

## Office of Equity Annual Report Academic Year (AY): August 1, 2018-July 31, 2019

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### OVERVIEW

The University of Colorado Denver and Anschutz Medical Campus Office of Equity (OE) was created to administer the University's Nondiscrimination and Sexual Misconduct policies by addressing all reports of discrimination or harassment based on protected characteristics and sexual misconduct reported by University students, faculty, staff or third-parties. In addition to the University's Nondiscrimination and Sexual Misconduct Policies, the OE also enforces the Conflict of Interest in Cases of Amorous Relationships Policy, Equal Opportunity Employment, and Affirmative Action Plans.

The Office of Equity's stated mission is to strive to stop, prevent, and remedy discrimination, harassment, sexual misconduct, and any related retaliation; provide education, training and outreach; design policies and procedures to make our campus safer and more inclusive; and, ensure all individuals are treated with dignity, compassion, and respect. Our administration of the University's Nondiscrimination and Sexual Misconduct policies is conducted in accordance with Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Age Discrimination in Employment Act, the Americans with Disabilities Act, and other applicable federal and state laws.

#### **To fulfill our mission, the OE:**

- Provides compliance, oversight and support with all applicable federal and state civil rights laws for both the CU Denver and CU Anschutz campuses, prohibiting discrimination, harassment, sexual misconduct, and retaliation—currently serving 25,645 students and more than 13,000 faculty & staff;
- Consults, trains, and provides prevention resources to the University community regarding and preventing discrimination, harassment, sexual misconduct, retaliation, and bystander intervention;
- Receives, evaluates and responds to all reported concerns of alleged violation(s) of the policies under the OE's purview;
- Coordinates the provision of remedial and interim protective measures as needed;
- Investigates reports of alleged violation(s) of policies under the OE's purview, as appropriate;
- Provides oversight of various physical locations on both campuses including lactation rooms, ADA accessible areas and gender-inclusive restrooms;
- Prepares and administers the University's Affirmative Action Plan;
- Maintains accurate files and data to respond to media inquiries, as well as, legal and CORA document requests; and
- Conducts ongoing evaluation regarding the efficacy, accuracy and legal sufficiency of relevant policies and procedure.

## *Inclusive Campus Culture*

The Office of Equity's mission is also in alignment with several of CU Denver's Strategic Priorities, particularly as related to creating a more cohesive, collaborative and inclusive culture. A significant aspect in creating an inclusive campus culture starts with proactive education and training initiatives.

### *OE Training Offerings*

The OE offers a wide-range of educational support to our dual-campus constituents related to compliance, equitable campus conduct, diversity, and inclusion. The following provides a list of our customized training topics:

- Active Bystander Training
- Allyship
- Bias and Discrimination
- Compliance and Policy
- Gender Visibility
- Identity and Self-Identity Exploration
- Intersectionality
- Microaggressions
- Power and Privilege
- Supporting Survivors

If someone is requesting a training on a topic that is not on this list, our office can develop a training based on the specific needs as requested, and/or direct folks to the appropriate office/resource that can provide the requested training.

### *OE Staff Training*

The OE prioritizes offering educational support and learning opportunities to its professional staff. Each year, professional development funds are allotted (as available), to fund opportunities for OE staff to learn from experts in the fields of compliance, equitable campus conduct, diversity, and inclusion. This year, folks were able to attend the American Association for Access, Equity, and Diversity Conference, the American Association for Workplace Investigations Conference, the ATIXA 504 Coordinator Training and Certification, the Association for Student Conduct Administration Professional Development Training, Domestic Violence and Sex Offender Management Conference, Gehring Academy for Student Conduct Administration, NaBITA Advanced Violence Risk Assessment Training and Certification, and the EEOC Training Institute.

### *OE Campus Involvement*

OE staff are encouraged to participate in external campus organizations related to compliance, equitable campus conduct, diversity and inclusion. Those organizations, in alphabetical order, include:

- CARE (Campus Assessment, Response, and Evaluation) Team
- CU System Title IX Regulations Committee
- FaST (Faculty and Staff Assessment and Response) Team
- Human Resources Council on Diversity and Inclusion (CODE HR)
- Faculty Council LGBTQ+ Committee
- Phoenix Center at Auraria | Anschutz Outreach and Education Committee
- Sexual Assault Interagency Council (SAIC)
- Special Admissions Committee

- Staff Council, Staff Inclusive Excellence Committee
- Title IX Working Group
- Women and Gender Working Group

## SHORT AND LONG TERM GOALS

The Office of Equity is committed to assisting in the creation of an environment where students can obtain their education and where faculty and staff can perform their work, free from discrimination and harassment. In an effort to do so, the Office of Equity has outlined the following goals:

- Ensure University compliance with the Nondiscrimination and Sexual Misconduct policies.
- Increase the office's visibility across the CU Denver and CU Anschutz campuses, as well as locally and nationally.
- Identify and improve office efficiencies (from intake to investigation to post- investigation efforts).
- Increase outreach and training efforts, as well as refine training programs and materials.
- Analyze and develop tools to review the efficacy of training programs.
- Enhance respondent resources, including potential training for respondent advisors.
- Develop climate assessment tools/surveys for each campus.
- Continue collaboration with national partners on existing and future research opportunities.
- Digitally archive discrimination and harassment files.
- Refine policies and procedures.
- Further develop collaborative relationships with other administrative offices, including our colleagues within the CU system, as well as faculty and student committees and councils.
- Address gaps within our processes, including providing clarifications about our office's work and increasing resources available to parties who participate in our processes.

## ACCOMPLISHMENTS

### *Staffing*

During the 2018-2019 academic year (AY), the Office of Equity continued to grow its staff and filled critical vacancies in the areas of administration and investigations. A Student Assistant and Civil Rights Investigator were hired to join the work of the Office of Equity. Their roles are crucial in work of equity between the CU Denver and CU Anschutz campuses.

### *New & Ongoing Initiatives*

#### Lactation Spaces

The Office of Equity began its involvement in the management and maintenance of all lactation spaces on the CU Denver and CU Anschutz campuses, in conjunction with Facilities Management, Security & Badging, the Office of Information Technology/EMS, and the Women & Gender Center. Work in this area has consisted of identifying the need for additional spaces, working to build out and equip lactation spaces, maintaining existing spaces, as well as monitoring access and tracking the usage of these spaces. As of AY 2018-2019, this included providing oversight to current inventory of 30 lactations spaces on the CU Denver and CU Anschutz campuses.

### FaST Team

The Director of Title IX continues to contribute to the work of the Faculty and Staff Threat Assessment and Response (FaST) Team which serves both the CU Denver and CU Anschutz campuses. The FaST Team was established to make initial determinations about whether concerning workplace behavior presents a potential danger to the employee or others, the extent of the threat, immediate steps to be executed and by whom. The team also identifies appropriate resources to manage the situation going forward and conduct on-going review and follow-up on cases until concerns are resolved. The team meets monthly and immediately as needed when there are reported or observed situations requiring assessment and response. The OE's presence on the FaST Team enhances the effectiveness of the team as, in many cases reported to the team involve elements related to the policies administered by our office.

### Affirmative Action Planning

In AY 2018-2019, the Office of Equity converted the newly created ADA & Affirmative Action Compliance Coordinator position into the Director of Affirmative Action programs in order to increase the university's efforts in complying with its affirmative action obligations. The ADA Coordinator role transitioned to Human Resources, where employee ADA accommodation requests are now processed. Information regarding affirmative action data can be found on our [website](#). The Council on Diversity in Equity in Human Resources (CODE-HR), led by the Director of Affirmative Action Programs, continued to develop additional tools intended to aid our affirmative action efforts throughout our human resources processes.

### Website

On September 12, 2018 we began transitioning the OE website, which is currently hosted through WordPress, to the new University approved website platform, Sitefinity. This project is anticipated to take at least one year, factoring in Sitefinity user trainings and the time required to restructure/update content to ensure consistency in messaging and OE branding. A tentative launch date is scheduled for January 2020.

### Sexual Misconduct Survey

The Office of Equity continues to assess the results of the Sexual Misconduct Survey administered in the fall of 2016. This survey, which will be administered again, provides valuable information enabling our office to evaluate our ongoing initiatives to combat interpersonal violence and educate the CU Denver and CU Anschutz communities about sexual misconduct. The survey data also better

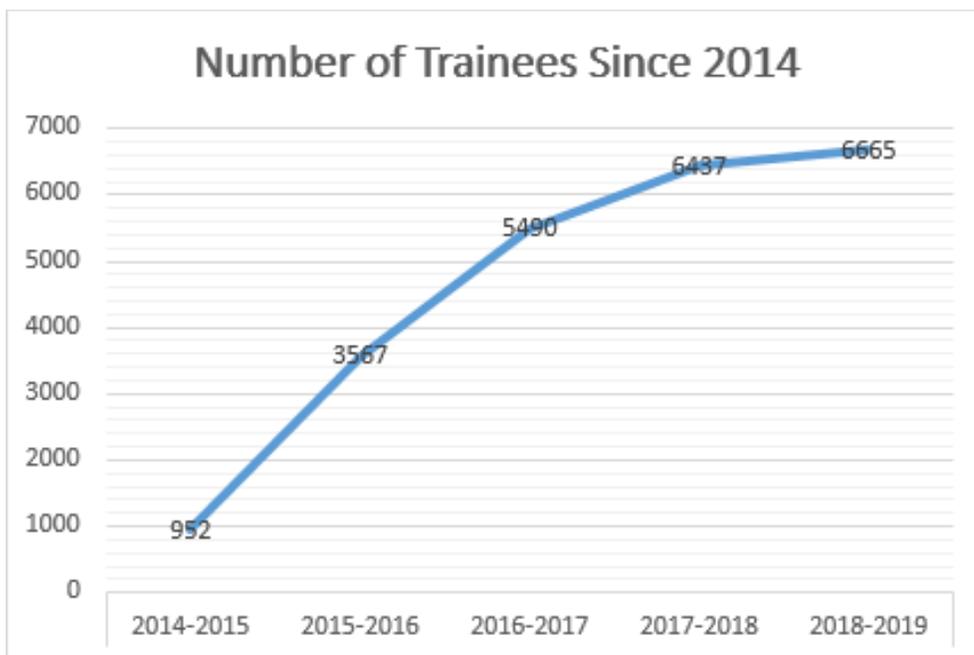
informs our office's efforts to provide a variety of resources and training to stop, remedy, and prevent discrimination, harassment and sexual misconduct.

### ***Training, Prevention & Outreach***

The Office of Equity seeks to regularly provide training, prevention and outreach efforts in a variety of ways. To achieve this, the office has dedicated a full-time staff member, the Deputy Title IX Coordinator for Prevention, Training and Outreach, to achieve this goal on both the CU Denver and CU Anschutz campuses. The Deputy Title IX Coordinator for Prevention, Training and Outreach focuses on maintaining current and relevant training materials. Presentations, resources, and educational materials are strategic and customized to respond to community needs and outreach requests. The Deputy Title IX Coordinator for Training, Prevention and Outreach also develops campus-wide partnerships to ensure that equity is at the forefront of what we do as a community, determines focus areas for educational outreach, and designs and implements targeted training in support of informal resolutions within the OE.

### ***Ongoing Training Initiatives and Statistical Data***

- The Deputy Title IX Coordinator for Prevention, Training, and Outreach, in collaboration with HR, updated the online Skillsoft training required for all faculty and staff
- A total of 128 trainings were facilitated by Office of Equity in AY 2018-2019
- A total of 6,665 individuals, comprised mostly of students, faculty and staff, were trained
  - An increase of 228 trained individuals, or 3.54% from AY 2017-18
  - Of those trained:
    - 50% were faculty and staff
    - 2% were combined students, faculty and staff
    - 46% were students
    - 2% were unaffiliated



*NOTE: Trainees on campus include students, faculty, staff and unaffiliated individuals.*

## STATISTICAL DATA

As outlined above, the Office of Equity addresses all sexual misconduct, protected characteristic discrimination and harassment, and related retaliation reports against students, faculty and staff as set forth in the University's Nondiscrimination and Sexual Misconduct policies.

The University's Nondiscrimination Policy sets forth a prohibition against discrimination and harassment based on 15 protected characteristics which include: race, color, national origin, sex, age, disability, pregnancy, creed, religion, sexual orientation, veteran status, gender identity, gender expression, political philosophy, or political affiliation. The policy further prohibits related retaliation.

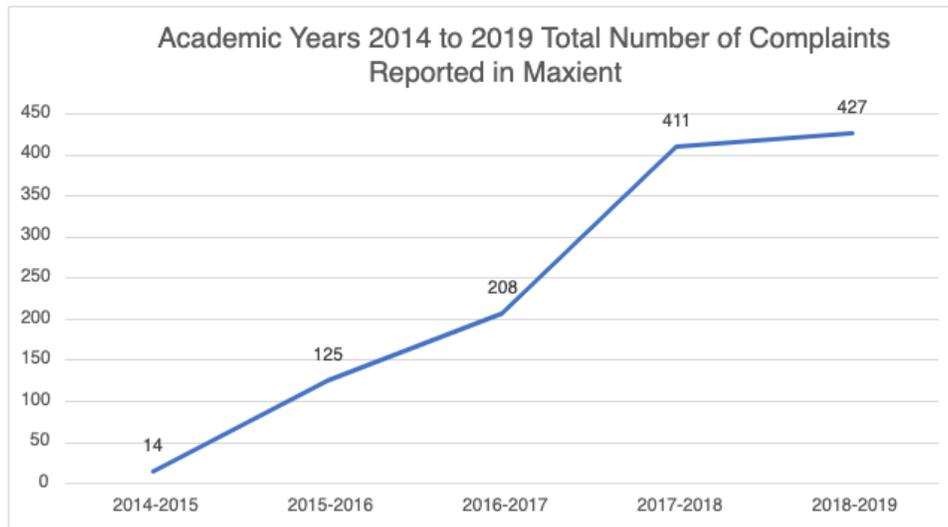
The Sexual Misconduct Policy prohibits sexual misconduct and/or related retaliation including non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, sexual harassment, intimate partner abuse (including dating and domestic violence), and stalking. In October 2018, revisions were made to this policy to include the following additional policy violations: failure to report, providing false/misleading information, interference with reporting, and failure to comply with orders and sanctions.

The Office of Equity is a neutral, fact-finding office responsible for addressing and investigating alleged misconduct pursuant to the Nondiscrimination Policy & Procedures, as well as the Sexual Misconduct Procedures. We review the facts of each report objectively in order to effectively address and resolve the matter, including making determinations as to whether a violation of university or campus policy occurred based on a preponderance of evidence standard.

In the four years since its inception, the Office of Equity has grown immensely, not only in terms of staffing, but also with regard to inquiries received, investigations conducted, trainings facilitated and policy management. This reporting year is no exception as we have seen a steady increase in the number of community members, on both campuses, who seek our resources.

As of the date of this report, we have summarized statistical data as it relates to sexual misconduct, discrimination and harassment based on protected characteristics, as well as retaliation concerns received by the Office of Equity for the academic year August 1, 2018 through July 31, 2019. The following data is representative of those reports received at both the CU Denver and CU Anschutz campuses, and includes data involving reports filed by students, faculty, staff and other third parties, against responding parties who include students, faculty and/or staff. It includes reports made by affiliates and non-affiliated individuals with the University, as well as reporting parties and responding parties who were not identified.

For AY 2018-19, the Office of Equity received a total of 427 reports. This figure is a 4% increase from AY 2017-2018, and a 105% increase from AY 2016-2017.



<b>Academic Year 2014-2015</b>	14 Reports
<b>Academic Year 2015-2016</b>	125 Reports
<b>Academic Year 2016-2017</b>	208 Reports
<b>Academic Year 2017-2018</b>	411 Reports
<b>Academic Year 2018-2019</b>	427 Reports

191 of these reports were raised under the Nondiscrimination Policy, 179 were under the Sexual Misconduct Policy.

There were 43 reports which did not fall under either policy and, as such were either referred to other university offices and/or external resources.

	<b>Total</b>	<b>CU Anschutz</b>	<b>CU Denver</b>	<b>Other</b>
<b>Sexual Misconduct</b>	179	55	118	6
<b>Nondiscrimination</b>	191	87	99	5
<b>Pregnancy Accommodation</b>	13	3	10	0
<b>OE FYI (issues unrelated to OE policies)</b>	43	12	28	3
<b>Amorous Relationships</b>	1	1	0	0
	<b>427</b>	<b>158</b>	<b>255</b>	<b>14</b>

## Nondiscrimination

Basis	Total	CU Anschutz	CU Denver	Other
Race	61	22	37	2
Sex	40	21	18	1
Disability	31	17	14	0
National Origin	19	8	11	0
Religion	18	8	9	1
Age	13	11	2	0
Discrimination Retaliation	14	7	7	0
Pregnancy	7	5	2	0
Sexual Orientation	9	3	5	1
Color	15	8	7	0
Veteran Status	3	1	2	0
Gender Identity	10	3	7	0
Political Philosophy	3	1	2	0
Political Affiliation	3	0	3	0
Creed	0	0	0	0
Gender Expression	11	6	5	0
Not Specified	41	14	24	3
<b>Total</b>	<b>298</b>	<b>135</b>	<b>155</b>	<b>8</b>

**NOTE:** Reports made to the OE can involve allegations of discrimination based on multiple protected characteristics. For example, a reporting party can allege discrimination based on race and national origin. Reports can also include allegations of discrimination and sexual misconduct. Additionally, each year the OE receives several reports that do not contain sufficient information to understand whether there is discrimination based on a protected characteristic and/or are reports related to other factors not outlined in our policy or within the OE's jurisdiction. These reports are classified under "Not Specified" in the table above. The "Other" column includes reports or incidents which did not occur on, or were otherwise unrelated to, either the CU Denver or CU Anschutz campuses. It also includes those reports made by, or which occurred at, the CU Denver South location.

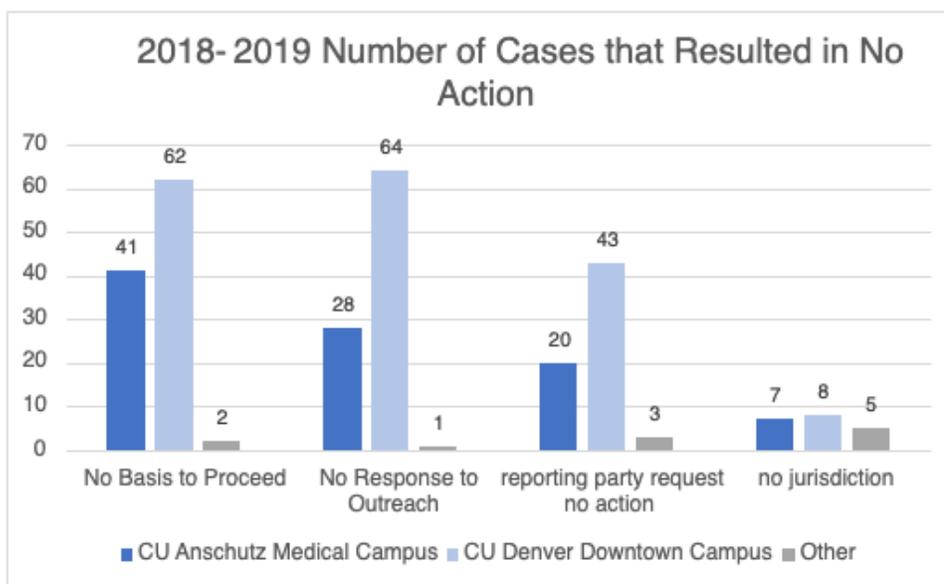
Sexual Misconduct				
Type	Total	CU Anschutz	CU Denver	Other
Non-Consensual Sexual Assault	24	3	20	1
Non-Consensual Sexual Contact	33	11	21	1
Sexual Harassment	75	30	42	3
Sexual Exploitation	10	3	7	0
Intimate Partner Abuse	53	11	41	1
Stalking	29	4	25	0
Sexual Misconduct Retaliation	0	0	0	0
Not Specified	38	13	22	3
<b>Total</b>	<b>262</b>	<b>75</b>	<b>178</b>	<b>9</b>

**NOTE:** Reports made to the OE can involve allegations of sexual misconduct based on multiple types of sexual misconduct. For example, a reporting party can allege sexual misconduct based on sexual harassment and stalking. Reports can also include allegations of sexual misconduct and discrimination. Additionally, each year the OE receives several reports that do not contain sufficient information to understand whether there is sexual misconduct and/or are reports related to other factors not outlined in our policy or within the OE's jurisdiction. These reports are classified

under “Not Specified” in the table above. The “Other” column includes reports or incidents which did not occur on, or were otherwise unrelated to, either the CU Denver or CU Anschutz campuses. It also includes those reports made by, or which occurred at, the CU Denver South location.

There were 284 reported concerns with no further action. These reported concerns did not generally result in an informal resolution, referral to another office, or a formal investigation, for one or more of the following reasons:

- **No basis:** Insufficient information was provided as to the identity of either the reporting party or responding party such that it would enable the office to appropriately address the concern as reported.
- **No response to outreach:** Attempts to contact the reporting party in an effort to fully understand the nature of the reported concerns were unsuccessful.
- **No jurisdiction:** The reported concern was provided for informational purposes only and would not otherwise rise to the level of a potential policy violation.
- **Reporting party request no action:** Reporting party declined to participate in any process offered by our office, including formal investigation (and when a formal investigation was not warranted)<sup>1</sup>. Nonetheless, reports made to the OE are documented and remain on file within the office.



**NOTE:** “Other” includes reports or incidents which did not occur on, or were otherwise unrelated to, either the CU Denver or CU Anschutz campuses. It also includes those reports made by, or which occurred at, the CU Denver South location.

### *Informal Resolutions*

As set forth in the Nondiscrimination Policy and Procedures, as well as the Sexual Misconduct Procedures, the Office of Equity may determine that the most prompt and effective way to address a concern is through the informal resolution process. The primary focus during an informal resolution remains the welfare of the reporting party and the safety of the campus community. Informal resolutions do not involve written reports or determinations as to whether or not a policy was violated. Instead, this form of resolution allows the University to tailor responses to unique facts and

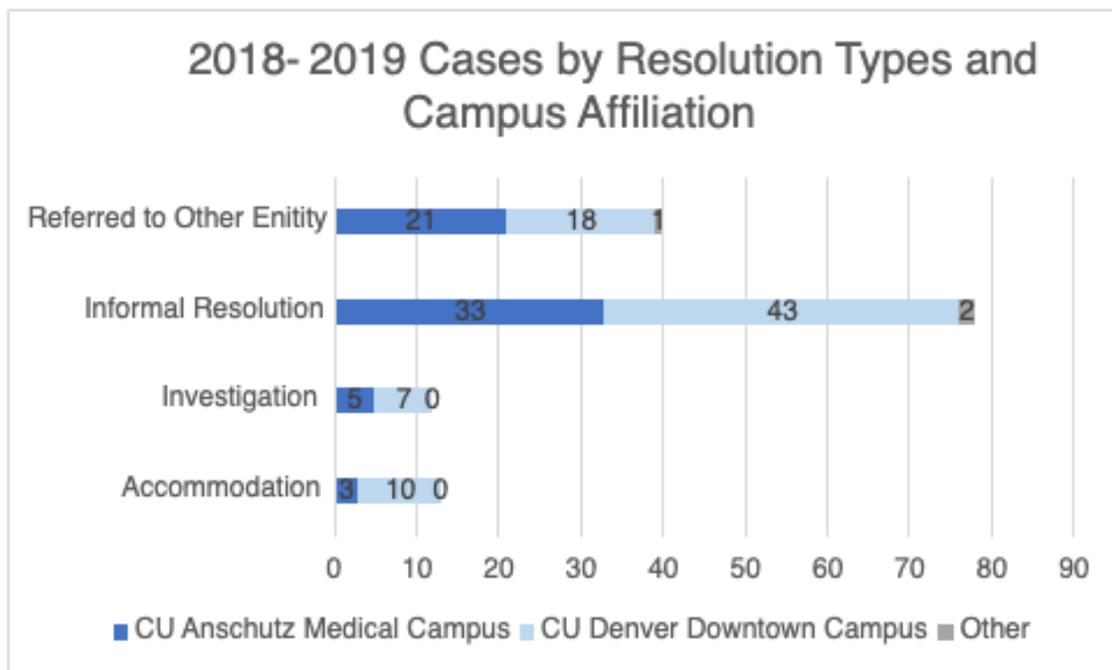
<sup>1</sup>University of Colorado Sexual Misconduct Policy Section II., D., 2. Sets forth a number of instances where, depending on the override factors, the OE staff would initiate a formal investigation without the participation of the complainant.

circumstances of an incident, particularly where there is not a broader threat to individual or campus safety. Such resolutions may include, but are not limited to:

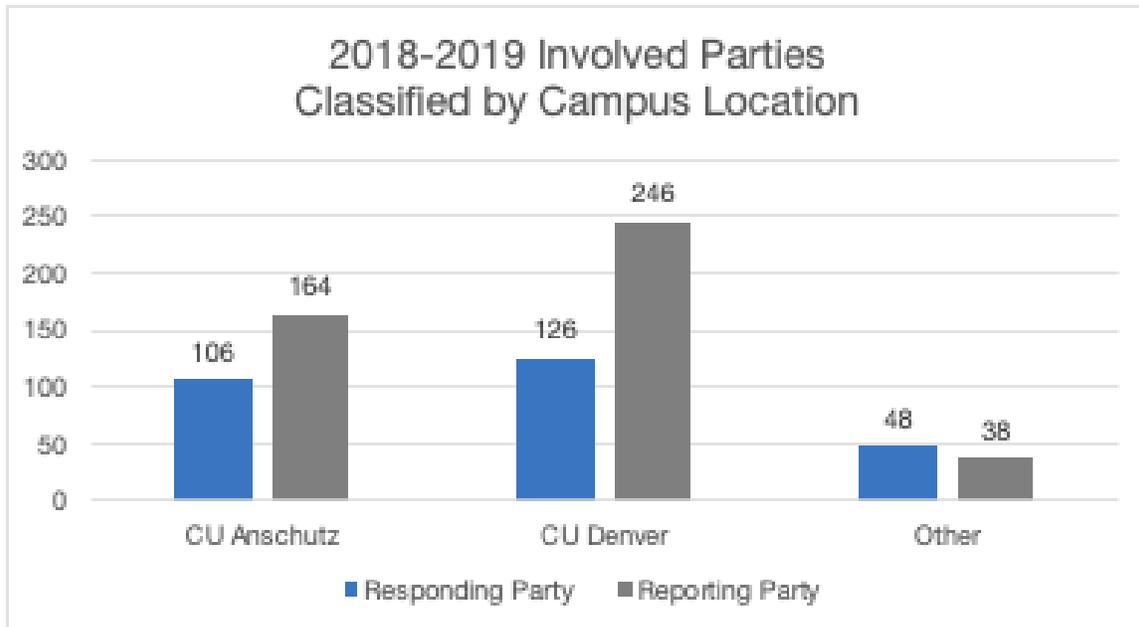
- Providing targeted or broad-based educational programming or training; and/or
- Meeting with the the responding party(ies) to:
  - Discuss the behavior as alleged and provide an opportunity to respond
  - Review prohibited conduct under applicable policies
  - Identify and discuss appropriate future conduct and behavior as well as how to avoid behavior that could be interpreted as retaliatory
  - Inform the reporting party(ies) of the responding party’s responses, if appropriate
  - Notify other relevant university offices or others (i.e., Human Resources, Office of Student Conduct and Community Standards, the responding party’s supervisor or other disciplinary authority) of the allegations and responses if necessary, who will determine whether any other disciplinary action is appropriate.

Participation in an informal resolution is voluntary by the reporting parties and the responding parties, though there may be occasions when, if the allegations were proven true would violate policy, failure to participate could result in the Office of Equity deciding to proceed with a formal investigation.

The Office of Equity managed 78 informal resolutions in AY 2018-19. These include matters raising concerns of either discrimination or harassment based on a protected characteristic(s), sexual misconduct, or related retaliation.



**NOTE:** “Other” includes reports or incidents which did not occur on, or were otherwise unrelated to, either the CU Denver or CU Anschutz campuses. It also includes those reports made by, or which occurred at, the CU Denver South location.



**NOTE:** This graph shows the campus affiliations for the involved parties in reports made to the OE this academic year (reporting and responding parties; some cases have more than one involved reporting and/or responding party). Some involved individuals were reported as “Other” because either: 1) the information was never given to our office as engagement is voluntary, or 2) involved parties were not affiliated with either the CU Denver or CU Anschutz campuses.

### *Formal Investigations*

The Office of Equity may resolve a report of alleged discrimination and/or harassment under either the Nondiscrimination Policy and Procedures, or the Sexual Misconduct Policy, in instances when the allegation(s), if true, would be prohibited under the applicable policy. The Office of Equity may decline to pursue a formal investigation if: (1) a reporting party has requested that a formal investigation not be pursued, and (2) the Office of Equity has determined that the reporting party’s request can be honored consistent with the University’s obligation to provide a safe and non-discriminatory environment.

The Office of Equity is committed to providing a prompt, fair and impartial resolution of all reports referred for formal investigation.

The Office of Equity handled 12 formal investigations during AY 2018-19. As of the date of this report, 8 of those investigations were pending.

<b>Discrimination</b>			
	<b>Total</b>	<b>Responsible</b>	<b>Not Responsible</b>
CU Denver	0	0	0
CU Anschutz	0	0	0
<b>Sexual Misconduct</b>			
	<b>Total</b>	<b>Responsible</b>	<b>Not Responsible</b>
CU Denver	4	3	1
CU Anschutz	0	0	0
<b>Retaliation</b>			
	<b>Total</b>	<b>Responsible</b>	<b>Not Responsible</b>

CU Denver	0	0	0
CU Anschutz	0	0	0