

 <b>UNIVERSITY OF DENVER</b>	<b>UNIVERSITY OF DENVER POLICY MANUAL REPORTING BY UNIVERSITY EMPLOYEES OF DISCLOSURES RELATING TO THE UNIVERSITY'S DISCRIMINATION AND HARASSMENT POLICY</b>	
<b>Responsible Department:</b> Office of Equal Opportunity & Title IX <b>Recommended By:</b> Provost, SVC for Operations & Strategy Implementation, and AVC for Equal Opportunity & Title IX <b>Approved By:</b> Chancellor	<u><b>Policy Number</b></u> EOIX 3.10.011	<u><b>Effective Date</b></u> 8/1/2024

## I. INTRODUCTION

In accordance with the University's [Non-Discrimination Statement](#) and in furtherance of the University's [Discrimination and Harassment Policy](#), the University establishes this Reporting Policy setting forth: (1) the options available to students and employees to report "Prohibited Conduct" (as defined in the Discrimination and Harassment Policy); and (2) the obligations of University employees to respond to such disclosures, including the responsibilities of certain University employees called "Responsible Employees," as described below, to report such disclosures to the University's Office of Equal Opportunity & Title IX ("EOIX").

All University employees, including student workers, must complete training upon hire and annually thereafter regarding their responsibilities pursuant to this Policy, including how to respond to disclosures of alleged Prohibited Conduct.

## II. POLICY OVERVIEW

The University requires employees who have witnessed or may otherwise have knowledge of Prohibited Conduct to report such conduct to the University unless such employees qualify as "Confidential Employees" as described below. An employee who has personally been subject to conduct that reasonably may constitute Prohibited Conduct under the University's Discrimination and Harassment Policy is not required to report that conduct to the University; however, the University strongly encourages such an employee to report that conduct to the University and/or seek assistance from confidential resources at the University or in the local community.

The University also strongly encourages students who have experienced, witnessed or may otherwise have knowledge of Prohibited Conduct to report such conduct to the University and/or to seek assistance from confidential resources at the University or in the local community.

All students, student workers, faculty, and staff should understand their reporting options and the results of disclosing information about alleged Prohibited Conduct to a Confidential Employee or a Responsible Employee. Reporters who are uncertain whether a particular University employee is a Confidential Employee should ask the employee to clarify their status before disclosing information the Reporter wishes to keep confidential.

### **III. PROCESS OVERVIEW**

#### **A. Employee Responsibilities by Designation**

As described below, the University designates all University employees as either Confidential Employees or Responsible Employees, and each category has respective responsibilities pursuant to this Policy.

Employees who are uncertain whether they are required to report information disclosed to them about an incident of alleged Prohibited Conduct should consult with the Office of Equal Opportunity & Title IX. The University's Associate Vice Chancellor for Equal Opportunity & Title IX/Title IX Coordinator may be contacted at [equalopportunity@du.edu](mailto:equalopportunity@du.edu), [titleix@du.edu](mailto:titleix@du.edu), or (303) 812-7016. For more information about the Office of Equal Opportunity & Title IX, visit [the EOIX website](#).

#### **1. Confidential Employees**

- a.** Confidential Employees are University employees that have a professional obligation to protect the confidentiality of information they receive in the performance of their professional duties. Confidential Employees include:
  - Any University employee who is a licensed medical, clinical, or mental health, or other healthcare professional (e.g., physicians, nurses, nurse practitioners, physicians' assistants, certified medical assistants, psychologists, psychiatrists, professional counselors, and social workers), and those University

employees performing services under their supervision (collectively, “Health Care Providers”), when performing duties within their professional role;

- Any University employee who has access to the confidential information that a Health Care Provider is obligated to protect when providing support to such Health Care Providers in the performance of their professional duties;
- Any employee providing confidential advocacy services when performing duties within their professional role; and
- The University Ombuds when performing duties within their professional role.

b. The [EOIX Reporting & Resources webpage](#) includes a list of confidential resources, including Confidential Employees, available through the University’s [Health & Counseling Center](#) (“HCC”), [Center for Advocacy, Prevention, and Empowerment](#) (“CAPE”), and the [University Ombuds](#).

**c. Limits of Confidentiality**

Confidential Employees must maintain the confidentiality of information shared with them about alleged Prohibited Conduct and will not disclose such information to EOIX or to anyone else, except with the written permission of the Reporter/Complainant or when such disclosures are permitted or required by applicable law (e.g., mandatory reporting of abuse of minors or elder abuse, Clery Act) or court order. For example, Confidential Employees may be required to disclose such information where there is a concern that the individual will likely cause serious physical harm to themselves or others.

Employees who have questions regarding the validity of any permission given or the applicability or scope of any law or court order requiring disclosure should contact or be directed to contact the Office of General Counsel.

#### d. Responsibilities

Confidential Employees must:

- Communicate to Reporters or Complainants who are considering disclosing or have disclosed information about alleged Prohibited Conduct that, except as provided in the limited circumstances set forth in this Policy, the information they disclose to a Confidential Employee will not be shared with EOIX and that the University will therefore be unable to use such information to respond to the report or provide supportive measures;
- Understand and provide information about available resources and support services, including:
  - How to contact the University's Associate Vice Chancellor for Equal Opportunity & Title IX/Title IX Coordinator;
  - How to make a complaint pursuant to the University's Discrimination and Harassment Policy; and
  - That the Associate Vice Chancellor for Equal Opportunity & Title IX/Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation under the University's [Discrimination and Harassment Procedures](#).
- Support individuals who, following an initial confidential disclosure, decide to make a report to the University and/or local law enforcement, by directing such individuals to the appropriate University resources for assistance with such filing or further reporting; and
- Serve as a resource for Responsible Employees regarding the responsibilities with respect to reporting alleged Prohibited Conduct.

**e. Supportive Measures and Other Services**

- Confidential Employees may provide information to students, faculty, and staff where appropriate about how to obtain necessary health services, including mental health services and survivor advocacy services at the University and in the local community. The University's [Sexual Assault Resources webpage](#) provides detailed information about where students and employees may access such services. Students, faculty, and staff may also ask Confidential Employees how to request supportive measures (designed to address a Complainant's safety and well-being and continued access to educational and employment opportunities). Examples of supportive measures include mutual restrictions on contact (prohibiting contact between parties to an incident of alleged Prohibited Conduct), academic adjustments and support, or modifications to University housing, employment, and/or parking arrangements.
- Confidential Employees should direct students, faculty, and staff who wish to request such supportive measures to the Associate Vice Chancellor for Equal Opportunity & Title IX/Title IX Coordinator. Complainants may be able to access a range of supportive measures with or without disclosing significant details about the alleged Prohibited Conduct.

**f. Making a Report**

A Reporter who first seeks the assistance of a Confidential Employee always has the right to report an incident of alleged Prohibited Conduct to the University and/or to local law enforcement. In such cases, if the Reporter communicates to a Confidential Employee the desire to make such a report, the Confidential Employee should support this decision and direct the Reporter to the [EOIX Reporting Form](#) or the Associate Vice Chancellor for Equal Opportunity & Title IX/Title IX Coordinator to make a report. The University provides detailed information about University

and law enforcement reporting options on the [EOIX Reporting and Resources webpage](#).

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.

## **2. Responsible Employees**

- a.** A Responsible Employee is any employee of the University who is not specifically designated as a Confidential Employee as set forth above in this Policy.
- b.** For purposes of complying with this Policy, Responsible Employees include student workers, such as Graduate Teaching Assistants (GTAs), Graduate Research Assistants (GRAs), Resident Assistants (RAs), and all other student workers, when a disclosure is made to them in the context of their employment/professional duties on behalf of the University.
- c.** For purposes of reporting disclosures of alleged acts of Prohibited Conduct involving a University student, Responsible Employees also include any advisors to or coaches of student groups, even if those individuals are not employed by the University.
- d.** If a Responsible Employee learns of information about conduct that may reasonably constitute Prohibited Conduct, the Responsible Employee must promptly report to the University's Associate Vice Chancellor for Equal Opportunity & Title IX/Title IX Coordinator all relevant details about an incident of alleged Prohibited Conduct, including the names and all other information that personally identifies the Complainant(s), Respondent(s), any witnesses, and any

other relevant information (e.g., the date, time, and specific location of the alleged incident).

- e. Responsible Employees must:
  - Communicate to Reporters and/or Complainants who are considering or have disclosed information about alleged Prohibited Conduct that, as a Responsible Employee, they must report such information to the University;
  - Report information they receive about alleged Prohibited Conduct promptly (within 24 hours) through the Office of Equal Opportunity & Title IX [EOIX Reporting Form](#) or as described above;
  - Complete all applicable University training on reporting requirements.
  
- f. If Responsible Employees have questions or concerns regarding this Policy, they should contact the Associate Vice Chancellor for Equal Opportunity & Title IX/Title IX Coordinator or their designee.
  
- g. If a Responsible Employee fails to timely report incidents of alleged Prohibited Conduct, the employee may be referred to the Division of Human Resources and & Inclusive Community or the Vice Provost for Faculty Affairs, as applicable, for appropriate corrective action.

### **3. Responses to Disclosures**

- a. Where practicable, before a Reporter discloses any information to a Responsible Employee, the Responsible Employee should explain their reporting obligations under this Policy. If the Reporter indicates a desire to maintain confidentiality and has not yet disclosed information regarding the alleged Prohibited Conduct, the Responsible Employee should instead refer the Reporter to a Confidential Employee or provide them with a Confidential Employee's contact information. However, if a Reporter makes any disclosure prior to the Responsible Employee explaining their reporting obligations under this Policy, the Responsible Employee must report any information that was shared.

Information disclosed to a Responsible Employee will be treated with discretion and shared only with University employees with a “need to know” (e.g., to assist in providing supportive measures to the Complainant, conduct a health and safety risk assessment, and/or as necessary pursuant to the EOIX Discrimination and Harassment Procedures).

Disclosures made under the following circumstances are not subject to this Policy’s reporting requirements:

- (1) in the context of “Public Awareness Events” (e.g., “Take Back the Night,” candlelight vigils, protests, “survivor speak outs,” or other public fora in which students may disclose incidents of Prohibited Conduct), unless the disclosure indicates an imminent and serious threat to the health or safety of a Complainant, any students, employees, or other individuals;
- (2) during an individual’s participation as a subject in an Institutional Review Board-Approved human subjects protocol (“IRB Research”); or
- (3) to a Confidential Employee.

#### **b. University Actions Following Receipt of a Report**

Upon receipt of a report of alleged Prohibited Conduct, the Associate Vice Chancellor for Equal Opportunity & Title IX/Title IX Coordinator or designee must promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant’s wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures, and explain the resolution options and applicable process of resolution.

#### **c. External Reporting of Prohibited Conduct**

A Responsible Employee should not disclose information to law enforcement without the Complainant’s consent except: (1) where there is an immediate risk to the safety, health or well-being of members of the University community; (2) where an incident has already been reported to law



enforcement; or (3) as otherwise required by law. If law enforcement contacts a Responsible Employee requesting information, the Responsible Employee should refer law enforcement officers directly to the Associate Vice Chancellor for Equal Opportunity & Title IX/Title IX Coordinator and Chief of Campus Safety.

#### 4. Anonymous Reporting

Responsible Employees are not permitted to submit an anonymous report to discharge their responsibilities under this Policy.

Although the University encourages individuals to report Prohibited Conduct, any individual (except a Responsible Employee discharging their reporting obligations) may make an anonymous report by:

- Submitting a report through the Office of Equal Opportunity & Title IX [reporting form](#);
- Mailing or delivering a letter to the Office of Equal Opportunity & Title IX without including identifying information;
- Calling the Office of Equal Opportunity & Title IX using a blocked number; or
- Emailing the Office of Equal Opportunity & Title IX at [titleix@du.edu](mailto:titleix@du.edu) from an anonymous email address.

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 the University's Discrimination and Harassment Procedures.

## IV. DEFINITIONS

- A. "Complainant"** is any individual who is alleged to have experienced conduct that could constitute Prohibited Conduct as defined in the University's [Discrimination and Harassment Policy](#).
- B. "Prohibited Conduct"** means conduct identified in the University's [Discrimination and Harassment Policy](#).

- C. **“Reporter”** means any individual, including a student, faculty, staff, or third party, who discloses an incident of alleged Prohibited Conduct to the Associate Vice Chancellor for Equal Opportunity & Title IX/Title IX Coordinator, Deputy Title IX Coordinator, Deputy Equal Opportunity Coordinator, or a Responsible Employee. Reporters may include any individuals who disclose such information, whether as Complainants, Respondents, or witnesses.
  
- D. **“Respondent”** means an individual who is alleged to have engaged in conduct that could constitute Prohibited Conduct as defined in the University’s [Discrimination and Harassment Policy](#).

**V. RESOURCES**

- A. University Policy EOIX 3.10.010 – *Discrimination and Harassment*
  
- B. University Policy RISK 2.50.060 – *Protection of Minors on Campus*
  
- C. University Policy SAFE 7.10.010 – *Clery Act Compliance*
  
- D. EOIX Discrimination and Harassment Procedures, available on [EOIX Policies and Procedures webpage](#)
  
- E. [University of Denver Honor Code](#)

<b>Revision Effective Date</b>	<b>Purpose</b>
8/1/2024	To conform with statutory and regulatory changes, to align policy with practice