

## University of Colorado Denver & Anschutz Medical Campus Office of Equity Annual Report Academic Year (AY): August 1, 2019-July 31, 2020

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### OVERVIEW

The Office of Equity (OE) was created to administer the CU Denver and CU Anschutz's Nondiscrimination and Sexual Misconduct Policies by addressing all reports of discrimination and harassment based on protected characteristics, all reports of prohibited sexual misconduct, and any related retaliation reported by University students, faculty, staff and/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.

#### *COVID-19*

In alignment with the CU Denver and CU Anschutz's concerns for the safety of our community in response to COVID-19, the OE transitioned from working on-campus to working remote. This transition was effective March 16, 2020 and continued through July 31, 2020. During this time, the OE did not schedule in-person appointments or in-person trainings, and staff were not available on-campus. However, staff were available via phone, email, and video conference. While COVID-19 changed the OE's physical working environment, the staff's effort to prioritize and respond to all instances of reported discrimination, sexual misconduct, and retaliation remained unchanged.

### MISSION

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 campus safer and more inclusive; and ensure all individuals are treated with dignity, compassion, and respect. The OE's administration of the University's Nondiscrimination Policy and Sexual Misconduct Policy 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 their 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 24,910 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 supportive and safety 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 (Colorado Open Records Act) document requests; and
- Conducts ongoing evaluation regarding the efficacy, accuracy and legal sufficiency of relevant policies and procedures.

### *Inclusive Campus Culture*

The OE’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 dual-campus constituents related to compliance, equitable campus conduct, diversity, and inclusion. The following provides a list of OE’s 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 requests training on a topic that is not on this list, the OE develops training based on the specific needs as requested, and/or directs 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. During the 2019-2020 academic year, OE staff attended the National Conference on Race and Ethnicity (NCORE), the Oregon State Search Advocate Training, ADA Accommodations in the Clinical Setting Webinar, and the National Intergroup Dialogue Institute at the University of Michigan.

### OE Campus Involvement

During the 2019-2020 academic year, OE staff participated in committees and external campus organizations related to compliance, equitable campus conduct, diversity and inclusion. These committees and 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 Policy and Sexual Misconduct Policy.
- 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.

- Leverage University provided technology to continue seamlessly providing resources to campus virtually.

## ACCOMPLISHMENTS

### *Staffing*

During the 2019-2020 academic year, the Office of Equity continued to grow its staff and filled critical vacancies in the areas of administration and investigations by hiring a Civil Rights Investigator. This role is crucial to ensure compliance with the requirements for investigating reports at the CU Denver and CU Anschutz Medical Campuses.

### *New and Ongoing Initiatives*

#### New Title IX Regulations

On May 6, 2020, new Title IX regulations were announced by the U.S. Department of Education's Office for Civil Rights. The new regulations, mandated to be in effect by August 14, 2020, required revisions to the University of Colorado's Sexual Misconduct, Intimate Partner Abuse, and Stalking Policy (APS 5014) as well as revisions to the CU Denver and CU Anschutz Sexual Misconduct Procedures. From May 6, 2020 through August 14, 2020, the OE (in collaboration with all four CU campuses), will be updating all policy and procedural documentation to follow new regulation requirements. Regardless of the mandated policy revisions, the OE's long-standing commitment to safety, inclusion, and equitable processes on CU Denver and CU Anschutz Medical Campus remained unchanged. As these new regulations will not be in effect until the next academic year (AY 2020-2021), the OE reviewed all instances of reported sexual misconduct for this academic year (AY 2019-2020) using the Sexual Misconduct, Intimate Partner Abuse, and Stalking Policy and Procedures approved by University administration prior to August 14, 2020.

#### Lactation Spaces

The Office of Equity continued its involvement with the management and maintenance of all lactation spaces on the CU Denver and CU Anschutz campuses, in conjunction with Facilities Management, Security and Badging, the Office of Information Technology/EMS, and the Women and Gender Center. As of AY 2019-2020, the OE provided oversight for the current inventory of 30 lactations spaces across CU Denver and CU Anschutz campuses. The OE worked to identify the need for additional spaces, collaborated with other departments to build out and equip lactation spaces, maintained the existing spaces, as well as monitored the access and usage of these spaces. The OE was proud to support over 411 registered lactation space users and 49 campus visitors with their lactation needs while on-campus.

#### FaST Team

The Director of Title IX continued 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 because many cases reported to the team involve elements related to the Nondiscrimination and Sexual Misconduct policies.

#### Affirmative Action Planning

During AY 2019-2020, the OE continued to expand our affirmative action efforts. The OE's largest project was finalizing an Affirmative Action Resource Toolkit, which provides hiring authorities and search committees with resources to utilizing throughout the hiring process, including drafting job descriptions, choosing search committee members, screening applicants, crafting interview questions, evaluating interview responses, and documenting the search. The OE also developed a tool to help with tracking the staff's outreach efforts. Toward the end of the academic year, the OE began working with colleagues across the CU System on developing a search advocate training program, which will continue to be cultivated during the 2020-2021 academic year. We also continued to work extensively with the Office of Federal Compliance Programs to provide information pursuant to an ongoing audit of the 2017-2018 CU Anschutz Affirmative Action Plan.

#### Website

In September 2018, the OE website began transitioning, which was originally hosted through WordPress, to the new University approved website platform, Sitefinity. The new website officially launched on May 13, 2020. This project took nearly 18 months to complete and involved the creation of more than 50+ pages of updated content. The ultimate goal throughout this transition process was to consolidate information that was previously on our website to make it more user-friendly and accessible. On the new site, in addition to the restructured design of policy and procedural information, expanded upon Affirmative Action resources (reference Affirmative Action section above), developed five self-guided learning modules related to diversity, equity, and inclusion, created a section specifically for campus and community support services and resources, and provided a general overview of what reporting to the OE looks like.

#### Sexual Misconduct Survey

The OE continued to assess the results of the Sexual Misconduct Survey administered in the fall of 2016. This survey, which will be administered again in the near future, provided valuable information enabling the OE 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 trainings to stop, remedy, and prevent discrimination, harassment and sexual misconduct.

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

The OE seeks to regularly provide training, prevention and outreach efforts in a variety of ways. To achieve this, the office 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 focused 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 developed campus-wide partnerships to ensure that OE is at the forefront of what CU Denver and CU Anschutz does as a community, determines focus areas for educational outreach, and designs and implements targeted training in support of informal resolutions within the OE.

### ***COVID-19 & Virtual Trainings***

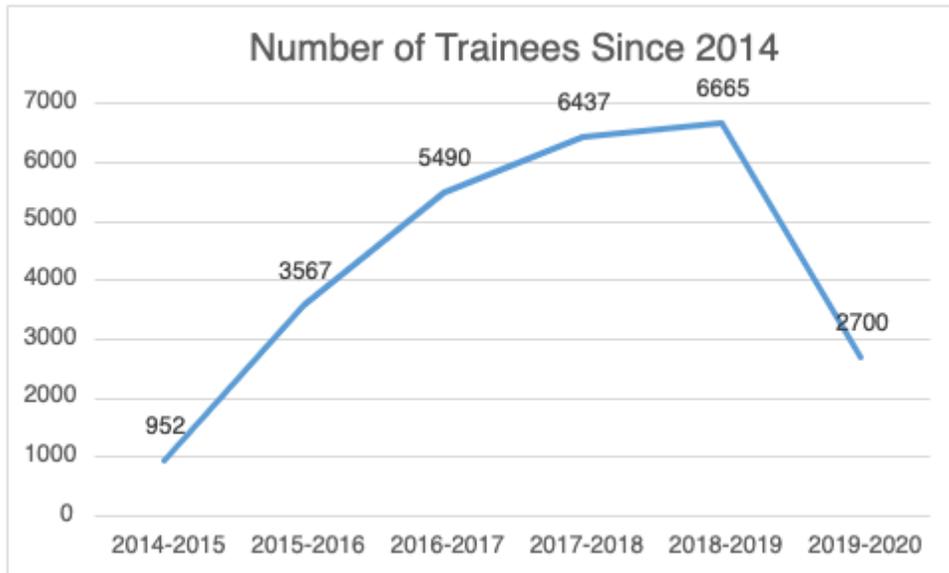
Due to COVID-19, the OE transitioned from working on-campus to working remote effective on March 16, 2020 and continued through July 31, 2020. During this time, the OE did not facilitate in-person trainings. However, the OE was able to create virtual options for all requested trainings. While COVID-19 changed the OE's physical working environment, the staff's effort to educate and prevent discrimination, sexual misconduct, and retaliation on our dual-campus remained unchanged. At the commencement of academic year 2019-2020, the OE continued working remotely (until stated otherwise by the University) and providing all OE trainings virtually.

### ***New Title IX Regulations & Online Skillsoft Training***

All new staff and faculty were informed that they are required to complete the OE's Discrimination and Sexual Misconduct Training. This training, offered via Skillsoft or via a two-hour, in-person class, is required to be completed within the first 90 days of employment. To remain in compliance, faculty and staff must retake this training every three years of continued employment at the University. To ensure content is reflective of current University policies and procedures, the OE reviews all training material on an annual basis. After review for this academic year (AY 2019-2020), it was determined that no updates were needed. However, due to the announcement of the new Title IX regulations at the end of AY 2019-2020, OE staff will be working to update the online Skillsoft training and in-person presentation materials for the following academic year (AY 2020-2021). All updates are scheduled to be published and available by August 18, 2020.

### ***Statistical Data***

- There was a noticeable decrease in the number of trainings the OE offered in AY 2019-2020 as University operations transitioned to virtual platforms in response to COVID-19.
- A total of 66 trainings were facilitated by the Office of Equity in AY 2019-2020
- A total of 2,700 individuals, comprised mostly of students, faculty and staff, were trained
  - A decrease of 3,965 trained individuals, or a 59.48% decrease from AY 2018-2019
  - Of those trained:
    - 64% were faculty and staff
    - 1.3% were combined students, faculty and staff
    - 33.7% were students
    - 0.8% 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 Policy and Sexual Misconduct Policy.

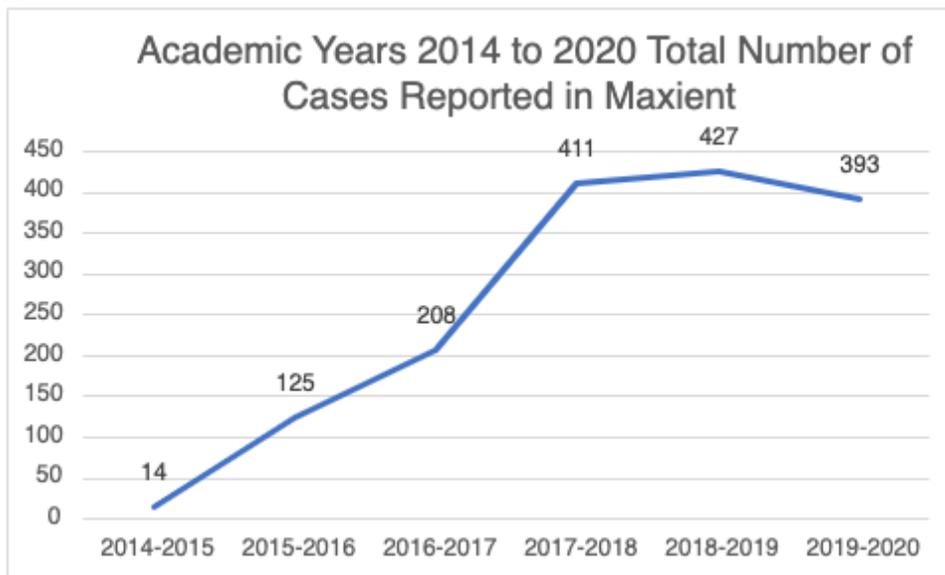
The University's Nondiscrimination Policy sets forth a prohibition against discrimination and harassment based on 15 protected characteristics which include: race, color, national origin, sex, age, disability, pregnancy, creed, religion, sexual orientation, veteran status, gender identity, gender expression, 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 OE 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 Policy & Procedures. We review the facts of each reported concern 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.

As of the date of this report, statistical data is summarized below as it relates to sexual misconduct, discrimination and harassment based on protected characteristics, as well as retaliation concerns received by the OE for the academic year, starting on August 1, 2019 through July 31, 2020. The following data are representative of reports received at each the CU Denver and CU Anschutz campuses, and includes data involving reports filed by students, faculty, staff and other third parties, against respondents who include students, faculty and/or staff. It includes reports made by affiliates and non-affiliated individuals with the University, as well as complainants and respondents who were not identified.

For AY 2019-2020, the OE received a total of 393 reports representing a decreased of 7% from AY 2018-2019 and about 4% from AY 2017-2018 and an increase of 90% from AY 2016-2017. The slight decrease in the number of reports we received in comparison to previous academic years is assumed to be related to COVID-19. Regardless, even with a decrease in the number of reports this AY, the Office of Equity continues to engage with a significant number of community members, on both campuses.



<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
<b>Academic Year 2019-2020</b>	393 Reports

192 of these reports were raised under the Nondiscrimination Policy, 141 were under the Sexual Misconduct Policy.

There were 60 reports which did not fall under either policy and were referred to other university offices and/or external resources.

	Total	CU Anschutz	CU Denver	Other
<b>Sexual Misconduct</b>	141	27	112	2
<b>Nondiscrimination</b>	192	63	124	5
<b>Pregnancy Accommodation</b>	14	4	10	0
<b>OE FYI (issues unrelated to OE policies)</b>	44	15	26	3
<b>Amorous Relationships</b>	2	2	0	0
	393	111	272	10

<b>Nondiscrimination</b>				
Basis	Total	CU Anschutz	CU Denver	Other
Race	75	18	54	3
Sex	38	12	26	0
Disability	27	8	19	1
National Origin	24	7	17	0
Religion	11	5	4	2
Age	12	8	4	0
Discrimination Retaliation	4	2	2	0
Pregnancy	3	1	2	0
Sexual Orientation	8	3	5	0
Color	21	8	12	1
Veteran Status	1	0	1	0
Gender Identity	6	0	6	0
Political Philosophy	3	1	2	0
Political Affiliation	3	2	1	0
Creed	2	0	2	0
Gender Expression	3	0	3	0
Not Specified	41	12	26	2
<b>Total</b>	<b>282</b>	<b>88</b>	<b>189</b>	<b>9</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. 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 Intercourse	24	4	18	2
Non-Consensual Sexual Contact	17	6	11	0
Sexual Harassment	51	19	32	0
Sexual Exploitation	4	1	3	0
Intimate Partner Abuse	47	3	43	1
Stalking	16	2	14	0
Sexual Misconduct Retaliation	0	0	0	0
Not Specified	5	1	4	0
<b>Total</b>	<b>164</b>	<b>36</b>	<b>125</b>	<b>3</b>

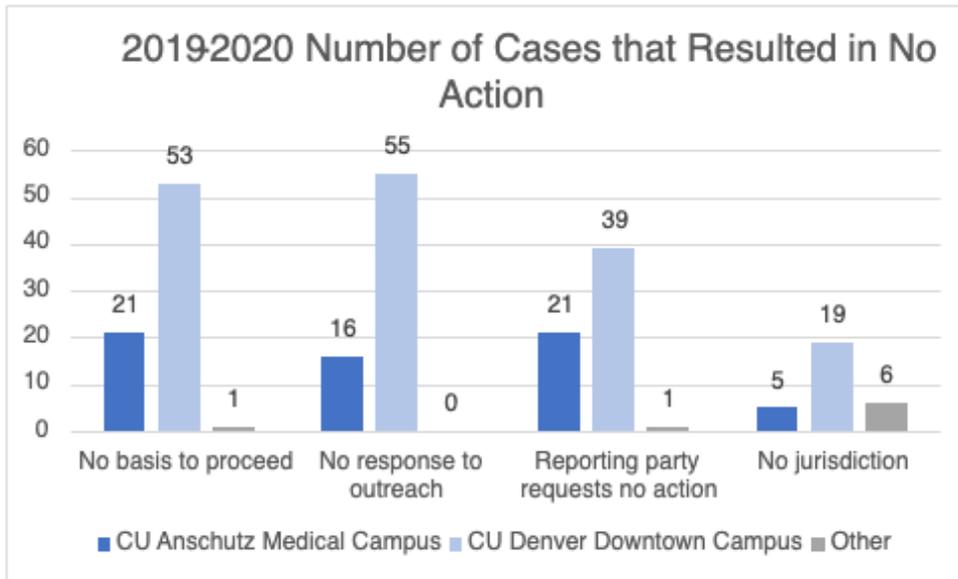
**NOTE:** Reports made to the OE can involve allegations of sexual misconduct based on multiple types of sexual misconduct. For example, a reporting party can allege sexual misconduct based on sexual harassment and stalking. Reports can also include allegations of sexual misconduct and discrimination. 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 234 reported concerns with no further action. These reported concerns will not generally result in an informal resolution process, 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 OE, 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.

<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.



## INFORMAL RESOLUTION PROCESS

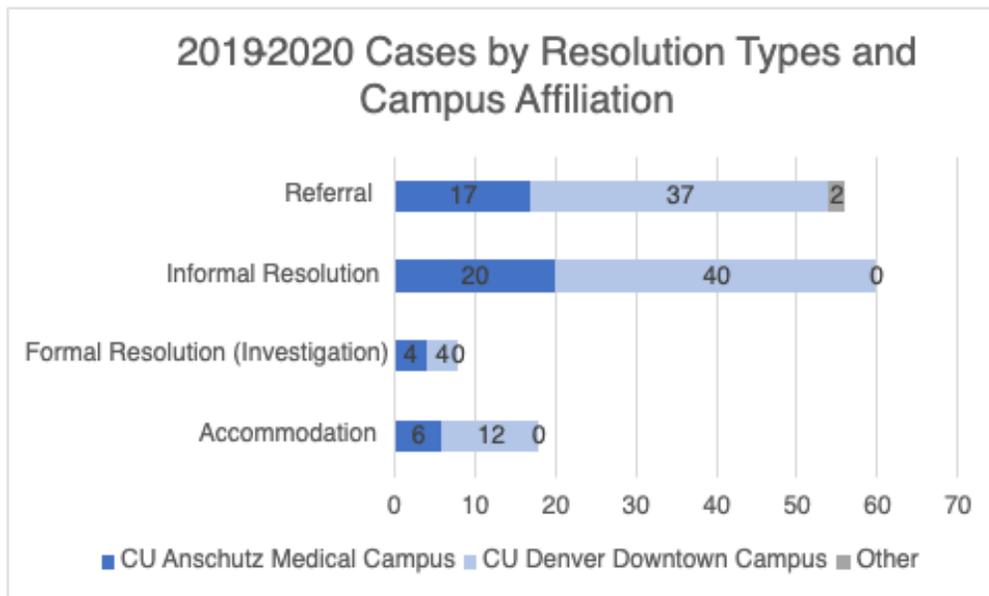
As set forth in the Nondiscrimination Policy and Procedures, as well as the Sexual Misconduct Procedures, the Office of Equity may determine that the most prompt and effective way to address a concern is through the informal resolution process.

The primary focus during an informal resolution remains the welfare of the complainant 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 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:

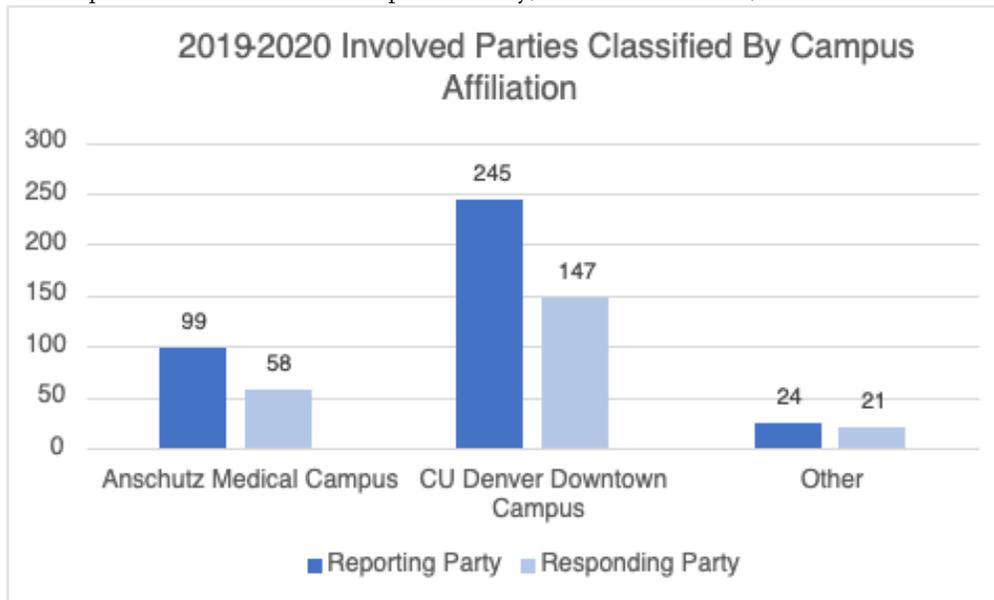
- Providing targeted or broad-based educational programming or training; and/or
- Meeting with the respondent(s) to:
  - Discuss the behavior as alleged and provide an opportunity to respond.
  - Review prohibited conduct under applicable policies.
  - Identify and discuss appropriate future conduct and behavior as well as how to avoid behavior that could be interpreted as retaliatory.
  - Inform complainant(s) of the respondent's responses, if appropriate.
  - Notify other relevant university offices or others (i.e., Human Resources, Office of Student Conduct and Community Standards, the respondent'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 complainants and respondents, 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 83 informal resolutions in AY 2019-2020. 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 those 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 reported reports of alleged discrimination and/or harassment under either the Nondiscrimination Policy 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 complainant has requested that a formal investigation not be pursued, and (2) the Office of Equity has determined that the complainant’s request can be honored consistent with the University’s obligation to provide a safe and nondiscriminatory environment.

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

The OE handled 8 formal investigations during AY 2019-2020.

<b>Discrimination</b>			
	<b>Total</b>	<b>Responsible</b>	<b>Not Responsible</b>
CU Denver	2	0	2
CU Anschutz	3	0	3
<b>Sexual Misconduct</b>			
	<b>Total</b>	<b>Responsible</b>	<b>Not Responsible</b>
CU Denver	2	1	1
CU Anschutz	1	1	0
<b>Retaliation</b>			
	<b>Total</b>	<b>Responsible</b>	<b>Not Responsible</b>
CU Denver	0	0	0
CU Anschutz	0	0	0