsible for the actions of their Guests. Guests are expected to uphold all University Policies, including Housing & Residential Education's (HRE) Community Standards. If a Resident's Guest engages in potential violations of any University Policy or Community Standard, the Resident may be held accountable through the SRR process as outlined in this Honor Code.

Residents should discuss with their roommates and/or suitemates their expectations for following these community standards as all residents are responsible for the actions and items in their assigned living space.

Shared Spaces, Technology, and Facilities Use standards include the following:

- **Approved Items:** Residents must not be in the possession of or use any items that are prohibited in University owned or operated housing, this includes but is not limited to candles and lighters.

Fire Safety standards include the following:

- **Cooking:** Residents must follow all cooking-related fire safety measures and requirements.
- **Decorations:** Residents' decorations must be consistent with decorating restrictions in University-owned or operated housing. Residents must not hang decorations or other items from a smoke detector, sprinkler heads, sprinkler pipes, sprinkler line, other pipes, or ceilings, temporarily or permanently.
- **Evacuation:** Residents must follow the evacuation process and follow all verbal directives instructions from University Officials, Fire and Police Department, and Emergency Response Personnel. This includes but is not limited to immediately exiting buildings during any fire drills or alarms.

## DU Housing & Residential Education Guide to Residence Living

### Fire Safety

You must follow all fire safety policies in The Honor Code and the Guide to Residence Living. Residents who violate a fire safety policy may be referred to the Office of Student Rights & Responsibilities (SRR) for action under the Honor Code. In addition to any outcomes assigned by SRR to students found responsible for such violations, the University may terminate a student's housing contract and prohibit the student from living in University housing. Failure to comply with applicable fire safety policies may also result in a student facing criminal charges or civil liability for property damage or personal injury.

### Fire Safety Equipment

The University has installed advanced fire safety technology in University housing, including smoke detectors, thermal alarms connected to the central fire alarm system, and a sprinkler system to provide a high level of protection in the event of a fire.

Each sprinkler head operates with a “fusible link,” a small device that melts under the heat of a fire and releases the water flow. The sprinklers can also be activated if the fusible links or the system pipes are pulled or struck, such as if you hang any object from the sprinkler head or are carrying or throwing an object that hits the sprinkler head. Because the fusible links are susceptible, you must be extremely careful not to touch, throw anything at, or hang anything from them.

The sprinkler heads are tied into a powerful building-wide sprinkler system. When the sprinklers are activated, they will generate more than forty (40) gallons of water each minute from each head. The water will damage personal and other residents’ belongings in different rooms on your floor and the below floors. You may be held accountable for the resulting water damage if you intentionally or carelessly activate the sprinkler system.

If a fire activates the sprinklers, the Denver Fire Department will investigate to determine the cause of the fire. If you intentionally or carelessly set a fire, you may be referred to the Office of Student Rights & Responsibilities under the Honor Code, subject to criminal charges or civil liability for property damage or personal injury caused by the fire or water, and otherwise held financially responsible.

Housing & Residential Education policy prohibits starting fires and tampering with, interfering with, or unintentionally causing the activation of any kind of fire emergency equipment, including but not limited to:

- Striking, removing, tampering with, or hanging items from any smoke detector, sprinkler head, or sprinkler line.
- Activating a fire alarm under false pretenses or falsely calling a fire
- Discharging or removing a fire extinguisher or hose
- Breaking the safety glass on the fire extinguisher case
- Propping open or barricading fire doors
- Leaving an area through a locked fire door

## Fire Inspections

As part of the ongoing fire prevention initiatives in the City of Denver, firefighters from the local fire station or inspectors from the Fire Prevention and Hazardous Materials Division will visit each building accompanied by Campus Safety officers and other University personnel at least once per year to confirm compliance with Denver Fire Code and good life safety practices. Any issues found during these inspections will be resolved by Facilities, HRE, or Campus Safety personnel by order of the Denver Fire Department.

Residence hall fire alarms are inspected annually to confirm proper functioning under normal conditions. These inspections are performed by a University Alarm Technician or by private contractors.

## Fire Alarm Activation

If a fire alarm sounds, residents and guests must immediately vacate the building via the nearest stairwell and proceed at least 50 feet (15 meters) outside the building, where they must remain until a Campus Safety Officer or other first responder allows residents to re-enter the building. Residents and guests must fully cooperate in all evacuations. Failure to evacuate the building if an alarm sounds may result in a referral to the Office of Student Rights & Responsibilities for action under the Honor Code.

## Cooking

Cooking is only permitted in designated kitchen areas. When cooking in authorized areas, residents must comply with the following requirements:

- If the cooking surface or cookware is messy, dirty, or excessively greasy, clean the cooking surface and cookware before use.
- Do not overload the circuit when using electric cooking appliances such as microwaves, kettles, or toasters.
- Never leave food that is cooking or an active cooking surface unattended.
- Before starting to cook, familiarize yourself with the fire safety resources available and know where the fire extinguisher is.
- Before leaving the kitchen area after you finish cooking, clean up, dispose of trash, and turn off all appliances.

If a fire starts and you can safely do so, contain the fire by closing the oven door or microwave or putting the lid on the pan. Use an available fire extinguisher suitable for the type of fire. If these efforts fail, pull the fire alarm and evacuate immediately.

## Prohibited Items & Materials

In addition to items prohibited by the University's Honor Code, certain items are not permitted in all University-owned or operated housing, except in suites/apartments with a kitchen.

### Items Prohibited in all Apartments & Residence Hall Communities

Possession or use of the following items are prohibited within all University-owned and operated housing:

- Personal air conditioning units (except that students in Centennial Halls, Johnson-McFarlane, Hilltop Apartments, and 4D House may have evaporative air coolers up to a capacity of 150 watts/44 BTUs and a 3-gallon tank)
- Grills within or external to any residential community
- Extension cords (surge protectors are allowed)
- Motorized equipment within a residential building including, but not limited to, electric skateboards, electric longboards, one-wheels, and scooters
- Any gas-powered equipment
- Candles, incense, or any other item that maintains a persistent flame
- Items with exposed coils or heating elements include, but are not limited to, hot plates with coil burners, space heaters, electric grills with exposed coils, electric coil burners, and electric kettles with exposed elements
- Halogen lights or lightbulbs
- Hazardous materials including, but not limited to, gasoline, propane, butane, or other flammable liquids or gases

### Items Additionally Prohibited in Residence Halls

Except in suites/apartments with a kitchen, the following items are prohibited in University-owned or operated housing:

- Toasters or toaster ovens
- Frying pans, griddles, or grills (including George Forman grills)
- Pressure cookers or multi-cookers

- Any other items that do not have an automatic shutoff, may use or require grease, butter, or similar substances for cooking, or may cause grease (or similar substances) as a byproduct.

## University of Denver Policy Manual

### Tobacco-Free Campus

The University prohibits the use of Smoking Products on all University Premises, both indoors and outdoors.

The University prohibits the sale, distribution, and sampling of Smoking Products, related merchandise or promotional materials on all University Premises and at University-sponsored events.

This policy applies to all employees, students, and visitors.

## Wheelhouse Apartments Residential Rental Lease Agreement

Resident shall not maintain or use any barbecue grill or similar device or apparatus ("grill") if prohibited by any law, ordinance, or regulation, including, but not limited to, any fire department rule or policy. Before grilling or barbecuing, Resident shall verify with the onsite management office whether barbecuing or grilling is permissible at Resident's community. If permissible, Resident will only grill or barbecue in compliance with any applicable laws and these community policies and the Lease Agreement.

### Smoking Prohibited

Resident understands the property is a smoke free apartment community. Resident shall not smoke anywhere at any time inside the Premises or any outside portion of the Premises (garages, patios and balconies), inside any Community building, or at any Community amenity or facility. Smoking means the use of any product or any form of any product, especially including but not limited to tobacco, that burns, is lighted, ignited, is in a state of combustion, or that generates smoke. In accordance with Resident's Lease, Resident is at all times responsible for the conduct of Resident's occupants, guests, invitees and all others ("other Persons") who are present on or in any portion of the apartment community due to or because of Resident. Resident agrees to inform all other Persons that the Community is non-smoking, and that they are prohibited from smoking, and that a violation by any other Person of this Addendum is a violation by Resident.

### Portable Electrical Appliances and Open Flames

There are no specific prohibitions for portable electrical appliances or prohibitions on open flames.

### Fire Drills

In addition to fire inspections, emergency egress and relocation drills are conducted with sufficient frequency to familiarize occupants with drill procedures. Fire evacuation drills are conducted three times per academic year in DU owned or operated housing that are managed by HRE with the exception of Lynn Marie Apartments, which does not have a monitored fire alarm system. DU Student Housing managed by Wheelhouse Apartments do not have monitored fire alarm systems and do not conduct fire drills.

# DU Housing & Residential Education Guide to Residence Living

## Fire Drills

DU policy and the Denver Fire Code require that all residence halls have a fire drill three times per year, typically once per quarter during the academic year. During a fire drill, representatives from the Department of Campus Safety will expect the following, or the building will fail the fire drill:

- All people have evacuated the building;
- All doors and windows are closed;
- All halls, stairwells, fire system components, and walkways are clear and accessible;
- Elevators are bypassed in favor of stairs;
- All people have moved at least 50 feet from the building (walls and doors; 50 feet from an entrance is not the same as 50 feet from the building);
- The building is evacuated in a reasonable amount of time;

If the Department of Campus Safety representatives note any violations, the Department of Campus Safety will cite the residential building, attempt to identify any students who may be responsible for the violations, and may require an additional fire drill to be held within seven days following a report of deficiencies to Housing & Residential Education.

## Fire Evacuation Procedures – Student Residential Housing

Evacuation procedures are posted on each floor in all DU owned or operated housing managed by HRE. Additionally, evacuation procedures are listed in HRE's Guide to Residence Living. Fire evacuation procedures apply to all students, HRE staff and contracted employees who reside or work within all DU owned or operated housing managed by HRE.

# DU Housing & Residential Education Guide to Residence Living

## Evacuation

If a fire activation, you should immediately exit the building. If you are not in your own room, do not go back to your room to retrieve items.

Remember the following safe evacuation reminders in the event of a fire:

During evacuation, leave the building immediately and:

- Do not investigate the source of the emergency.
- Take a dampened towel and cover your nose and mouth to prevent smoke inhalation.
- Exit via the stairway closest to your room/apartment, and do not use the elevator.
- When possible, walk; do not run or shove others
- Close doors behind you.
- Follow any instructions of the Campus Safety Officers, designated University officials, or other identified emergency personnel.
- Upon exiting the building, move to your designated rally point.

If the outside exit door does not open immediately, kick the emergency strike plate.

If the doorknob is hot, do not open your door.

- Wait in plain view next to your window.
- Open the blinds and leave your lights on.



- Call Campus Safety at (303) 871 – 3000 or 911 to report your location, if possible.
- Only re-enter the building once Campus Safety Officers or other first responders tell them to do so.

## Rally Points for Evacuations

All residents must be at least 50 feet (15 meters) from any residential building that is being evacuated. In addition to this required distance, the rally points are as follows:

### Centennial Towers

- On the west side of the building, residents should proceed across Williams Street and over the parking structure.
- On the east side of the building, residents should proceed across High Street.

### Centennial Halls

- On the west side of the building, residents should proceed across High Street.
- On the east side of the building, residents should proceed to the intramural sports field and the lacrosse stadium tunnel.

### Dimond Family Residential Village

- Residents should proceed to Asbury Avenue and follow Asbury Avenue around Sturm Hall to Driscoll Green.
- Residents must refrain from gathering in the courtyard between the east and west wings of the building.

### Johnson-McFarlane Hall

- On the west side of the building, residents should proceed across High Street.
- On the south side of the building, residents should proceed across Liff Avenue.
- Residents of Johnson-McFarlane Hall may also proceed to the Nelson Hall cafeteria.

### Nelson Hall and Nagel Hall

- Residents should proceed across High Street on the west side of the buildings.
- On the east side of the buildings, residents should proceed near Evans Chapel or the green space on the east side of Hilltop.

### The Hub

- Residents must rally 50 feet (15 meters) away from their building.

### Apartments Community

- Residents must rally 50 feet (15 meters) away from their apartment building, preferably across a street, if they can cross safely without impeding emergency services.

### Transfer Living Community

- Residents should exit the building and proceed around Sturm Hall to Driscoll Green.

## Individuals with Mobility Limitations

If an individual is unable to evacuate a building due to mobility limitations, the individual should, with assistance as necessary:

Move to:

- the designated area of rescue for the building, if the building has a designated area; or
- the closest stairwell if the building does not have a designated area of rescue.

Call 911 or Campus Safety at 303-871-3000 and inform first responders of the location of the individual requiring rescue.

## Special Considerations

Certain evacuations may last longer than your typical fire alarm. In cases where there is an actual fire, carbon monoxide alarm, or any instance where one cannot re-enter their assigned living quarters for a prolonged period, please go to the following gathering points located in a building different than your living quarters.

- Residents of Halls will gather at Towers' main lounge.
- Residents of Towers will gather at Halls' main lounge.
- Residents of JMAC will gather inside the Nelson lobby.
- Residents of Nelson and Nagel will gather at the JMAC main lounge and classroom.
- Dimond Family Residential Village residents will gather at Halls' main lounge.
- Residents of the Apartments Community should gather in the Richie Center.

## Wheelhouse Apartments Managed Properties

Leasing agreements do not stipulate specific fire evacuation protocols. All fire evacuation protocols listed on the Guide to Residence Living above are also applicable for all residents of these properties. In case of a fire, residents should rally 50 feet (15 meters) away from their apartment building, preferably across a street, if they are able to cross safely without impeding emergency services.

## Fire Safety Education

The Department of Campus Safety conducts annual fire-safety education training for designated Emergency Response Teams who then disseminate the information covered to their respective departments.

HRE Residence Assistants are also given fire-safety training on an annual basis, which they disseminate to the residents in their residence halls. Training includes a review of use of fire extinguishers, fire safety components of their assigned building, expectations of the staff, evacuation procedures and their role, fire safety guidelines, and emergency assistance procedures.

Every resident living in DU owned or operated housing has access via the HRE website at <https://studentaffairs.du.edu/housing/guide-residence-living> to the complete Guide to Residence Living, which includes fire safety information and expectations to incoming and current student residents. Upon request, HRE staff will print a copy of the Guide to Residence Living for any resident of DU owned or operated housing. The Department of Campus Safety provides fire safety information and expectations to student residents, which is accessible via their website. At least annually, room inspections are conducted of each residence by either HRE staff or Department of Campus Safety Staff. During these announced periods, staff members may inspect rooms to assess

possible fire and life-safety hazards. Fire safety training materials are available to incoming and returning students and their families during DU's orientation and move-in period each year.

Contract employees that work in the dining halls of DU owned or operated housing follow DU's policies on fire evacuation and fire drills. Additionally, these employees are provided fire safety education and fire extinguisher training through the Department of Campus Safety and participate in daily safety meetings held by members of the contracted company.

All students, HRE staff and contracted employees who reside or work within all DU owned or operated housing (to include dining halls and parking structures adjacent to or contained within, where applicable), shall do the following if a fire is discovered or suspected:

- Locate and pull the nearest fire alarm. If the alarm fails to operate, warn other occupants to evacuate the building by shouting the warning.
- Follow the Fire Evacuation procedures for student housing. Evacuate the building immediately and move at least 50 feet (15 meters) from the building to a safe location.
- Even if the alarm sounds, call the Campus Safety emergency number, 303-871-3000 (1-3000), and provide as much information as possible about the alarm. Do not assume someone else has called or that the fire signal notified the Department of Campus Safety.

## Inspection, Testing, and Maintenance of Fire Protection Systems and Equipment

DU's Facilities Management and Planning manages this element of the campus fire safety program with support from HRE and an approved/licensed 3rd party fire protection contractor. All fire protection systems and equipment in DU owned or operated housing managed by HRE is tested, inspected and maintained per local and national fire protection codes and standards.

As part of the ongoing fire prevention initiatives in the City of Denver, the Office of Emergency Preparedness and Fire Safety works with DU departments and the Denver Fire Department to perform annual fire inspections in all buildings on campus. Firefighters from the local fire station or inspectors from the Fire Prevention Department and Hazardous Materials will visit each building accompanied by Department of Campus Safety and other DU personnel at least once per year to confirm compliance with Denver Fire Code and good life safety practices. Any deficiencies found during these inspections will be remedied by DU's Facilities Management and Planning, HRE, or Department of Campus Safety personnel by order of the Denver Fire Department.

Fire alarms in DU owned or operated buildings are inspected annually to confirm proper functioning under normal conditions. These inspections are performed by a DU Alarm Technicians or by private contractors through agreements with DU.

## Plans for Future Improvements in Fire Safety

Campus fire safety officials review fire safety policies and equipment on an ongoing basis. The only planned improvement is a small modification to the Centennial Halls fire alarm system to install new beam detectors.

## Fire Log

A log of all campus fires is maintained by the Department of Campus Safety, Manager of Emergency Preparedness. The log may be viewed at the Department of Campus Safety, Campus Safety Center,

2130 S. High St., Denver, during regular business hours, Monday through Friday. Call our mainline at 303-871-2334, for more information.

The current fire log is also available via the Department of Campus Safety's website at:  
<https://www.du.edu/campussafety/crime-fire-logs>

## Fire Statistics and Description of Fire Safety Systems

The fire statistics for student housing facilities for the 2021, 2022, and 2023 calendar years are provided below. A description of fire safety systems for each student housing building is also included.

## Fire Log (Calendar Years 2021-2023)

| Location                                   | Type of University Housing Property | Date of Incident | Time of Incident | Date Reported | Nature (Cause) of Fire                                     | Number of Injuries | Number of Deaths | Value of Property Damaged | DCS Report Number |
|--|-------------------------------------|------------------|------------------|---------------|--|--------------------|------------------|---------------------------|-------------------|
| Centennial Towers<br>1770 S Williams St    | Owned                               | 4/15/21          | 11:40            | 4/15/21       | Unintentional: Oven burner set paper towels on fire        | 0                  | 0                | \$0-\$99                  | 2100207           |
| Johnson-McFarlane Hall<br>1901 E Iliff Ave | Owned                               | 9/28/21          | 20:49            | 9/28/21       | Intentional: Person burning plastic with lighter           | 0                  | 0                | \$0-\$99                  | N/A               |
| Zeta Beta Tau<br>1959 S Columbine St       | Owned                               | 3/6/22           | 0454             | 3/6/22        | Intentional: Firework thrown into residence                | 0                  | 0                | \$500-\$999               | 2200185           |
| Carousel Apartments<br>1905 S York St      | Owned                               | 3/17/22          | 13:38            | 3/17/22       | Unintentional: Dryer caught fire for unknown reason        | 0                  | 0                | \$500-\$999               | 2200226           |
| Centennial Towers<br>1770 S Williams St    | Owned                               | 2/21/23          | 09:40            | 2/21/23       | Unintentional: Kitchen towel caught fire from oven contact | 0                  | 0                | \$0-\$99                  | 2300192           |

## Fire Statistics – By Building (2023 University Park Campus)

| Location                      | Number by Building | Fire Number | Date Reported | Date of Incident | Time of Incident | Cause of Fire | Number of Injuries | Number of Deaths | Value of Property Damaged |
|-------------------------------|--------------------|-------------|---------------|------------------|------------------|---------------|--------------------|------------------|---------------------------|
| The Hub                       | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Asbury Heights                | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Brittany Manor & Gardens      | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Carousel Apartments           | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Centennial Halls              | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Centennial Towers             | 1                  | 1           | 2/21/23       | 2/21/23          | 9:04am           | Unintentional | 0                  | 0                | \$0-\$99                  |
| Delta Delta Delta             | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Delta Zeta                    | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Dimond Family Residential Vlg | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| The Florentine                | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Gamma Phi Beta                | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Hilltop Hall                  | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Johnson-McFarlane Hall        | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Lamda Chi Alpha               | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Lynn Marie Apartments         | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Mesa Apartments               | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Nagel Hall                    | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Nelson Hall                   | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Ridgeline Apartments          | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Summit Apartments             | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Transfer House                | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| University Lofts              | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| University North              | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| University South              | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| University Place Apartments   | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| York Street Flats             | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| York Street Lofts             | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Zeta Beta Tau                 | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Totals                        | 1                  | 1           | -             | -                | -                | -             | 0                  | 0                | \$0-\$99                  |

## Fire Statistics – By Building (2022 University Park Campus)

| Location                      | Number by Building | Fire Number | Date Reported | Date of Incident | Time of Incident | Cause of Fire | Number of Injuries | Number of Deaths | Value of Property Damaged |
|-------------------------------|--------------------|-------------|---------------|------------------|------------------|---------------|--------------------|------------------|---------------------------|
| 4D House                      | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Asbury Heights                | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Brittany Manor & Gardens      | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Carousel Apartments           | 1                  | 1           | 3/17/22       | 3/17/22          | 1:38pm           | Unintentional | -                  | -                | \$500-\$999               |
| Centennial Halls              | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Centennial Towers             | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Delta Delta Delta             | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Delta Zeta                    | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Dimond Family Residential Vlg | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| The Florentine                | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Gamma Phi Beta                | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Hilltop Hall                  | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Johnson-McFarlane Hall        | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Lamda Chi Alpha               | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Lynn Marie Apartments         | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Mesa Apartments               | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Nagel Hall                    | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Nelson Hall                   | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Ridgeline Apartments          | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Summit Apartments             | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Transfer House                | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| University Lofts              | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| University North              | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| University South              | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| University Place Apartments   | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| York Street Flats             | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| York Street Lofts             | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Zeta Beta Tau                 | 1                  | 1           | 3/6/22        | 3/6/22           | 4:54am           | Intentional   | 0                  | 0                | \$500-\$999               |
| Totals                        | 2                  | 2           | -             | -                | -                | -             | 0                  | 0                | \$1000-\$1998             |

## Fire Statistics – By Building (2021 University Park Campus)

| Location                      | Number by Building | Fire Number | Date Reported | Date of Incident | Time of Incident | Cause of Fire | Number of Injuries | Number of Deaths | Value of Property Damaged |
|-------------------------------|--------------------|-------------|---------------|------------------|------------------|---------------|--------------------|------------------|---------------------------|
| Alpha Phi                     | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Centennial Halls              | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Centennial Tower              | 1                  | 1           | 4/15/21       | 4/15/21          | 11:40am          | Unintentional | 0                  | 0                | \$0-\$99                  |
| Delta Delta Delta             | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Delta Gamma                   | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Delta Zeta                    | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Dimond Family Residential Vlg | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Gamma Phi Beta                | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Hilltop Hall/Beta Theta Pi    | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Johnson-McFarlane Hall        | 1                  | 1           | 9/28/21       | 9/28/21          | 8:49pm           | Intentional   | 0                  | 0                | \$0-\$99                  |
| Lambda Chi Alpha              | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Lynn Marie Apartments         | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Mesa Apartments               | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Nagel Hall                    | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Nelson Hall                   | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Ridgeline Apartments          | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Summit Apartments             | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Transfer House                | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| U-House                       | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| University Lofts              | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| University Place Apartments   | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Vista Apartments              | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Zeta Beta Tau                 | 0                  | 0           | -             | -                | -                | -             | -                  | -                | -                         |
| Totals                        | 2                  | 2           | -             | -                | -                | -             | 0                  | 0                | \$0-\$99                  |



## Residential Fire Control Systems – By Building

| Location  | Fire Alarm Monitored | Sprinkler System | Fire Alarm Control Panel | Alarm Horn / Strobes | Heat Detectors | Smoke Detectors | Manual Pull Stations | Beam Detectors | CO Detectors | Fire Doors | Fire Extinguishers | Evacuation Plans / Placards | # of Evacuation (Fire Drills) Each Calendar Year |
|---|----------------------|------------------|--------------------------|----------------------|----------------|-----------------|----------------------|----------------|--------------|------------|--------------------|-----------------------------|--|
| The Hub<br>2050 S Gaylord St                    | Offsite              | X                | X                        | X                    | X              | X               | X                    | X              | X            | X          | X                  |                             | 1  |
| Asbury Heights<br>2000-2002 S York St           | None                 | -                | -                        | -                    | -              | X               | -                    | -              | X            | -          | X                  |                             | 0  |
| Brittany Manor & Gardens<br>2345-2361 S York St | None                 | -                | -                        | -                    | -              | X               | -                    | -              | X            | -          | X                  |                             | 0  |
| Carousel Apartments<br>1905 S York St           | None                 | -                | -                        | -                    | -              | X               | -                    | -              | X            | -          | X                  |                             | 0  |
| Centennial Halls<br>1870 S High St              | Offsite              | X                | X                        | X                    | X              | X               | X                    | X              | X            | X          | X                  |                             | 3  |
| Centennial Towers<br>1770 S Williams St         | Offsite              | X                | X                        | X                    | X              | X               | X                    |                | X            | X          | X                  |                             | 3  |
| Delta Delta Delta<br>2249 S Josephine St        | Offsite              | X                | X                        | X                    | X              | X               | X                    |                | X            | X          | X                  |                             | 3  |
| Delta Zeta<br>2258 S Josephine St               | Offsite              | -                | X                        | X                    | X              | X               | X                    |                | X            | X          | X                  | X                           | 3  |

| Location  | Fire Alarm Monitored | Sprinkler System | Fire Alarm Control Panel | Alarm Horn / Strobes | Heat Detectors | Smoke Detectors | Manual Pull Stations | Beam Detectors | CO Detectors | Fire Doors | Fire Extinguishers | Evacuation Plans / Placards | # of Evacuation (Fire Drills) Each Calendar Year |
|---|----------------------|------------------|--------------------------|----------------------|----------------|-----------------|----------------------|----------------|--------------|------------|--------------------|-----------------------------|--|
| Dimond Family Residential Vlg<br>2020 S High St | Offsite              | X                | X                        | X                    | X              | X               | X                    | -              | X            | X          | X                  | X                           | 3  |
| The Florentine<br>2363 S York St                | None                 | -                | -                        | -                    | -              | X               | -                    | -              | X            | X          | X                  | -                           | 0  |
| Gamma Phi Beta<br>2233 S Josephine St           | Offsite              | X                | X                        | X                    | X              | X               | X                    | -              | X            | X          | X                  | X                           | 3  |
| Hilltop Hall<br>2280 S Race St                  | Offsite              | -                | X                        | X                    | X              | X               | X                    | -              | X            | X          | X                  | -                           | 0  |
| Johnson-McFarlane Hall<br>1901 E Iliff Ave      | Offsite              | X                | X                        | X                    | X              | X               | X                    | X              | X            | X          | X                  | -                           | 3  |
| Lamda Chi Alpha<br>2217 E Evans Ave             | Offsite              | X                | X                        | X                    | X              | X               | X                    |                | X            | X          | X                  | -                           | 3  |
| Lynn Marie Apartments<br>1995 S University Blvd | None                 | -                | -                        | -                    | -              | X               | -                    | -              | X            | -          | X                  | -                           | 0  |
| Mesa Apartments<br>1925 S York St               | Offsite              | -                | X                        | X                    | X              | X               | X                    | -              | X            | X          | X                  | -                           | 3  |

| Location                                      | Fire Alarm Monitored | Sprinkler System | Fire Alarm Control Panel | Alarm Horn / Strobes | Heat Detectors | Smoke Detectors | Manual Pull Stations | Beam Detectors | CO Detectors | Fire Doors | Fire Extinguishers | Evacuation Plans / Placards | # of Evacuation (Fire Drills) Each Calendar Year |
|---|----------------------|------------------|--------------------------|----------------------|----------------|-----------------|----------------------|----------------|--------------|------------|--------------------|-----------------------------|--|
| Nagel Hall<br>2194 S High St                  | Offsite              | X                | X                        | X                    | X              | X               | X                    | -              | X            | X          | X                  | -                           | 3  |
| Nelson Hall<br>2222 S High St                 | Offsite              | X                | X                        | X                    | X              | X               | X                    | -              | X            | X          | X                  | X                           | 3  |
| Ridgeline Apartments<br>1930 S York St        | Offsite              | -                | X                        | X                    | X              | X               | X                    | -              | X            | X          | X                  | -                           | 3  |
| Summit Apartments<br>1904 S York St           | Offsite              | -                | X                        | X                    | X              | X               | X                    | -              | X            | X          | X                  | -                           | 3  |
| Transfer House<br>2201 E Evans Ave            | Offsite              | X                | X                        | X                    | X              | X               | X                    | -              | X            | X          | X                  | X                           | 3  |
| University Lofts<br>2373 E Evans Ave          | Offsite              | X                | X                        | X                    | X              | X               | X                    | -              | X            | -          | X                  | -                           | 0  |
| University North<br>1861 S University Blvd    | Offsite              | -                | X                        | X                    | X              | X               | X                    | -              | X            | X          | X                  | X                           | 0  |
| University South<br>1871 S University Blvd    | Offsite              | -                | X                        | X                    | X              | X               | X                    | -              | X            | X          | X                  | -                           | 0  |
| University Place Apartments<br>1950 S York St | Offsite              | -                | X                        | X                    | X              | X               | X                    | -              | X            | X          | X                  | -                           | 3  |

| Location                                 | Fire Alarm Monitored | Sprinkler System | Fire Alarm Control Panel | Alarm Horn / Strobes | Heat Detectors | Smoke Detectors | Manual Pull Stations | Beam Detectors | CO Detectors | Fire Doors | Fire Extinguishers | Evacuation Plans / Placards | # of Evacuation (Fire Drills) Each Calendar Year |
|--|----------------------|------------------|--------------------------|----------------------|----------------|-----------------|----------------------|----------------|--------------|------------|--------------------|-----------------------------|--|
| York Street Flats<br>2367-2389 S York St | None                 | -                | -                        | -                    | -              | X               | -                    | -              | X            | -          | X                  | -                           | 0  |
| York Street Lofts<br>1945 S York St      | None                 | -                | -                        | -                    | -              | X               | -                    | -              | X            | -          | X                  | -                           | 0  |
| Zeta Beta Tau<br>1959 S Columbine St     | Offsite              | -                | X                        | X                    | X              | X               | X                    | -              | X            | X          | X                  | X                           | 3  |